

## **EXECUTIVE NOTE**

### **The Advice and Assistance and Civil Legal Aid (Priority of Debts) (Scotland) Regulations 2009 (SSI 2009/49)**

These Regulations are made in exercise of the powers conferred on Scottish Ministers by section 12(3) and 17(2B) of the Legal Aid (Scotland) Act 1986 and of all other powers enabling them to do so.

#### **Policy Objective**

The policy objective is to maintain financial eligibility for advice and assistance and 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 exempt from the solicitor's right to prior payment of fees and outlays relating to advice and assistance and civil legal aid.

#### **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  
11 February 2009