POLICY NOTE

THE ADULTS WITH INCAPACITY (PUBLIC GUARDIAN'S FEES) (SCOTLAND) AMENDMENT REGULATIONS 2012

SSI 2012/289

The above instrument is made in exercise of the powers conferred by section 7(2) of the Adults with Incapacity (Scotland) Act 200 (asp 4). The instrument is subject to the negative resolution procedure.

Policy

Fees for services offered by the Office of the Public Guardian ensure that those who make use of these services meet or contribute towards the associated costs to the public purse, where they can afford to do so. The Scottish Government's policy is to move toward fees which reflect the full cost of the processes involved with a well-targeted system of fee exemptions to protect access to justice.

Office of Public Guardian fees are already at a level that achieve full cost recovery. No above inflation increases are therefore being sought. In addition to reflect the introduction of the on-line power of attorney a number of fees are also being reduced or removed.

Consultation

There has been a public consultation on these proposals. More detailed information is given in the attached Business and Regulatory Impact Assessment.

Financial Effects

This Order makes provision for inflation increases of 5% from 10 December 2012 and 3% for both years from 1 April 2013 and 1 April 2014. The consumer price index (CPI) has been used to calculate the inflation increase. As no inflationary increase had been applied to the 2011-12 fees, the increase in December 2012 covers 2 years. It is anticipated that additional fee income of £8k, £50k and £66k will be raised in 2012-13, 2013-14 and 2014-15 respectively.

Business and Regulatory Impact Assessment

A composite business and regulatory impact assessment for 4 fee orders relating to the Scottish courts (Sheriff Court, Justice of the Peace Court, Court of Session, High Court of Justiciary) and 1 fee order relating to the Office of the Public Guardian has been prepared and will be published shortly at http://www.scotland.gov.uk/Topics/Business-Industry/support/better-regulation/partial-assessments/full/2012.

Equalities Impact Assessment

A composite equality impact assessment for 4 fee orders relating to the Scottish courts (Sheriff Court, Justice of the Peace Court, Court of Session, High Court of Justiciary) and 1

fee order relating to the Office of the Public Guardian has been prepared and will be published shortly at http://www.scotland.gov.uk/Publications/2012.

Scottish Government,
October 2012