STATUTORY INSTRUMENTS

1964 No. 1513 (S. 97)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Expenses of Successful Unassisted Parties) Regulations 1964

Made - - - -	*15th September* 1964
Laid before Parliament	*22nd September* 1964
Coming into Operation	*1st October* 1964

In exercise of the powers conferred upon me by sections 2(1)(*b*) and 3 of the Legal Aid Act 1964(**a**), as read with section 12(4) and (5) of the Legal Aid (Scotland) Act 1949(**b**), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Legal Aid (Scotland) (Expenses of Successful Unassisted Parties) Regulations 1964, and shall come into operation on 1st October 1964.

(2) The Interpretation Act 1889(**c**), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) In these regulations, unless the context otherwise requires :—

" the Act " means the Legal Aid Act 1964 ;

" the court " means the court which, by virtue of section 1 of the Act, is empowered to make an order ;

" order " means an order under section 1 of the Act for the payment out of the legal aid fund of the expenses of a successful unassisted party.

2. Where an unassisted party is concerned in proceedings only in a fiduciary, representative or official capacity, then for the purposes of section 1(3)(*b*) of the Act the court shall not take into account his personal resources, but shall have regard to the value of the property, estate or fund out of which the unassisted party is entitled to be indemnified and may in its discretion also have regard to the resources of the persons if any who are beneficially interested in that property, estate or fund.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
15th September 1964.

(a) 1964 c. 30. (b) 12, 13 & 14 Geo. 6. c. 63. (c) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

Under the Legal Aid Act 1964 the court has power to order the expenses of a successful unassisted opponent of a party receiving legal aid to be paid out of the legal aid fund. These regulations make special provision for the application of the Act where the unassisted person was concerned in the proceedings in a fiduciary, representative or official capacity.