1989 No. 721 (S.76)

LEGAL AID AND ADVICE, SCOTLAND

The Advice and Assistance (Financial Conditions) (Scotland) Regulations 1989

Made - - - -	*19th April 1989*
Coming into force	*20th April 1989*

The Secretary of State, in exercise of the powers conferred on him by sections 11(2), 36(2)(b) and 37(1) of the Legal Aid (Scotland) Act 1986(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations, a draft of which has been laid before, and approved by a resolution of, each House of Parliament:

1.—(1) These Regulations may be cited as the Advice and Assistance (Financial Conditions) (Scotland) Regulations 1989 and shall come into force on 20th April 1989.

(2) In these Regulations, "the Act" means the Legal Aid (Scotland) Act 1986.

2. For the weekly sum of £122 specified in section 8(a) of the Act(**b**), there is hereby substituted the weekly sum of £128.

3. For the capital sum of £850 specified in section 8 of the Act, there is hereby substituted the capital sum of £890.

4. For the weekly sum of £58 specified in section 11(2)(a) of the Act, there is hereby substituted the weekly sum of £61.

5. The maximum amount of fees or outlays which a client shall be liable to pay under section 11(2) of the Act(**c**), where his disposable income falls within a range specified in the first column of the following table, shall be the amount specified in relation to that range in the second column:–

	Disposable income range	*Maximum contribution*
1	Exceeding £61 but not exceeding £69 a week	£5
2	Exceeding £69 but not exceeding £75 a week	£12
3	Exceeding £75 but not exceeding £81 a week	£19
4	Exceeding £81 but not exceeding £87 a week	£25
5	Exceeding £87 but not exceeding £93 a week	£32
6	Exceeding £93 but not exceeding £98 a week	£37
7	Exceeding £98 but not exceeding £103 a week	£42

(**a**) 1986 c.47; section 36(2)(b) was amended by the Legal Aid Act 1988 (c. 34), Schedule 4, paragraph 6.
(**b**) The existing figures referred to in regulations 2 to 4 were inserted in sections 8 and 11 of the Act by virtue of S.I. 1988/685.
(**c**) The existing maximum amounts are specified in S.I. 1988/685.

	Disposable income range	*Maximum contribution*
8	Exceeding £103 but not exceeding £108 a week	£48
9	Exceeding £108 but not exceeding £113 a week	£53
10	Exceeding £113 but not exceeding £118 a week	£59
11	Exceeding £118 but not exceeding £123 a week	£64
12	Exceeding £123 but not exceeding £128 a week	£70

6. The Advice and Assistance (Financial Conditions) (Scotland) Regulations 1988(**a**) are hereby revoked.

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

St Andrew's House, Edinburgh
19th April 1989

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations increase the disposable income limit for eligibility for advice and assistance under the Legal Aid (Scotland) Act 1986 from £122 a week to £128 a week, the disposable capital limit from £850 to £890 and the weekly disposable income above which a person is required to pay a contribution from £58 to £61. They also prescribe the scale of contributions to be paid where the weekly disposable income exceeds £61 but does not exceed £128.

(**a**) S.I. 1988/685.

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