STATUTORY INSTRUMENTS

1961 No. 555

LEGAL AID AND ADVICE, ENGLAND

The Legal Aid (Assessment of Resources) (Amendment) Regulations, 1961

Made - - - -	*23rd March*, 1961
Laid before Parliament	*29th March*, 1961
Coming into Operation	*8th May*, 1961

In pursuance of the powers conferred upon me by sections 4 and 12 of the Legal Aid and Advice Act, 1949(a), 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.—(1) These Reglations may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations, 1961, and shall come into operation on the eighth day of May, 1961.

(2) In these Regulations a regulation referred to by number means the regulation so numbered in the Legal Aid (Assessment of Resources) Regulations, 1960(b).

2. In paragraph (2) of Regulation 1 (which relates, among other things, to the interpretation of expressions used in the Regulations) there shall be added the following definitions :—

" ' authorized summary proceedings ' means the following proceedings in a court of summary jurisdiction, namely—

(i) proceedings for or relating to an affiliation order within the meaning of the Affiliation Proceedings Act, 1957(c), or an order under the Matrimonial Proceedings (Magistrates' Courts) Act, 1960(d) ;

(ii) proceedings under the Guardianship of Infants Acts, 1886 and 1925 ; and

(iii) proceedings under the Small Tenements Recovery Act, 1838(e).

' make a determination ', in relation to the Board, means to determine the disposable income and disposable capital of the person concerned, and to determine the maximum amount of his contribution to the legal aid fund in respect of any proceedings."

3. After Regulation 10 there shall be added the following Regulation :—

" *Power of the Board to estimate an applicant's resources*

11.—(1) Where the committee informs the Board that the person concerned requires a certificate in a matter of special urgency and the Board are not satisfied that they can make a determination and communicate it to the committee by the time that they are requested to do so, the Board may, on the basis of the information then available to them, make an estimate of the disposable income and disposable capital of

(a) 12, 13 & 14 Geo. 6. c. 51. (b) S.I. 1960/1471 (1960 II, p. 1749). (c) 5 & 6 Eliz. 2. c. 55.
(d) 8 & 9 Eliz. 2. c. 48. (e) 1 & 2 Vict. c. 74.

the person concerned and of the maximum amount of his contribution to the legal aid fund. Such estimate shall be communicated in writing to the committee and, until the making of a determination, shall be treated as if it were a determination and sections 2 and 3 of the Act shall have effect as if the disposable income and disposable capital of the person concerned were of the amounts specified in the estimate.

(2) In any case in which the Board make an estimate under the preceding paragraph they shall, upon receiving such additional information as they may require, make a determination and shall communicate the same in writing to the committee and, if the result of the determination is to vary the maximum amount of the contribution of the person concerned, the determination shall for all purposes take the place of the estimate.

(3) References in this Regulation to 'the committee' shall, in the case of applications for a certificate in respect of authorized summary proceedings, be deemed to include references to the secretary of the committee."

4. The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Dated this twenty-third day of March, 1961.

Kilmuir, C.

We concur

Michael Hughes-Young,
W. S. I. Whitelaw,
Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations amend the Legal Aid (Assessment of Resources) Regulations, 1960, so as to enable the National Assistance Board to make an estimate of the means of applicants for legal aid in matters of special urgency. This estimate is to be treated as if it were a determination by the Board under section 4 (6) of the Act and will accordingly be used by the committee for the purpose of deciding whether the applicant is eligible for legal aid and, if so, the amount of his contribution, if any.

(a) 52 & 53 Vict. c. 63.