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Pàrlamaid na h-Alba

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## **Equalities, Human Rights and Civil Justice Committee**

# **The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2023 [draft]**



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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



**Rachael Hamilton**  
Scottish Conservative  
and Unionist Party



**Fulton MacGregor**  
Scottish National Party

# Introduction

1. At its meeting on 28 March 2023, the Equalities, Human Rights and Civil Justice Committee considered the following instrument:
  - [The Legal Aid and Advice and Assistance \(Miscellaneous Amendment\) \(Scotland\) \(No. 2\) Regulations 2023 \[draft\]](#)
2. The instrument is subject to the affirmative procedure (Rule 10.6).

# **The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2023 [draft]**

3. The draft SSI was laid before the Scottish Parliament on 27 February 2023 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. The purpose of the instrument is to make provision to (i) implement an increase of 10.2% to non-reformed legal aid and advice and assistance fees, and (ii) reform and simplify the criminal legal aid fee structure in solemn cases, with the aim of targeting fee rates more appropriately, reducing administrative costs to both legal provider and the Scottish Legal Aid Board, encouraging early preparation and resolution of criminal cases.
5. The instrument seeks improvements in service delivery, improved outcomes for service users, and deliver longer term efficiencies. Therefore, reform of summary and solemn fees alongside support for other aid types are both essential elements of the instrument.

# Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on **7 March 2023**. **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 instrument should be approved.
8. The Minister for Community Safety ("the Minister"), Elena Whitman MSP, has, by motion [S6M-08058](#) proposed that the Committee recommends the approval of the instrument.
9. The Committee took evidence from the Minister at its meeting on 28 March 2023.
10. Following the evidence session, the Minister moved motion S6M-08058—That the Equalities, Human Rights and Civil Justice Committee recommends that The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2023 [draft] be approved.
11. The motion was agreed to without division or dissent.

**The Equalities, Human Rights and Civil Justice Committee recommends that The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2023 [draft] be approved.**

