1960 No. 730

The Legal Aid (General) (Amendment) Regulations, 1960

Made - - - -	13*th April*, 1960
Laid before Parliament	20*th April*, 1960
Coming into Operation	27*th April*, 1960

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by the Legal Aid and Advice Acts, 1949(a) and 1960(b), and with the concurrence of the Treasury, hereby make the following Regulations :—

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment) Regulations, 1960, and shall come into operation on the 27th day of April, 1960.

(2) In these Regulations a regulation referred to by number means the regulation so numbered in the Legal Aid (General) Regulations, 1960(c).

2. Regulation 5 shall be amended as follows—

(*a*) In paragraph (2) for the words "disposable capital and maximum contribution", in the second place where they occur, there shall be substituted the words "and disposable capital".

(*b*) The following paragraph shall be substituted for paragraph (3)—

"(3) Where the appropriate committee determine the maximum contribution payable by an applicant or his disposable capital at an amount greater than the maximum amount which makes legal aid in respect of a claim available to an applicant under the provisions of the Schedule to these Regulations, they shall refuse the application."

3. In paragraph (4) of Regulation 6 after the words "not require" for the words "the court" there shall be substituted the words "the Board".

4. For paragraph (*c*) of Regulation 7 (which relates to the refusal of certificates) there shall be substituted the following paragraph—

"(*c*) that the application relates to a claim and the maximum contribution payable by the applicant or his disposable capital has been determined at an amount greater than the maximum amount which makes legal aid in respect of a claim available to an applicant; or".

5. In paragraph (3) (*b*) of Regulation 12 the following words shall be inserted after the words "legal aid"—

"(and for the purposes of providing information under this paragraph, any party may disclose to an Area Committee communications relating to the proceedings sent to or by the assisted person's solicitor whether or not marked 'without prejudice')".

6. In paragraph (7) of Regulation 16 for the word "hearing" there shall be substituted the word "judgment".

(a) 12, 13 & 14 Geo. 6. c. 51. (b) 8 & 9 Eliz. 2. c. 28.
(c) S.I. 1960/408 (Pt. II, p. 1757, of this vol.).

7. The Schedule to the Legal Aid (General) Regulations, 1960, shall be amended as follows—

(1) In paragraph 6 there shall be substituted for the expression "£75" the expression "£125", and for the expression "£234" (wherever it occurs) there shall be substituted the expression "£390".

(2) For paragraph 8 there shall be substituted the following paragraph—

"8. In computing the capital of an applicant—

(*a*) the value of his dwelling-house, household furniture and effects, articles of personal clothing and the tools and implements of his trade shall be left out of account;

(*b*) where the applicant has living with him one or more of the following persons, namely, a spouse whose resources are required to be aggregated with his, a dependent child or a dependent relative wholly maintained by him, a deduction shall be made of £75 in respect of the first person, £50 in respect of the second person and £25 in respect of each further person."

(3) In paragraph 9 (*b*) there shall be substituted for the expression "£78" (wherever it occurs) the expression "£117", and for the expression "£65" there shall be substituted the expression "£70".

(4) For paragraph 10 there shall be substituted the following paragraph—

"10. Where the disposable income of the applicant as computed in accordance with the foregoing provisions of this Schedule is or exceeds £318, he shall be required to pay a contribution to the Fund in respect of sums payable thereout on his account of not more than £1 for each £3 in excess of £315."

Dated the 13th day of April, 1960.

Kilmuir, C.

We, the undersigned, two of the Lords Commissioners of Her Majesty's Treasury, do hereby concur in Regulation 7 of the above Regulations.

R. Brooman-White,
P. E. O. Bryan.

EXPLANATORY NOTE

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

The regulations relax the financial conditions for legal aid in matters not involving litigation under section 5 of the Legal Aid and Advice Act, 1949. In future it will be available to those who have a disposable capital not exceeding £125 (instead of £75) and a disposable income not exceeding £390 (instead of £234); and in determining the disposable capital certain deductions will be made in respect of dependants living with the applicant. The regulations also clarify the grounds upon which this form of legal aid may be refused and the information which may be furnished to an Area Committee to enable them to consider whether to discharge a civil aid certificate. The period within which an assisted person's opponent may file an affidavit of his own means is extended up to the judgment instead of, as hitherto, up to the hearing.