

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	The Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2013	
Minister	Cabinet Secretary for Justice	
Lead official	Catriona Mackenzie	
Officials involved in the EQIA	name	team
	Felicity Cullen Debbie Headrick	SGLD Criminal and Civil Justice Analytical Unit
Directorate: Division: Team	Justice: Civil Law and Legal System: Access to Justice	
Is this new policy or revision to an existing policy?	Revision	

Screening

Policy Aim

The legal aid system contributes to the Safer and Stronger Strategic Objective. Particularly, it contributes to the National Outcome of “strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others” by ensuring that individuals can be held to account for their actions and can enforce their own legal rights through the effective functioning of our civil and criminal courts.

The 1989 Regulations set out the fees payable to solicitors (and counsel) in relation to solemn criminal legal aid cases. Fees payable to solicitors are set out in the Notes and Table of Fees in Schedule 1 to the Regulations, with general provisions being made in regulations 4 to 12. Part 1 of the Table of Fees sets out the detailed fees payable for separate items of work and Part 2 the inclusive fees which are payable for “blocks” of work by the solicitor.

The current solemn criminal legal aid fee structure was introduced by amendment of the 1989 Regulations in 2010. The introduction of inclusive fees for solemn cases in Part 2 of the Table of Fees was part of a movement away from detailed (or “time and line”) accounting. It was felt that detailed accounting created a wide variation in fees payable in cases, and that a block payment system remunerating the solicitor for advancing the case from stage to stage would encourage dealing with the case as efficiently as possible. The changes made in 2010, agreed to by the Law Society of Scotland at the time, created a “hybrid” fee structure where some work is paid by block fee but a significant percentage continues to be chargeable on a detailed basis.

Under the 1989 Regulations as currently in force there is no separate, inclusive fee in respect of “preparation” for a preliminary plea. As a result, a fee for preparation is only payable where another inclusive fee is payable for bringing a case to trial and either:

- (i) the indictment, containing a libel against the client, proceeds to trial; or
- (ii) on or after the day fixed for trial, the Crown withdraws any libel against the client.

However, the following steps, which allow a solicitor necessarily to prepare for a preliminary plea or any court hearing, are all payable by way of detailed fees under Part 1 of the Table of Fees:

- perusing, for the first time, the indictment, witness lists, statements, productions and libels received from the Crown and defence precognitions;
- work in connection with the taking of witness precognition and the perusal of all defence statements where it has not been taken by the solicitor;
- all communications and meeting with the Crown and Procurator Fiscal Service;
- where the accused is at liberty, all communications and meetings with the accused, otherwise covered by the block fee where the accused is in custody, subject to provision to allow detailed fees;
- consultations between the defence agent and counsel (if relevant);
- travel, waiting and attendance at court.

These steps are not an exhaustive list of work that detailed fees can be charged under Part 1 of the Table of Fees. Paragraph 1(1) of the Notes on Schedule 1 allows the Board to consider payment under Part 1 of the Table of Fees, on cause shown, for any other steps which may arise in the course of proceedings where the work done is not already caught by an inclusive fee under Part 2.

Whether any fee is payable is also subject to the requirement under regulation 10 that the work was actually and reasonably done, with due regard being had to economy.

In cases where summary criminal legal aid or ABWOR is available payment is mostly made by means of fixed payments under the Criminal Legal Aid (Fixed Payment) (Scotland) Regulations (“the 1999 Regulations”). Under regulation 4A of the 1999 Regulations a solicitor can apply for exceptional case status. This status allows the solicitor to “break out” of the fixed payment regime and be paid, instead, by means of detailed fees for each item of work done. There is no similar provision for exceptional case status in the 1989 Regulations for solemn proceedings.

The Scottish Government’s intention is to allow sufficient flexibility in the 1989 Regulations for a preparation fee where there is not ultimately a hearing without excessive cost to the Fund, and to address the concerns of the Appeal Court and other recent decisions by amendment of the 1989 Regulations. This follows comments by the Appeal Court in the recent Bill of Advocation *HMA v McCrossan* ([2013] HCJAC 95) that a number of aspects of the 1989 Regulations, as regards the fees payable to solicitors for solemn proceedings, may not be wholly compliant with the European Convention on Human Rights (“ECHR”).

The Scottish Government’s intention is also that any changes to the 1989 Regulations should be as cost-neutral as possible.

