
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 325

**The Civil Legal Aid (Scotland)
Amendment (No. 2) Regulations 2006**

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

6. After regulation 13, insert—

“Assessment of disposable income , etc . in relation to adults with incapacity applications

13A.—(1) In this regulation “adults with incapacity application” means an application to the sheriff by a person concerned as claiming or having an interest in the property, financial affairs or personal welfare of an adult under the 2000 Act, other than the adult to whom the application relates, for—

- (a) an intervention order under section 53(1) of the 2000 Act; or
- (b) a guardianship order under section 57(1) of the 2000 Act,

relating to the personal welfare of an adult or to the property, financial affairs and personal welfare of an adult.

(2) Sections 15 and 17 of the Act and regulation 5 above shall be modified to the extent provided in the sub-paragraphs below in relation to adults with incapacity applications, namely—

- (a) section 15 shall be modified so as to provide that a person making such application shall be eligible for legal aid without regard to that person’s income or capital;
- (b) section 17 shall be modified so as to provide that such person, once in receipt of civil legal aid, shall not require to pay any contribution to the Fund in respect of income or capital; and
- (c) regulation 5 above shall be modified so as to provide that such application need not be accompanied by a statement in writing, itemising the applicant’s disposable income and disposable capital.”.