2003 No. 182

LEGAL AID AND ADVICE

The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2003

Made	*7th March 2003*
Coming into force	*7th April 2003*

The Scottish Ministers, in exercise of the powers conferred by section 36(1) and (2)(b) of the Legal Aid (Scotland) Act 1986(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 37(2) of that Act, been laid before and approved by resolution of, the Scottish Parliament:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2003 and shall come into force on 7th April 2003.

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

Application

2. These Regulations shall apply only in relation to any case where an application for civil legal aid is made on or after 7th April 2003.

Amendment of the Legal Aid (Scotland) Act 1986

3. For the yearly amount of £9,188 specified in section 15(1) of the Act(**b**) substitute the yearly amount of £9,307.

4. For the capital amount of £10,000 specified in section 15(2)(a) of the Act(**c**) substitute the capital amount of £10,170.

5. For the yearly amount of £2,814 specified in section 17(2)(a) of the Act(**d**) substitute the yearly amount of £2,851.

6. For the capital amount of £6,000 specified in section 17(2)(b) of the Act(**e**) substitute the capital amount of £6,100.

Revocation

7. The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2002(**a**) and the Civil Legal Aid (Financial Conditions) (Scotland) (No. 2) Regulations 2002(**b**) are hereby revoked

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(a) 1986 c.47; section 36(2)(b) was amended by the Legal Aid Act 1988 (c.34), Schedule 4, paragraph 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) The previous figure specified in section 15(1) was inserted by S.S.I. 2002/145.
(c) The previous figure specified in section 15(2)(a) was inserted by S.S.I. 2002/330.
(d) The previous figure specified in section 17(2)(a) was inserted by S.S.I. 2002/145.
(e) The previous figure specified in section 17(2)(b) was inserted by S.S.I. 2002/330.

except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 7th April 2003.

JAMES WALLACE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
7th March 2003

(a) S.S.I. 2002/145.
(b) S.S.I. 2002/330.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations increase certain of the financial limits of eligibility for civil legal aid under the Legal Aid (Scotland) Act 1986.

The income limits are increased to make eligible for civil legal aid, persons with a yearly disposable income of not more than £9,307 (instead of £9,188) and to make eligible without payment of a contribution, persons with a yearly disposable income of not more than £2,851 (instead of £2,814) (regulations 3 and 5).

The upper limit of disposable capital, above which civil legal aid may be refused if it appears the applicant can afford to proceed without it, is increased from £10,000 to £10,170 (regulation 4).

The upper limit of disposable capital, above which a legally assisted person may be required to pay a contribution, is increased from £6,000 to £6,100 (regulation 6).

The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2002 and the Civil Legal Aid (Financial Conditions) (Scotland) (No. 2) Regulations 2002 are revoked except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 7th April 2003 (regulation 7).

SCOTTISH STATUTORY INSTRUMENTS

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