The proposal to amend the 1989 Regulations includes:

- giving the Board, or the auditor, the discretion to pay a fee for work reasonably undertaken where no other fee is prescribed by the 1989 Regulations;
- allowing a solicitor to apply to the Board for a solemn case to be granted exceptional case status;
- clarifying the existing availability of a fee for research;

- extending the circumstances in which a fee for preparation may be available;
- making changes to the availability of a preparation fee for diets of deferred sentence; and
- reducing the amounts of the detailed fees to offset the costs of the new fees and provisions.

The amendments to the 1989 Regulations would apply to all relevant cases starting on or after the coming into force date. Solicitors would also be able to “opt in” to payment under the 1989 Regulations as amended for cases that commenced on or after 5 July 2010 (the date on which the relevant Schedule to the 1989 Regulations came into force) and have not yet concluded. This would allow solicitors much greater flexibility in respect of the fees they can charge for current, ongoing cases.

Who will it affect?

Many very complicated socio-economic and behavioural factors impact on the individual level of take up of criminal justice legal assistance, and give rise to the current ‘typical’ populations of users, for example, the high number of young men moving through the criminal justice system. There are also factors in the make up of the legal profession and the proportion of the protected characteristics within this, for example, the gender difference in civil and criminal practice.

The Board is the public body responsible for administering the Scottish Legal Aid Fund in Scotland. Criminal legal aid is help towards the costs of legal advice and representation, paid for out of public funds. It is designed to help individuals on low and modest incomes gain access to justice. Legal aid is accessed through a solicitor.

There are two main types of legal aid help: advice and assistance, and legal aid. Together these are called legal assistance. Advice and assistance covers a wide range of matters, so long as they are matters of Scots law. It pays for advice from a solicitor and, apart from a few exceptions where ABWOR is available, it does not cover “representation” – that is, in relation to the case being heard in court. The present policy makes no change to the nature of advice and assistance.

Legal aid provides funding for a solicitor in relation to the hearing of the case in court and some tribunals. It covers the preparation work, as well as the hearing itself, and can provide funding for advocates, experts and other costs. (Cases often begin with advice and assistance before a case reaches court, and legal aid may be the next step if necessary.)

Broadly, those affected by the policy changes are those in the legal profession who provide publicly funded legal assistance for solemn criminal proceedings and, in a small number of cases, applicants for criminal legal aid for solemn proceedings.

The effect of the amendments to the 1989 Regulations is that solicitors' firms who provide publicly-funded legal assistance will, in solemn proceedings:

- not have to meet significant costs of certain cases themselves where these cases have been classified as exceptional by the Board;
- be able to charge an inclusive fee for preparation of a hearing at which the client pleads not guilty, a hearing on a plea in bar of trial, and a hearing raising a preliminary issue (where that issue would mean the client did not have to go to trial and there is no other fee for preparation);
- have representation work covered by the fee for post-conviction fee, and charge a higher fee as a result;
- receive a reduced fee for all work payable by means of detailed fees.

Clients whose case was granted exceptional status would be able to continue to be represented by the same agent, rather than the agent withdrawing from acting due to prospect of not receiving fees for some of the work undertaken in the case.

What might prevent the desired outcomes being achieved?

No factors were identified that might prevent the desired outcomes being achieved.

Stage 1: Framing

Results of framing exercise

Some groups may be more likely to be affected by the changes than others due to the current 'typical' population of those in receipt of criminal legal aid, most specifically young men.

For a case to be granted exceptional status by the Board, an assisted person would have to be in a position where they would be deprived of the right to a fair trial because of the amount of fees otherwise payable to his/her solicitor. It is expected that such a position would be more likely to come about due to procedural complexity rather than the client's own circumstances. However, some protected groups may benefit more than others, specifically with regard to age, disability and race (as it relates to the possibility of a person being unable to communicate adequately in English, for example) where such characteristics cause significant additional complexity as regards preparation.

Changes to the fee structure are not expected to have an adverse impact on solicitors with protected characteristics.

Extent/Level of EQIA required

The framing exercise suggests that there is likely to be little impact on those with protected characteristics and therefore only a high level of assessment is required.

