2003 No. 49

LEGAL AID AND ADVICE

The Civil Legal Aid (Scotland) Amendment Regulations 2003

Made	*29th January 2003*
Laid before the Scottish Parliament	*30th January 2003*
Coming into force	*7th April 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 36(1) and 42 of the Legal Aid (Scotland) Act 1986(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

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

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 Civil Legal Aid (Scotland) Regulations 2002

3. The Civil Legal Aid (Scotland) Regulations 2002(**b**) are amended in accordance with the following regulations.

4. For regulation 11(2) substitute–

> "(2) For the purposes of section 42 of the Act, two persons living together as husband and wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex shall be treated as if they were spouses of each other.".

(a) 1986 c.47. 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) S.S.I. 2002/494.

5. In regulation 33(b), for "£4,200" substitute "£4,275".

6. In regulation 35, for "33" substitute "32".

JAMES WALLACE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
29th January 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) Regulations 2002 ("the 2002 Regulations") so that, for the purposes of calculating financial eligibility for civil legal aid, the resources of a person's partner of the same sex are taken into account (regulation 4).

Regulation 5 amends the 2002 Regulations so that the requirement on the part of a person in receipt of civil legal aid to pay the amount of any net liability of the Scottish Legal Aid Fund shall not apply to the first £4,275 recovered or preserved by virtue of certain family proceedings (this sum is increased from £4,200).

Regulation 6 corrects a minor error in the 2002 Regulations.

SCOTTISH STATUTORY INSTRUMENTS

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