

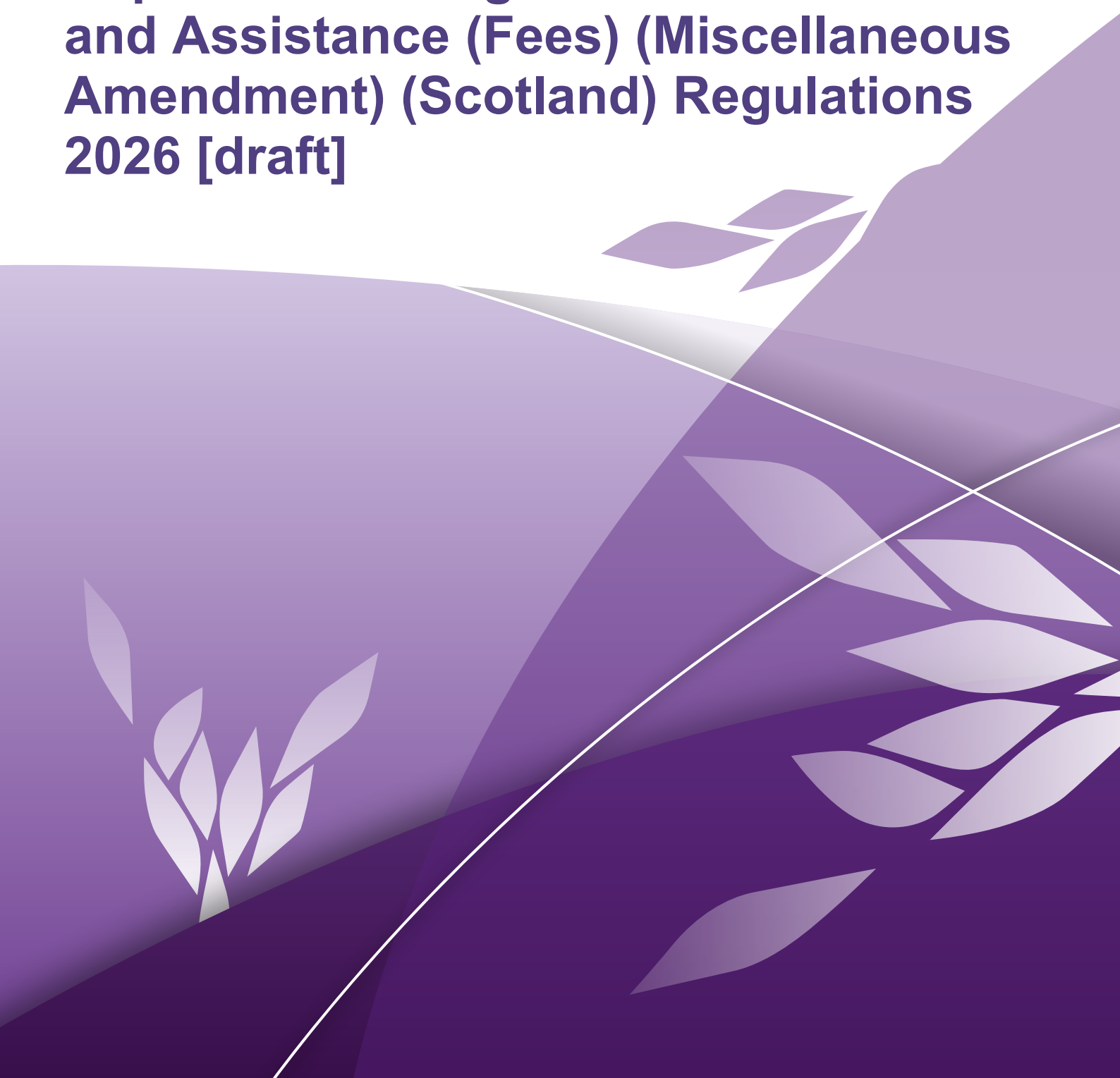


The Scottish Parliament  
Pàrlamaid na h-Alba

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

# **Report on the Legal Aid and Advice and Assistance (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2026 [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 Home Affairs.

## 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.

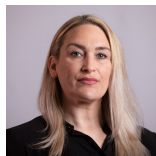


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# Committee Membership



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Scottish Conservative  
and Unionist Party



**Rhoda Grant**  
Scottish Labour



**Paul McLennan**  
Scottish National Party



**Marie McNair**  
Scottish National Party



**Tess White**  
Scottish Conservative  
and Unionist Party

# Introduction

1. This report concerns the Legal Aid and Advice and Assistance (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2026 [draft], laid before the Parliament by the Scottish Government on 28 January 2026. The instrument, which was laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.
2. It is for the Equalities, Human Rights and Civil Justice Committee, as lead committee, to decide whether or not to recommend approval.

## About the instrument

3. The [Policy Note](#) states that “this instrument makes provision to implement an increase of 13% to legal aid and advice and assistance solicitor fees. It also makes some changes omitted from previous regulations and makes minor drafting and clarificatory changes.”
4. In order to implement this increase, the instrument amends the following SSIs:
  - Civil Legal Aid (Scotland) (Fees) Regulations 1989
  - Criminal Legal Aid (Scotland) (Fees) Regulations 1989
  - Legal Aid in Contempt of Court Proceedings (Scotland) (Fees) Regulations 1992
  - Advice and Assistance (Financial Limit) (Scotland) Regulations 1993
  - Advice and Assistance (Scotland) Regulations 1996
  - Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999
5. Should the Parliament approve the instrument, the updated fees that would apply to various elements of legal advice and assistance are set out in [schedules 1 to 15](#).
6. Further information on the instrument, and on the Scottish Government’s work on legal aid reform more broadly, was included in a [letter from the Minister for Victims and Community Safety, dated 28 January 2026](#).
7. The Committee received a [further letter from the Minister on 23 February](#) which provided “a detailed update setting out the actions the Scottish Government has delivered since publication of the Legal Aid Reform Discussion Paper, the further measures delivered beyond the original commitments, and the work planned for the next parliamentary session.”

## Consideration by the DPLR Committee

8. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament’s standing orders.
9. The DPLR Committee considered the instrument on 10 February and reported on it in its [17th Report of 2026](#). The DPLR Committee made no recommendations in relation to the instrument and did not draw it to the attention of the Parliament but highlighted the following point in respect of a previous Scottish Government commitment:
  - ” “In relation to this instrument, the Committee welcomes that, through this instrument, the Scottish Government has, at the next suitable legislative opportunity, fulfilled a commitment made to the Committee in relation to the Draft Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026, to correct the erroneous references in the Civil Legal Aid (Scotland) Regulations 2002, and the minor drafting point that instrument introduced in the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003.”

# Consideration by the Equalities, Human Rights and Civil Justice Committee

10. At its meeting on 24 February, the Equalities, Human Rights and Civil Justice Committee took evidence on the instrument from the Minister for Victims and Community Safety and officials.

11. Following the oral evidence, the Minister moved motion S6M-20605—

That the Equalities, Human Rights and Civil Justice Committee recommends that the Legal Aid and Advice and Assistance (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2026 [draft] be approved.

12. The motion was agreed to.

13. Accordingly, the Committee recommends to the Parliament that the Legal Aid and Advice and Assistance (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2026 [draft] be approved.

