STATUTORY INSTRUMENTS

1977 No. 1761 (S. 133)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Assessment of Resources) Amendment Regulations 1977

Made - - - -	*26th October* 1977
Laid before Parliament	*8th November* 1977
Coming into Operation	*28th November* 1977

In exercise of the powers conferred on me by sections 4 and 15 of the Lega Aid (Scotland) Act 1967**(a)** and of all other powers enabling me in that behalf and with the concurrence of the Treasury, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Legal Aid (Scotland) (Assessment of Resources) Amendment Regulations 1977.

(2) These regulations shall come into operation on 28th November 1977 and shall apply to the computation of the income and the capital of a person applying for legal aid after that date.

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

(4) In these regulations a regulation or schedule referred to by number means a regulation or schedule so numbered in the Legal Aid (Scotland) (Assessment of Resources) Regulations 1960**(c)** as amended**(d)**.

2.—In regulation 11, for the amounts "£52", "£26" and "£75" there shall be substituted the amounts "£156", "£78" and "£120" respectively.

3.—In Schedule 1 Rule 5, paragraph 2 shall be amended by substituting the following for subparagraph (a):—

"(a) allowances under the Child Benefit Act 1975**(e)**;" and by inserting the following after subparagraph (d):—

"(e) attendance allowance paid under the Social Security Act 1975**(f)**;

(f) mobility allowance paid under the Social Security Pensions Act 1975**(g)**."

(a) 1967 c. 43. **(b)** 1889 c. 63. **(c)** S.I. 1960/1395 (1960 II, p. 1807).

(d) The relevant amending instruments are S.I. 1971/275, 1972/1756, 1975/1372 (1971 I, p. 980; 1972 III, p. 5090, 1975 II, p. 4688).

(e) 1975 c. 61. **(f)** 1975 c. 14. **(g)** 1975 c. 60.

4.—In Schedule 2:—

(a) for rule 9, there shall be substituted the following rule:—

"9.—(1) In computing the amount of capital of the person concerned, the value of any interest in the main or only dwelling in which he resides shall be wholly disregarded.

(2) Where the person concerned resides in more than one dwelling in which he has an interest, the Commission shall decide which is the main dwelling and shall take into account in respect of the value to him of any interest in a dwelling which is not the main dwelling any sum which might be obtained by borrowing money on the security thereof."

(b) in rule 13, after the words "that the debt" there shall be inserted the words "or part of the debt".

(c) in rule 15, for the amount "£600" in both places where it appears, there shall be substituted the amount "£1,200".

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House
Edinburgh

21st October 1977.

J. Dormand,
David Stoddart,
Two of the Lord Commissioners of Her Majesty's Treasury.

We concur,

26th October 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Legal Aid (Scotland) (Assessment of Resources) Regulations 1960 by:—

(i) increasing from £52 to £156 the amount by which an assisted person's income must increase, from £26 to £78 the amount by which his income must decrease, and from £75 to £120 the amount by which his capital must increase, before a redetermination of his resources may be required;

(ii) excluding attendance allowance and mobility allowance from the assessment of disposable income;

(iii) excluding the value of any interest in the applicant's main or only dwelling from the assessment of disposable capital;

(iv) providing that an allowance may be made against capital for part of a debt to be repaid within the following twelve months; and

(v) increasing from £600 to £1,200 the disposable income below which an allowance is given when computing disposable capital.

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