
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments and revoke the Legal Aid (Scotland) (Children) Regulations 1987 and the Regulations amending those Regulations.

The main changes which have been made are in consequence of the provisions of the Children (Scotland) Act 1995 (“the 1995 Act”) and are as follows:–

- (a) in regulation 3–
 - (i) the previous references to proceedings under Part III of the Social Work (Scotland) Act 1968 (c. 49) (“the 1968 Act”) are replaced with references to the equivalent proceedings under Part II of the 1995 Act;
 - (ii) provision is made for the new proceedings under Chapter 2 or 3 of Part II of the 1995 Act for which legal aid is available under section 29 of the 1986 Act, namely child assessment orders, child protection orders, exclusion orders, applications for review of a finding under section 85 of the 1995 Act and appeals to the Sheriff Principal, to be treated as distinct for the purposes of legal aid. None of these proceedings have an equivalent in the 1968 Act;
- (b) the previous references in regulations 5, 6 and 7 to “parent or guardian” have been substituted with a reference to a “relevant person”.