Stage 2: Data and evidence gathering, involvement and consultation

Characteristic ¹	Evidence gathered and Strength/quality of evidence	Source	Gaps identified and action taken
AGE	<p>Age of solicitors undertaking legal aid work</p> <p>Data gathered for April 2010 to March 2011 in relation to the age of applicants for Criminal Legal Aid</p> <p>Age of general population in Scotland</p>	<p>Scottish Legal Aid Board</p> <p>Scottish Legal Aid Board</p> <p>2011 census</p>	
DISABILITY	<p>Households in Scotland containing at least one person with a long-standing illness, health problem or disability</p> <p>Solicitors who consider themselves to have a Disability</p> <p>Recipients of Criminal Legal Aid who consider themselves to have a disability</p> <p>Affect disability has on household income</p>	<p>Scottish Household Survey 2011</p> <p>Scottish Legal Aid Board</p> <p>Scottish Legal Aid Board</p> <p>Scottish Household Survey, 2009/10 as cited in The Position of Scotland's Equality Groups. Revisiting Resilience in 2011</p>	
SEX (INCLUDING PREGNANCY AND MATERNITY)	<p>Gender of solicitors</p> <p>Data gathered for April 2010 to March 2011 in relation to the gender of applicants for Criminal Legal Aid</p> <p>Gender of general population in Scotland</p>	<p>Scottish Legal Aid Board</p> <p>Scottish Legal Aid Board</p> <p>2011 census</p>	

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

GENDER REASSIGNMENT	Solicitors who consider themselves transgender Recipients of Criminal Legal Aid who consider themselves transgender National entries on the Gender Recognition Register	Law Society of Scotland Scottish Legal Aid Board NRS Registration Division	Proportion of general population in Scotland who consider themselves transgender. Not asked in census until 2011 – not yet available.
SEXUAL ORIENTATION	Sexual orientation of solicitors Sexual orientation of general population Sexual orientation of recipients of Criminal Legal Aid	Law Society of Scotland Stonewall Scottish Legal Aid Board	
RACE	Ethnicity of solicitors Ethnicity of recipients of Criminal Legal Aid Population in Scotland as identified by ethnic group Commonalities in minority ethnic people and access to services	Scottish Legal Aid Board Scottish Legal Aid Board Annual Population Survey, Jan – Dec 2010 Joseph Rowntree Report, 2007	
RELIGION OR BELIEF	Religion of solicitors Religion of the general population Religion of recipients of Criminal Legal Aid	Law Society of Scotland 2001 Census Summary Report (Office of the Chief Statistician, February 2005) Scottish Legal Aid Board	

AGE AND GENDER

General population

Data from the 2011 census shows that, in the general population in Scotland, 16% are aged 0-14; 32% are aged 15-39; 35% are aged 40-64; 12% were aged 65-79; and 4% were aged 80 and over. The census also showed that 48.5% of the Scottish population were male and 51.5% were female.

Solicitors

In the Board's solicitor survey of 2010, of the 415 respondents who specified their age, 14% were aged 25-34; 33% (were aged 35-44; 36% were aged 45-55; and 17% were aged 55 or above. One civil partner did not disclose their age group. Most respondents, therefore, fell in the middle age bands (ages 35-55)².

In the middle age bands, those dealing with civil work were split evenly between those aged of 35-44 and 45-54. For those aged 45-54, the percentage dealing with criminal work was higher, at 38%.

Of the 416 respondents, 65% were male and 35% were female. Civil respondents and non-partners were relatively evenly split between males and females, however a greater proportion of males made up the samples of criminal respondents (85%) and partners (79%).

Comparing the gender data of solicitors to that of the general population, a significantly higher proportion of solicitors are male than in the general population. This difference is even more stark when comparing criminal solicitors to the general population.

Solicitors most likely to be affected by changes to criminal legal aid are male and aged between 35-55.

Criminal Legal Aid Applicants

Data gathered from SLAB for April 2010 to March 2011 show the following statistics in relation to the age and gender of applicants for criminal legal aid in solemn proceedings:

² http://www.slaborg.uk/export/sites/default/common/documents/about_us/research/documents/FinalReporttoSLAB.pdf

AGE	GENDER				
	Male	Female	Blank	Total	Percent
Unreliable	2			2	
2-11					
12-16	280	22	3	305	3.8
17-21	1645	169	28	1842	23.2
22-26	1519	183	25	1727	21.7
27-31	1154	195	12	1361	17.1
32-36	822	141	17	980	12.3
37-41	600	91	10	701	8.8
42-46	418	79	2	499	6.3
47-51	246	54	7	307	3.9
52-61	148	25	1	174	2.2
62-77	45	4	1	50	0.7
Undetermined	5		1	6	0.1
Total	6884	963	107	7954	100

The information above does not tie in exactly with the case numbers as shown in the Board's 2010-11 annual report. This is due to the nature of live data, different extraction times for the data and the detailed data cleansing that is linked to the production of the annual report.

