(*b*) sections 12, 14 and 15 and subsections (1) and (2) of section 17 in so far as they relate to legal advice in England and Wales.

2. This Order may be cited as the Legal Aid and Advice Act, 1949 (Commencement No. 6) Order, 1959.

3. The Interpretation Act, 1889(**a**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Dated this 9th day of January, 1959.

Kilmuir, C.

LEGAL AID

1959 No. 1350

The Legal Aid (Assessment of Resources) Amendment Regulations, 1959

Made - - - -	30*th July*, 1959
Laid before Parliament	6*th August*, 1959
Coming into Operation	7*th September*, 1959

In pursuance of the powers conferred upon me by section 4 of the Legal Aid and Advice Act, 1949(**b**), and all other powers enabling me in this behalf, I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, with the concurrence of the Treasury, hereby make the following regulations:—

1. These regulations may be cited as the Legal Aid (Assessment of Resources) Amendment Regulations, 1959, and shall come into operation on the seventh day of September, 1959.

2.—(1) In the Legal Aid (Assessment of Resources) Regulations, 1950(**c**), Part II of the First Schedule (which sets out the rules for computing allowances in respect of income) shall be amended in accordance with the provisions of the following paragraphs of this regulation and shall accordingly have effect as set out in the Schedule to these regulations.

(2) In sub-paragraph (1) of paragraph 4 of the said Part II (which paragraph relates to the allowances to be made in respect of rent) for the words "by which the net rent payable by him exceeds £39 a year" there shall be substituted the words "of the net rent payable, or such a part thereof as is reasonable in the circumstances".

(3) Sub-paragraph (4) of the said paragraph 4 shall be omitted.

(4) In sub-paragraph (i) of paragraph 5 of the said Part II (which paragraph relates to the allowance to be made in respect of the spouse of the person concerned) for the words "at the rate of £52 per annum" there shall be substituted the words "at the rate equivalent to the amount by which the rate for the time being prescribed for a husband and wife by sub-paragraph (*a*) of paragraph 2 of Part I of the Schedule to the National Assistance (Determination of Need) Regulations, 1948(**d**), as amended by any subsequent regulations, exceeds the rate for the time being prescribed by sub-paragraph (*b*) of the said paragraph 2 for a person who is living alone."

(a) 52 & 53 Vict. c. 63. (b) 12, 13 & 14 Geo. 6. c. 51.
(c) S.I. 1950/1358 (1950 I, p. 1190.) (d) S.I. 1948/1334 (1948 I, p. 2023).

(5) Sub-paragraph (3) of paragraph 7 of the said Part II (which sub-paragraph provides that the total of amounts allowed for dependent relatives shall not exceed £52) shall be omitted.

(6) In paragraph 8 of the said Part II the proviso (which provides that the total of amounts allowed under that paragraph and for dependent relatives shall not exceed £78) shall be omitted.

Dated this 30th day of July, 1959.

Kilmuir, C.

We concur

Graeme Finlay
Michael Hughes-Young } Lords Commissioners of Her Majesty's Treasury.

Dated this 31st day of July, 1959.

SCHEDULE

Regulation 2

PART II OF THE FIRST SCHEDULE TO THE LEGAL AID (ASSESSMENT OF RESOURCES) REGULATIONS, 1950, AS AMENDED BY THESE REGULATIONS

Rules for computing allowances in respect of income

1. The deduction to be made in calculating the disposable income of the person concerned under Regulation 7 of these Regulations shall be the total of the allowances computed in accordance with the provisions of this Part of this Schedule.

2.—(1) The allowance in respect of income tax shall be the total amount of tax which it is estimated would be payable by the person concerned if his income as computed in accordance with Part I of this Schedule were his income for a fiscal year and his liability for tax in that year were to be ascertained by reference to that income and not by reference to his income in any other year or period.

(2) For the purposes of this rule the tax shall be estimated at the rate provided by and after making all appropriate allowances, deductions or reliefs in accordance with the provisions of the Income Tax Acts in force for the fiscal year current at the date of the application for a certificate.

3. The allowance to be made in respect of contributions payable by the person concerned (whether by deduction or otherwise) under the National Insurance Acts, 1946 to 1949, shall be the amount estimated to be so payable in the 12 months following the application for a certificate.

4.—(1) The allowance to be made in respect of rent in the case of a householder shall be the amount of the net rent payable, or such a part thereof as is reasonable in the circumstances.

(2) In this rule the expression "rent" means—

(i) the rent payable in respect of a year, and

(ii) a sum in respect of the yearly outgoings borne by the householder including, in particular, income tax, rates, a reasonable allowance towards any necessary expenditure on repairs and insurance and any annual instalment (whether of interest or capital) payable in respect of a mortgage debt or heritable security charged on the house in which the householder resides or on any interest therein.

(3) In this rule the expression "net rent" means the rent less any proceeds of sub-letting any part of the premises in respect of which the said rent is paid or the outgoings incurred:

Provided that where any person or persons other than the person concerned, his or her spouse or any dependant of his or hers is accommodated, otherwise than as a sub-tenant, in the premises for which the rent is paid the rent may be deemed to be reduced by an amount reasonably attributable to such other person.

5. An allowance in respect of the spouse of the person concerned shall be made at the following rates:—

(i) if the spouses are living together, at the rate equivalent to the amount by which the rate for the time being prescribed for a husband and wife by sub-paragraph (*a*) of paragraph 2 of Part I of the Schedule to the National Assistance (Determination of Need) Regulations, 1948, as amended by any subsequent regulation exceeds the rate for the time being prescribed by sub-paragraph (*b*) of the said paragraph 2 for the person living alone;

(ii) if the spouses are living apart and the person concerned is making and throughout such period as the Board may consider adequate has regularly made bona fide payments for the maintenance of the spouse, at the rate of such payments or at such rate not exceeding the rate of such payments as in all the circumstances is reasonable.

6. An allowance in respect of any dependent child shall be made at the rate for the time being prescribed in respect of a dependant of the age group in which such child falls by paragraph 2 (*c*) of Part I of the Schedule to the National Assistance (Determination of Need) Regulations, 1948, as amended by any subsequent Regulation.

7.—(1) An allowance may be made in respect of a dependent relative of such an amount as is reasonable having regard to all the circumstances.

(2) For the purpose of this rule the expression "dependent relative" means a person, who by reason of age or physical or mental disability, is incapable of maintaining himself and who, in relation to the person concerned or his or her spouse is:—

(*a*) a parent or remoter lineal ancestor or a brother or sister of a parent or remoter lineal ancestor; or

(*b*) a brother or sister or a child or grandchild of a brother or sister; or

(*c*) a child or grandchild not being a dependent child.

8. In respect of any other matter for which the person concerned must or reasonably may provide and which is of a like nature or ought in the special circumstances to be taken into account there shall be allowed such amount as is just and equitable.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Rules for computing allowances on the incomes of persons applying for legal aid. They provide that certain allowances shall no longer be subject to the upper limits laid down in the Legal Aid (Assessment of Resources) Regulations, 1950, that the allowance for a spouse shall be at the same rate as the corresponding national assistance allowance and that rent may be allowed in full.