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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 200**

**The Children's Legal Assistance (Scotland) Regulations 2013**

**PART 2**

**CHILDREN'S ASSISTANCE BY WAY OF REPRESENTATION**

**Amendment of the Advice and Assistance (Scotland) Regulations 1996**

- 4.—(1) The Advice and Assistance (Scotland) Regulations 1996<sup>(1)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “the 1996 Act” insert—
- ““the 2011 Act” means the Children’s Hearings (Scotland) Act 2011<sup>(2)</sup>;”
- (b) for the definition of “child” substitute—
- ““child” means a person under the age of 16 years, except in relation to any hearings or proceedings under the 2011 Act, where “child” has the meaning in section 199 of that Act;”
- (c) after the definition of “legal representative” insert—
- ““safeguarder” means a safeguarder appointed to a child under section 30 or 31 of the 2011 Act”.
- (3) In regulation 6(1) (applications on behalf of others)—
- (a) in sub-paragraph (b), after “representative” insert “or;”; and
- (b) after sub-paragraph (b) insert—
- “(c) where the client is a child in terms of the 2011 Act, and the application concerns hearings or proceedings under that Act, a safeguarder or other lay representative of the child.”.
- (4) In paragraph 4A of Schedule 2 (assessment of disposable capital and disposable income), after sub-paragraph (3) insert—
- “(4) This paragraph does not apply to assistance by way of representation in relation to hearings or proceedings under the 2011 Act.”.

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(1) S.I. 1996/2447; relevant amending instruments are S.S.I. 2000/399, 2003/421, 2005/445 and 2010/462.

(2) 2011 asp 1.