Criminal Legal Aid applicants are most likely to be male and aged 17-26. This group is therefore the most likely to be affected by changes to Criminal Legal Aid.

DISABILITY

General population

The Scottish Household Survey 2011³ shows that about one-third (34%) of households in Scotland contain at least one person with a long-standing illness, health problem or disability. This figure covers all members of the household including children. As would be expected, households comprised of older people are more likely to contain someone with a long-standing health problem or disability, with over half of 'older smaller' (53%) and 'single pensioner' (56%) doing so. In contrast, only 18% of small family households contain someone with a long-standing illness, health problem or disability.

Disabled people are less likely to be coping financially. Households that contain at least one person with a long-term illness or a disability are more likely to be 'not coping' (15%) than those that do not (10%). The

³ <http://www.scotland.gov.uk/Resource/0040/00403747.pdf>

corresponding 'coping' figures are 41% and 53% respectively.⁴ This would suggest that such households may be affected to a greater extent when considering 'disposable income' and contribution calculations.

Solicitors

The Board's solicitor 2010 survey⁵ shows that of those that responded to this question (98.6%), 1% considered themselves to have a disability.

Descriptions of disability responses included visual impairment, hearing impairment, physical coordination difficulties, chronic asthma and dyslexia.

This would seem suggest that solicitors as a group (and therefore those representing clients who qualify for criminal ABWOR) are less likely to consider themselves to have a disability than the general population, though the data is not directly comparable.

Criminal Legal Assistance Applicants

In 2012 the Board carried out a survey of people who had received criminal legal assistance. Three hundred and sixty six responses were received, a mix of people who had received criminal A&A, ABWOR and legal aid. Those surveyed were asked for their equality characteristics. Thirty seven per cent of respondents said that they have a long standing illness, health problem or disability that limits their daily activity or the kind of work that they do. Some of the most common health problems described included mental illness such as depression and anxiety, back pain, arthritis and heart problems.

The Board's 2012 Criminal Applicant Survey: Do you have a long standing illness, health problem or disability that limits your daily activity or the kind of work that you do?

(Base = 363, NR = 3)	Frequency	Percent
Prefer not to say	15	4.1
Yes	133	36.6
No	215	59.2

The data for those in receipt of criminal A&A, ABWOR and legal aid would seem to suggest that this group is likely to have a similar proportion of people who consider themselves to have a disability as the general population.

⁴ Scottish Household Survey, 2009/10, as cited in The Position of Scotland's Equality Groups. Revisiting Resilience in 2011

⁵ http://www.slab.org.uk/export/sites/default/common/documents/about_us/research/documents/FinalReporttoSLAB.pdf

RELIGION

General population

The analysis of religion in the 2001 Census Summary Report (Office of the Chief Statistician, February 2005) shows the proportion of the population identifying with various religions as: 42.40% Church of Scotland; 15.88% Roman Catholic; 6.81% Other Christian; 0.13% Buddhist; 0.11% Hindu; 0.13% Jewish; 0.84% Muslim; 0.13% Sikh; 0.53% Another Religion; 27.55% No Religion; 5.49% Not Answered.

Solicitors

The Law Society of Scotland survey 2006⁶ on the whole of the legal profession includes this group and covered 3017 respondents. However, it covers solicitors that provide legal aid and those that do not. In this, an equal proportion of respondents considered they had no religion/faith (36%) or were Church of Scotland (37%); 13% considered they were Roman Catholic; 7% considered they were Other Christian; 1% or less considered they were in each of the categories of Buddhist, Hindu, Muslim, Jewish, Sikh and other; 3% did not state a religion/faith.

This suggests that solicitors are more likely to consider that they have no religion, are less likely to consider themselves Church of Scotland and are broadly proportionate to the general population in terms of other religions and faiths.

