

EXECUTIVE NOTE

LEGAL AID REGULATIONS

The Advice and Assistance (Scotland) Amendment Regulations 2006 SSI/2006/60

The above instrument will be made in exercise of the powers conferred on the Scottish Ministers by section 12(3) of the Legal Aid (Scotland) Act 1986. The instrument is subject to the negative resolution procedure.

Policy Objectives

Capital disregard limit in matrimonial cases

Solicitors have a right to payment of fees and outlays out of any property recovered or preserved in advice and assistance. The purpose of the Advice and Assistance (Scotland) Amendment Regulations 2006 is to increase the capital disregard limit by the Retail Price Index 2.7% from £4,531 to **£4,653** for certain matrimonial cases. Solicitors' rights to prior payment shall not apply to the first £4,653 recovered or preserved in these cases. This increase is broadly in line with inflation.

Consultation

The Scottish Executive does not normally conduct public consultation on detailed secondary legislation on legal aid.

Financial Implications

There will be no financial implications arising from the regulations. The uprating of the capital disregard limit will simply keep the limit up-to-date with inflation and therefore it is expected that the expenditure on the Legal Aid Fund will remain unchanged.

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