

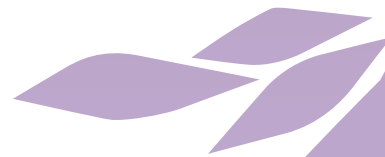


The Scottish Parliament
Pàrlamaid na h-Alba

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Justice Committee Comataidh a' Cheartais

Legal Aid (Scotland) Act 1986 Amendment Regulations 2017



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Justice Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Justice.



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Ben Macpherson
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Liam McArthur
Scottish Liberal
Democrats

Legal Aid (Scotland) Act 1986 Amendment Regulations 2017 [Draft]

Introduction

1. The instrument was referred to the Justice Committee as lead committee and was subject to affirmative resolution. The Minister for Community Safety and Legal Affairs attended the meeting to give evidence on the instrument and also to move the relevant motion recommending approval of the instrument.

The draft instrument

2. The instrument was made under section 13(4) of the Legal Aid (Scotland) Act 1986 and all other enabling powers.
3. The Regulations amend Part 1 of schedule 2 of the Legal Aid (Scotland) Act 1986. Regulation 3 amends the Legal Aid (Scotland) Act 1986 to make civil legal aid available for specified tenancy related disputes before the First-tier Tribunal for Scotland. With the exception of private residential tenancies, which are a new type of tenancy created by the Private Housing (Tenancies) (Scotland) Act 2016, these disputes would have been heard by the sheriff court prior to 1 December 2017.

Scrutiny by the Delegated Powers and Law Reform Committee

4. The Delegated Powers and Law Reform Committee considered the draft instrument at its meeting on 3 October 2017 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Justice Committee consideration

5. The Justice Committee considered the draft instrument at its meeting on 24 October 2017 when Annabelle Ewing, Minister for Community Safety and Legal Affairs, attended to give evidence on the instrument.
6. The Minister stated that the Regulations were needed to ensure that civil legal aid would continue to be made available when the functions and jurisdiction of the sheriff court, in civil cases relating to tenancy-related disputes in the private rented sector, transfer to the First-tier Tribunal for Scotland Housing and Property Chamber on 1 December 2017. Ms Ewing confirmed that the Regulations would allow for civil legal aid to be available for disputes in relation to the new private residential tenancies that are provided for under the Private Housing Tenancies (Scotland) Act

2016, which will come into force on 1 December 2017. Finally, the Minister confirmed that the Regulations did not involve any changes to the eligibility criteria.

7. There being no questions from the Committee, the Minister then moved the motion in her name: S5M-08085 That the Justice Committee recommends that the Legal Aid (Scotland) Act 1986 Amendment Regulations 2017 [draft] be approved.

Recommendation

8. The Justice Committee recommends to the Parliament that it approve the Legal Aid (Scotland) Act 1986 Amendment Regulations 2017 [Draft].

