

EXECUTIVE NOTE

The Civil Legal Aid (Scotland) Amendment Regulations 2008 SSI 2008/48

These Regulations are made in exercise of the powers conferred on Scottish Ministers by sections 17(2B) and 36(1) 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 civil legal aid 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 disregarded by the Scottish Legal Aid Board when it calculates the amount due to be paid by an assisted person to meet the net liability of the legal aid fund.

The same amount is also

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).