Criminal Legal Assistance Applicants

In the 2012 the Board's criminal applicant survey, the most common response to religious group was no religion (38% of those surveyed), followed by Church of Scotland (31%) and Roman Catholic (20%).

⁶ http://www.lawscot.org.uk/media/3421/Final_Survey_Report_24-04-07.pdf

The Board's 2012 Criminal applicant survey: What religion, religious denomination or body do you belong to?

(Base =359, NR = 7)	Frequency	Percent
Prefer not to say	9	2.5
None	135	37.6
Church of Scotland	111	30.9
Roman Catholic	71	19.8
Sikh	2	0.6
Other	6	1.7
Other Christian	17	4.7
Muslim	3	0.8
Buddhist	3	0.8
Jewish	1	0.3

This suggests that those in receipt of criminal A&A, ABWOR and legal aid are slightly less likely to consider themselves Church of Scotland, slightly more likely to consider themselves Roman Catholic and are otherwise broadly proportionate to the general population.

GENDER REASSIGNMENT

General population

In 2011, there were 24 entries in the Gender Recognition Register, 6 more entries than in 2010.⁷ This represents 24 people in an overall population of 5,295,400.

Solicitors

Transgender and sexual orientation were dealt with as separate categories in the Law Society survey. Less than 1% of respondents considered themselves to be transgender with 6% not stating whether they considered themselves to be transgender.

Criminal Legal Assistance Applicants

In the Board's 2012 Criminal Applicant Survey two people said that their gender identity was not the same as the gender they were assigned at birth.

⁷ NRS Registration Division

The Board's 2012 Criminal Applicant Survey: Is your gender identity the same as the gender you were assigned at birth?

(Base = 364, NR = 2)	Frequency	Percent
Prefer not to say	2	0.5
Yes	360	98.9
No	2	0.5

SEXUAL ORIENTATION

General population

Between 5% and 7% of the population are estimated to be homosexual [Stonewall], however, as censuses did not ask people questions in relation to their sexuality until the 2011 Census (the results of which have not yet been released) it is difficult to produce accurate estimates.

Solicitors

The Law Society of Scotland carried out a survey in 2006 includes this group. The survey covers solicitors that provide legal aid and those that do not.

Transgender and sexual orientation were dealt with as separate categories in the Law Society survey. The majority of respondents indicated they were heterosexual (95%); 2% indicated they were gay men; less than 1% indicated they were in the categories of lesbian, bisexual men, bisexual women, and other; 2% did not state their sexual orientation.

This would suggest that solicitors are less likely to identify themselves as gay, lesbian or bisexual than the general population.

Criminal Legal Assistance Applicants

The Board's 2012 Criminal Applicant survey showed that 96% of respondents defined themselves as heterosexual, 1 % defined themselves as gay/ lesbian and 1% defined themselves as bisexual.

The Board's 2012 criminal applicant survey: Which of the following options best describes how you think of your sexuality?

(Base = 364, NR = 2)	Frequency	Percent
Prefer not to say	7	1.9
Heterosexual	350	96.2
Gay/Lesbian	4	1.1
Bisexual	3	0.8

This would suggest that those in receipt of criminal A&A, ABWOR and legal aid are less likely to identify themselves as gay, lesbian or bisexual than the general population.

RACE

General population

Data from the 2001 census relating to ethnicity in the Scottish population showed:

	%of total Population	& % of minority ethnic population	Base
White Scottish	88.09	n/a	4,459,071
Other White British	7.38	n/a	373,685
White Irish	0.98	n/a	49,428
Any other White background	1.54	n/a	78,150
Indian	0.30	14.79	15,037
Pakistani	0.63	31.27	31,793
Bangladeshi	0.04	1.95	1,981
Chinese	0.32	16.04	16,310
Other South Asian	0.12	6.09	6196
Caribbean	0.04	1.75	1,778
African	0.10	5.03	5,118
Black Scottish or any other Black background	0.02	1.11	1,129
Any Mixed Background	0.25	12.55	12,764
Any other Background	0.19	9.41	9,571
All minority ethnic population	2.01	100.00	
All population	100.00	n/a	5,062,011

Solicitors

The Board solicitor 2010 survey shows that 96% indicated they considered their ethnic background to be white with most considering themselves to be either Scottish or British. A further 3% of respondents did not disclose their ethnic background. The remaining 1% was spread across other ethnic minority backgrounds.

