
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011 (“the principal Regulations”).

Section 11(2) of the Legal Aid (Scotland) Act 1986 makes clients liable to pay financial contributions towards the cost of advice and assistance. These Regulations amend the principal Regulations to provide that section 11(2) is not to apply to advice and assistance made available in the circumstances referred to regulation 8 of those regulations (which provides for the automatic availability of advice and assistance to a person who has a right of access to a solicitor in terms of section 15A of the Criminal Procedure (Scotland) Act 1995 or section 25A of the Criminal Law (Consolidation) (Scotland) Act 1995 or a person detained under section 26 of that Act).

The amendment to the principal Regulations applies only in relation to a case where an application for advice and assistance is made on or after the day on which these Regulations come into force.