



The Scottish Parliament
Pàrlamaid na h-Alba

Published 24 September 2021
SP Paper 17
1st Report, 2021 (Session 6)

Equalities, Human Rights and Civil Justice Committee

The Children's Legal Assistance (Miscellaneous Amendments and Consequential Provisions) (Scotland) Regulations 2021 [draft]



Published in Scotland by the Scottish Parliamentary Corporate Body.

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Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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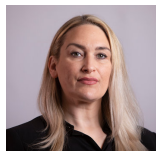
Committee Membership



Convener
Joe FitzPatrick
Scottish National Party



Deputy Convener
Maggie Chapman
Scottish Green Party



Karen Adam
Scottish National Party



Pam Duncan-Glancy
Scottish Labour



Pam Gosal
Scottish Conservative
and Unionist Party



Fulton MacGregor
Scottish National Party



Alexander Stewart
Scottish Conservative
and Unionist Party

Introduction

1. At its meeting on 21 September 2021, the Equalities, Human Rights and Civil Justice Committee considered the following instrument:
 - [The Children's Legal Assistance \(Miscellaneous Amendments and Consequential Provisions\) \(Scotland\) Regulations 2021 \[draft\]](#).
2. The instrument is subject to the affirmative procedure (Rule 10.6).

The Children's Legal Assistance (Miscellaneous Amendments and Consequential Provisions) (Scotland) Regulations 2021 [draft]

3. The draft SSI was laid before the Scottish Parliament on 30 August 2021 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. The purpose of this instrument is to support the implementation and commencement of the Age of Criminal Responsibility (Scotland) Act 2019. The 2019 Act provides for orders in relation to children to allow for the investigation of their actions notwithstanding that they will not have committed offences. These orders, when granted, largely permit the sort of interventions the police would otherwise be able to do in respect of suspects – searches, interviews and the taking of prints and samples etc. The legal aid provisions are to allow for representation in respect of applications for these orders, to ensure the rights of the children (and others in some cases) in the course of those proceedings.
5. This instrument makes children's legal assistance available in relation to proceedings under Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019; in particular, for a child to have legal representation before the sheriff and any appeal from the sheriff, and for the other persons eligible for children's legal assistance in connection with such proceedings and appeals, to be specified along with the eligibility criteria to be applied.

Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [7 September 2021](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

Equalities, Human Rights and Civil Justice Committee consideration

7. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the Regulations should be approved.
 8. The Minister for Community Safety ("the Minister"), Ash Denham MSP, has, by motion [S6M-00998](#) proposed that the Committee recommends the approval of the Regulations.
 9. The Committee took evidence from the Minister at its meeting on 21 September 2021.
 10. Following the evidence session, the Minister moved motion S6M-00998—That the Equalities, Human Rights and Civil Justice Committee recommends that the Children's Legal Assistance (Miscellaneous Amendments and Consequential Provisions) (Scotland) Regulations 2021 [draft] be approved.
 11. The motion was agreed to without division or dissent.
12. The Equalities, Human Rights and Civil Justice Committee recommends to the Scottish Parliament that the Children's Legal Assistance (Miscellaneous Amendments and Consequential Provisions) (Scotland) Regulations 2021 [draft] be approved.

