

EXECUTIVE NOTE TO
THE ADVICE AND ASSISTANCE (FINANCIAL CONDITIONS) (SCOTLAND)
REGULATIONS 2008
SSI/2008/137

These Regulations are made in exercise of the powers conferred on Scottish Ministers by sections 11(2) and 36(2)(b) of the Legal Aid (Scotland) Act 1986⁽¹⁾ and of all other powers enabling them to do so. The instrument is subject to affirmative resolution procedure.

Policy Objective

The policy objective is to maintain financial eligibility for advice and assistance in real terms. This is to be achieved by increasing, broadly in line with inflation, the value of disposable capital and of weekly disposable income above which a person may not be eligible for advice and assistance, and the value of weekly disposable income above which a person may be required to make a contribution towards the costs of advice and assistance.

Consultation

This increase takes place annually and is designed to maintain the existing financial eligibility thresholds in real terms. Formal consultation is not normally carried out.

Financial Implications

Because the regulations seek to maintain rather than to change the financial eligibility limits for advice and assistance they are not expected to have an impact on expenditure.

Scottish Government
18 February 2008

(1) 1986 c.47. Section 11(2) was amended by the Social Security Act 1986 (c.50), Schedule 10, paragraph 61, the Jobseekers Act 1995 (c.18), Schedule 2, paragraph 9 and the Access to Justice Act 1999 (c.22), section 33. Section 36(2)(b) was amended by the Legal Aid Act 1988 (c.34), Schedule 4, paragraph 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

