

EXECUTIVE NOTE

The Advice and Assistance (Scotland) Amendment Regulations 2008 SSI 2008/47

These Regulations are made in exercise of the powers conferred on Scottish Ministers by section 12(3) of the Legal Aid (Scotland) Act 1986⁽¹⁾ and of all other powers enabling them to do so. The instrument is subject to negative 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 property recovered or preserved by virtue of certain family proceedings which is exempt from the solicitor's right to prior payment of fees and outlays relating to 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. 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).