STATUTORY INSTRUMENTS

1977 No. 182

LEGAL AID AND ADVICE, ENGLAND

The Legal Advice and Assistance (Amendment) Regulations 1977

Made - - - -	*3rd February* 1977
Laid before Parliament	*15th February* 1977
Coming into Operation	*1st April* 1977

The Lord Chancellor, in exercise of the powers conferred on him by sections 3, 5 and 20 of the Legal Aid Act 1974(**a**), hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations 1977 and shall come into operation on 1st April 1977.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, "the 1973 Regulations" means the Legal Advice and Assistance Regulations 1973(**c**), as amended (**d**).

2. At the end of paragraph (5) of regulation 5 of the 1973 Regulations, there shall be inserted the following proviso:—

> "Provided that no prior authority shall be required if the advice and assistance relates to matters of such a kind, and its cost will not exceed such an amount, as may be specified in any notice given by the appropriate area committee, with the consent of The Law Society, that it will approve the said limit being exceeded in the classes of case mentioned in the notice."

3. After paragraph (5) of regulation 5 of the 1973 Regulations (as amended by regulation 2 of these Regulations) there shall be inserted the following paragraph:—

> "(5A) Matters connected with or arising from proceedings for divorce or judicial separation, whether actual or prospective, between the applicant and his spouse shall not be treated as distinct matters for any purpose of advice and assistance."

(**a**) 1974 c. 4. (**b**) 1889 c. 63.
(**c**) S.I. 1973/349 (1973 I, p.1223). (**d**) There are no relevant amendments.

4. In regulation 6(1) of the 1973 Regulations, for sub-paragraphs (*a*) and (*b*), there shall be substituted the following—

"(*a*) any periodical payment of maintenance, which for this purpose means money or money's worth paid towards the support of a spouse, former spouse, child or any other person for whose support the payer has previously been responsible or has made payments;

(*b*) the first £2,500 of any money, or of the value of any property, recovered or preserved by virtue of an order made, or deemed to be made, under the provisions of—

(i) section 23(1)(*c*) or (*f*), 23(2), 24, 27(6)(*c*) or (*f*), or 35 of the Matrimonial Causes Act 1973(**a**); or

(ii) section 2 or 6 of the Inheritance (Provision for Family and Dependants) Act 1975(**b**) or any provision repealed by that Act;".

Dated 3rd February 1977.

Elwyn-Jones, C.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the provisions of the Legal Advice and Assistance Regulations 1973 concerning the procedure for obtaining approval to exceed the limit applicable under section 3(2) of the Legal Aid Act 1974, and provide that matters connected with actual or prospective proceedings for divorce or judicial separation are not to be treated as distinct matters for the purposes of legal advice and assistance. They also amend the prescribed exemptions from the charge imposed by section 5(3)(*b*) of the 1974 Act, in particular by providing that the charge shall not apply to the first £2,500 of money or the value of property recovered or preserved by virtue of an order made, or deemed to be made, under specified provisions of the Matrimonial Causes Act 1973 or the Inheritance (Provision for Family and Dependants) Act 1975.

(**a**) 1973 c. 18. (**b**) 1975 c. 63.

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