
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) (Fees) Regulations 1989 (“the 1989 Regulations”) and the Civil Legal Aid (Scotland) Regulations 2002.

Regulation 2 amends the 1989 Regulations to make provision consequential upon the addition of certain proceedings before the First-tier Tribunal for Scotland to the list of proceedings in Part 1 of schedule 2 of the Legal Aid (Scotland) Act 1986 (courts and tribunals in which civil legal aid is available) by the Legal Aid (Scotland) Act 1986 Amendment Regulations 2017 (S.S.I. 2017/xxx). It provides for the calculation of the fees of solicitors and counsel in relation to proceedings in the First-tier Tribunal for Scotland. It amends regulation 2 of the 1989 Regulations to specify the Auditor of the Court of Session as the relevant auditor in relation to legal aid accounts in the First-tier Tribunal for Scotland.

Regulation 3 amends the Civil Legal Aid (Scotland) Regulations 2002 to provide for proceedings in the First-tier Tribunal for Scotland to be treated as distinct proceedings for the purposes of legal aid and to require the prior approval of the Scottish Legal Aid Board for the employment of counsel in the First-tier Tribunal for Scotland.

A Business and Regulatory Impact Assessment has been prepared for these Regulations and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Justice Directorate, St Andrews House, Edinburgh EH1 3DG.