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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Advice and Assistance (Scotland) Regulations 1996 (the principal Regulations) so as to—

- (a) provide that the right to prior payment of fees and outlays from property recovered or preserved shall not apply to any council tax benefit (regulation 3);
- (b) provide for a person to be entitled to make representations to the Scottish Legal Aid Board before it recovers any sum paid out of the Fund in respect of advice and assistance (regulation 4);
- (c) make provision for a deduction to be made for a dependent person when computing the income of a person during the assessment of his resources in respect of an application for advice and assistance. Previously deductions could only be made for a dependent child or relative (regulation 5(a)); and
- (d) provide that the definition of pensionable age in Schedule 2 to the principal Regulations is 60. Previously the age was 65 for men and 60 for women. Persons of pensionable age who are on low incomes are entitled in terms of paragraph 10(1) of Schedule 2 to the principal Regulations to specified capital disregards (regulation 5(b)).

By virtue of regulation 2, the Regulations apply only in relation to any case where an application for legal aid is made to the Scottish Legal Aid Board on or after 6th April 1998.