

EXECUTIVE NOTE

THE CIVIL LEGAL AID (SCOTLAND) AMENDMENT REGULATIONS 2010

SSI 2010/461

These Regulations are linked to the Advice and Assistance (Scotland) Amendment Regulations 2010.

Policy Objective

The policy intention is to amend the Civil Legal Aid (Scotland) Regulations 2002 to require that the assets of any person who owes an obligation of aliment to a child under section 1(1) (c) or (d) of the Family Law (Scotland) Act 1985 should be taken into account when that child applies for civil legal aid. Parents' assets used to be taken into account when assessing a child's eligibility for civil legal aid. The policy is to reinstate that requirement in order to ensure that, going forward, legal aid can continue to be targeted at those who need it most. Provision is made so that this requirement is not to apply if its application would produce an unjust or inequitable result in the circumstances. For the purposes of assessing resources only, a child has the meaning given in section 1(5) of the Family Law (Scotland) Act 1985.

Consultation

The Scottish Government has consulted the Scottish Legal Aid Board ("the Board") and the Law Society of Scotland in relation to the Regulations. No Business and Regulatory Impact Assessment has been carried out in addition to these consultations as the Regulations only concern amending how the Board are to go about determining disposable income and disposable capital for the purpose of assessing clients' eligibility.

Financial Implications

It is anticipated that these Regulations, together with the Advice and Assistance (Scotland) Amendment Regulations 2010, will deliver savings of approximately £0.785 in financial year 2011/12 and £1.2 million in 2012-13.

Scottish Government
December 2010