
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 11

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

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

- 3.—(1) The Civil Legal Aid (Scotland) Regulations 2002(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, “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;”,
- (c) after the definition of “senior counsel”, insert—
- ““social fund winter fuel payment” means the winter fuel payment paid by virtue of the Social Fund Winter Fuel Payment Regulations 2000;”.
- (3) In regulation 33 (payments out of property recovered or preserved: exceptions)—
- (a) after sub-paragraph (a)(xxii), insert—
- “(xxiii) by way of any payment made under the Scottish Infected Blood Support Scheme; (xxiv) by way of any additional payment;”,
- (b) after sub-paragraph (d), insert—
- “(e) 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.”.
- (4) In schedule 2 (rules for computing disposable income)—
- (a) after paragraph 5(g), insert—
- “(h) any means-tested additional payment made under section 1 or 4 of the 2002 Act;”,
- (b) after paragraph 7(l), insert—
- “(m) any disability additional payment made under section 5 of the 2022 Act.”,
- (5) In schedule 3 (rules for computing disposable capital), after paragraph 8(g), insert—
- “(h) any payment made under the Scottish Infected Blood Support Scheme; (i) any additional payment made under the 2022 Act;

(1) S.S.I. 2002/494, relevant amending instruments are S.S.I. 2011/134, S.S.I. 2013/137, S.S.I. 2020/424, S.S.I. 2021/333 and S.S.I. 2022/31.

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- (j) 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.”.