

EXECUTIVE NOTE

LEGAL AID REGULATIONS

The Civil Legal Aid (Scotland) Amendment Regulations 2006 SSI/2006/61

The Civil Legal Aid (Scotland) Amendment Regulations 2006 will be made in exercise of the powers conferred on the Scottish Ministers by sections 17(2B) and 36(1) of the Legal Aid (Scotland) Act 1986. The instrument is subject to the negative resolution procedure.

Policy Objectives

Capital disregard limit in matrimonial cases

The purpose of the Civil Legal Aid (Scotland) Amendment Regulations 2006 is to increase the capital disregard limit by which property recovered or preserved in certain matrimonial cases is excepted from being payable to the Scottish Legal Aid Fund. The capital disregard limit has been increased by the Retail Price Index 2.7% which is broadly in line with inflation and this means that the current amount of £4,531 will increase to **£4,653**.

Consultation

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

Purpose

The purpose of this instrument is to give effect to the changes in the capital disregard limit being increased broadly in line with inflation.

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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