
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003 (“the principal Regulations”).

Paragraphs (2) and (4) of regulation 2 amend the principal Regulations to make assistance by way of representation available in relation to disability discrimination in schools cases heard by an Additional Support Needs Tribunal for Scotland. Those paragraphs come into force on 18th March 2011, which is the date on which jurisdiction in respect of disability discrimination in schools cases is to be conferred on the Additional Support Needs Tribunal for Scotland by virtue of the Equality Act 2010.

Paragraph (3) of regulation 2 revokes regulation 6A(1A) to (1E) of the principal Regulations. Those paragraphs provided that assistance by way of representation could only be provided under regulation 6A(1) of the principal Regulations by an assisted person’s “appointed solicitor” (as defined by regulation 6A(1E)). Provision to similar effect is to be made in a separate set of Regulations which are to come into force at the same time as regulation 2(3) of these Regulations on 6th June 2011.