
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 333

The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2021

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 2011 Act”⁽²⁾, insert—
- ““the 2021 Act” means the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021⁽³⁾”;
- (b) after the definition of “legal representative”⁽⁴⁾, insert—
- ““redress scheme” has the meaning given in section 2 of the 2021 Act;
- “relevant payment” means any payment described in section 42(2) (deduction of previous payment from redress payment) read with section 42(3) and (7) as adjusted in accordance with sections 42(5) and 43 of the 2021 Act”;
- (3) In regulation 16(2) (payment of fees and outlays from property recovered or preserved), after sub-paragraph (a)(xiv), insert—
- “(xv) by way of any payment made under Part 4 of the 2021 Act (financial redress for historical child abuse), or any relevant payment made or due to be made prior to the date of commencement of the redress scheme”;
- (4) In schedule 2 (assessment of disposable capital and disposable income), after paragraph 5(bc), insert—
- “(bd) there shall be left out of account any payment made under Part 4 of the 2021 Act (financial redress for historical child abuse), or any relevant payment made or due to be made prior to the date of commencement of the redress scheme”;

(1) S.I. 1996/2447, renamed by S.I. 1997/726. Relevant amending instruments are S.S.I. 2003/421, S.S.I. 2013/142, S.S.I. 2013/200 and S.S.I. 2020/424.

(2) Inserted by S.S.I. 2013/200, regulation 4(2)(a).

(3) 2021 asp 15.

(4) Inserted by S.S.I. 2003/421, regulation 4.