
SCOTTISH STATUTORY INSTRUMENTS

2024 No. 216

The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2024

Amendment of the Advice and Assistance (Scotland) Regulations 1996

4.—(1) The Advice and Assistance (Scotland) Regulations 1996(1) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “employment tribunal”, insert—

““Grenfell Tower payment” means any payment made to a person by way of compensation, damages or legal expenses in connection with the Grenfell Tower fire of 14 June 2017, including under any settlement arrived at to prevent or bring legal proceedings to an end,

“human trafficking or exploitation victim payment” means any payment made by way of support or assistance provided under section 9 of the Human Trafficking and Exploitation (Scotland) Act 2015(2) or under regulations made under section 10 of that Act, or any payment made by way of support provided under a Modern Slavery Victim Care Contract(3),”

(b) after the definition of “income-related employment and support allowance”, insert—

““Infected Blood Compensation Scheme” means the scheme made by the Secretary of State or the Minister for the Cabinet Office in exercise of powers conferred by section 49 of the Victims and Prisoners Act 2024(4),”

(c) after the definition of “legal representative”, insert—

““miscarriage of justice payment” means any payment made by the Secretary of State, the Scottish Ministers or the Department of Justice (Northern Ireland) for the purpose of compensating a person for a miscarriage of justice,”

(3) In regulation 16(2) (payment of fees and outlays from property recovered or preserved)—

(a) in sub-paragraph (a), after head (xix)(5), insert—

“(xx) by way of any human trafficking or exploitation victim payment,

(xxi) by way of any miscarriage of justice payment,

(xxii) by way of any Grenfell Tower payment,

(xxiii) by way of any payment made under the Infected Blood Compensation Scheme.”

(b) in sub-paragraph (c), for “invalid care allowance” substitute “carer’s allowance”.

(4) In schedule 2 after paragraph 5(bg) (assessment of disposable capital and income), insert—

(1) S.I. 1996/2447. Relevant amending instruments are S.S.I. 2000/399, S.S.I. 2003/163, S.S.I. 2003/421, S.S.I. 2023/11, S.S.I. 2023/178, and S.S.I. 2024/178 which comes into force on 3 October 2024.

(2) 2015 asp 12.

(3) “Modern Slavery Victim Care Contract” refers to the Home Office contract to provide care to adult victims of modern slavery in England and Wales in statutory guidance issued by the Secretary of State under section 49 of the Modern Slavery Act 2015 (c. 30) – <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims>.

(4) 2024 c. 21.

(5) Head (xix) was inserted by S.S.I. 2024/178 with effect from 3 October 2024.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- “(bh) there shall be left out of account any human trafficking or exploitation victim payment,
- (bi) there shall be left out of account any miscarriage of justice payment,
- (bj) there shall be left out of account any Grenfell Tower payment,
- (bk) there shall be left out of account any payment made under the Infected Blood Compensation Scheme.”.