The data suggest that solicitors have a similar proportion (96%) of people who consider their ethnic background to be white as the general population (98%).

Criminal Legal Assistance Applicants

Data on ethnicity is collected, but historically coverage and completion of this data has been too low to report. It is the solicitor who makes the application for legal aid on behalf of the person applying for legal assistance. The Board already has a system that allows individuals to disclose equalities information at the point of applying for legal assistance. However, this information is not always returned to the Board and, as mentioned above, return rates are relatively low. The Board has, however, commissioned researchers to speak to individuals from different ethnic communities and it has been confirmed that on the whole individuals are comfortable being asked for equalities information. It should be noted that individuals applying for legal assistance, whether it be criminal or civil, are often in a highly charged emotional state and their primary concern is that of securing legal assistance. The Board will continue to work with solicitors who provide work under the legal aid system, and with the Law Society of Scotland in order to improve the rates of disclosure. This work is being addressed under one of the Board's published Equality Outcomes.

In the Board's 2012 criminal applicant survey the majority of respondents declared their ethnicity as 'White-Scottish' (88%), followed by 'White-other British' (6%) and 'Pakistani, Pakistani Scottish, Pakistani British' (1.1%).

The Board's 2012 Criminal Applicant Survey: What is your ethnic group?

(Base = 366)	Frequency	Percent
Prefer not to say	1	0.3
White Scottish	322	88
White – Other British	23	6.3
White – Irish	2	0.5
White – Gypsy/Traveller	3	0.8
White – Policy	1	0.3
Other White ethnic group	3	0.8
Any mixed or multiple ethnic group	3	0.8
Pakistani, Pakistani Scottish, Pakistani British	4	1.1
Indian, Indian Scottish, Indian British	1	0.3
Other Asian group	1	0.3
African, African Scottish, African British	1	0.3

The data suggest that criminal legal assistance applicants are likely to have a similar proportion of people who consider their ethnic background to be white when compared with the general population.

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Do you think that the policy impacts on people because of their age?

No specific positive or negative impacts on this group for legal assistance solicitors or applicants have been identified.

Do you think that the policy impacts disabled people?

No specific positive or negative impacts on this group for legal assistance solicitors or applicants have been identified.

Do you think that the policy impacts on men and women in different ways?

No specific positive or negative impacts on this group for legal assistance solicitors or applicants have been identified.

Do you think your policy impacts on transsexual people?

No specific positive or negative impacts on this group for legal assistance solicitors or applicants have been identified.

Do you think that the policy impacts on people because of their sexual orientation?

No specific positive or negative impacts on this group for legal assistance solicitors or applicants have been identified.

Do you think the policy impacts on people on the grounds of their race?

No specific positive or negative impacts on this group for legal assistance solicitors or applicants have been identified.

Do you think the policy impacts on people because of their religion or belief?

No specific positive or negative impacts on this group for legal assistance solicitors or applicants have been identified.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	Potential positive impacts with regards to age, disability or race (as it potentially relates to ability to communicate effectively in English)
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ⁸ ?	No.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	n/a
If not justified, what mitigating action will be undertaken?	n/a

Describing how Equality Impact analysis has shaped the policy making process

The Scottish Government does not believe that the regulations will cause any adverse impact upon groups with protected characteristics as defined in the Equality Act 2010. As a result of the EQIA, the policy remains unchanged.

Monitoring and Review

The Board has a continuing programme of research and analysis relating to both the supply of and access to legal aid, and factors which may affect such supply and access.

⁸ See EQIA – Setting the Scene for further information on the legislation.

Stage 5: Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, sex (including pregnancy and maternity), gender reassignment, sexual orientation, race and religion or belief have been considered, i.e:
 - Eliminating unlawful discrimination, harassment, victimisation;
 - Removing or minimising any barriers and/or disadvantages;
 - Taking steps which assist with promoting equality and meeting people's different needs;
 - Encouraging participation (e.g. in public life)
 - Fostering good relations, tackling prejudice and promoting understanding.

Yes No

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the Criminal Legal Aid (Scotland) (Fees) Amendment Regulations 2013 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Jan Marshall

Position: Deputy Director, Civil Law and Legal System

Authorisation date: 8 November 2013