
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 11

The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023

Amendment of the Advice and Assistance (Scotland) Regulations 1996

- 2.—(1) The Advice and Assistance (Scotland) Regulations 1996(1) are amended as follows.
- (2) In regulation 2(1)(interpretation)—
- (a) after the definition of “the 2021 Act”, insert—
- ““the 2022 Act” means the Social Security (Additional Payments) Act 2022(2);
“additional payment” has the meaning given in section 9(1)(interpretation) of the 2022 Act;”
- (b) after the definition of “Scottish child payment”, insert—
- ““Scottish Infected Blood Support Scheme” means the scheme of that name made by the Scottish Ministers in exercise of powers conferred by section 28 of the Smoking, Health and Social Care (Scotland) Act 2005(3);
“social fund winter fuel payment” means the winter fuel payment paid by virtue of the Social Fund Winter Fuel Payment Regulations 2000(4);”
- (3) In regulation 16(2) (payment of fees and outlays from property recovered or preserved)—
- (a) after sub-paragraph (a)(xv), insert—
- “(xvi) by way of any payment made under the Scottish Infected Blood Support Scheme;
(xvii) by way of any additional payment made under the 2022 Act;”
- (b) after sub-paragraph (m), insert—
- “(n) to any temporary additional amount to the social fund winter fuel payment paid by virtue of the Social Fund Winter Fuel Payment (Temporary Increase) Regulations 2022(5).”
- (4) In schedule 2 (assessment of disposable capital and disposable income), after paragraph 5(bd), insert—
- “(be) there shall be left out of account any payment made under the Scottish Infected Blood Support Scheme;
(bf) there shall be left out of account any additional payment;
(bg) there shall be left out of account any temporary additional amount to the social fund winter fuel payment paid by virtue of the Social Fund Winter Fuel Payment (Temporary Increase) Regulations 2022 .”

(1) S.I. 1996/2447 was renamed by S.I. 1997/726. Relevant amending instruments are S.S.I. 2020/424 and S.S.I. 2021/333.
(2) 2022 c. 38.
(3) 2005 asp 13. The Scottish Infected Blood Support Scheme came into force on 1 April 2017 and a consolidated version of the scheme can be found at Scottish Infected Blood Support Scheme 2017: April 2022 amendment - gov.scot (www.gov.scot).
(4) S.I. 2000/729 as modified by S.I. 2022/813 and amended by S.I. 2002/2660, S.I. 2003/1737, S.I. 2003/2192, S.I. 2004/2154, S.I. 2008/1554, S.I. 2009/1488, S.I. 2012/757, S.I. 2013/1509, S.I. 2014/3270, S.I. 2015/67 and S.I. 2021/811.
(5) S.I. 2022/813.

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