POLICY NOTE

THE ADVICE AND ASSISTANCE (ASSISTANCE BY WAY OF REPRESENTATION) (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2014/xxx

The above instrument was made in exercise of the powers conferred by section 9 of the Legal Aid (Scotland) Act 1986. The instrument is subject to affirmative procedure.

Policy Objectives

The Children and Young People (Scotland) Act 2014 amended the Children's Hearings (Scotland) Act 2011 to allow a pre-hearing panel or children's hearing to determine whether an individual previously deemed to be a "relevant person" in relation to a child for the purposes of the 2011 Act should continue to be deemed a relevant person. It also amends the Legal Aid (Scotland) Act 1986 to ensure that Children's Legal Aid is available to a person to appeal a decision that they should no longer be a relevant person to the sheriff.

This instrument makes assistance by way of representation (ABWOR) to a child or relevant person for a pre-hearing panel which is considering whether an individual should continue to be deemed a relevant person, subject to the same criteria usually applied for ABWOR at a children's hearing.

Consultation

The Scottish Legal Aid Board has been consulted on the draft provisions.

Impact Assessments

An equality impact assessment has been completed on the draft SSI and will follow under separate cover. There are no equality impact issues.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is minimal, though beneficial, in that the opportunity for business may increase.

Scottish Government
Justice Directorate

25 November 2014