STATUTORY INSTRUMENTS

# 1974 No. 1311 (S.110)

# LEGAL AID AND ADVICE, SCOTLAND

## The Legal Aid (Scotland) (Financial Conditions) Regulations 1974

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| *Made* - - - | 15*th July* 1974 |
| *Laid before Parliament* | 16*th July* 1974 |
| *Coming into Operation* | 1*st September* 1974 |

In exercise of the powers conferred on me by sections 2, 3, and 15 of the Legal Aid (Scotland) Act 1967(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

**1.**—(1) These regulations may be cited as the Legal Aid (Scotland) (Financial Conditions) Regulations 1974 and shall come into operation on 1st September 1974.

(2) In these regulations, unless the context otherwise requires, "the Act" means the Legal Aid (Scotland) Act 1967(**a**) and other expressions have the same meaning as in the Act.

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

**2.** Subject to the proviso to section 2(1) of the Act legal aid shall be available for any person whose disposable income does not exceed £1,380 a year, instead of the amount prescribed by that sub-section as amended by the Legal Aid (Scotland) (Financial Conditions) Regulations 1973(**c**).

**3.** A person's contribution to the Legal Aid Fund in respect of any proceedings may include a contribution in respect of income not greater than one-third of the amount (if any) by which his disposable income exceeds £440 instead of the amount prescribed by section 3(1) of the Act as amended by the Legal Aid (Scotland) (Financial Conditions) Regulations 1973(**c**).

**4.** Where the period of computation used in determining the maximum amount of a person's contribution in respect of income under section 3(1) of the Act as amended by the Legal Aid (Scotland) (Financial Conditions) Regulations 1973(**c**) begins before the coming into operation of these regulations then:—

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(**a**) 1967 c. 43. (**b**) 1889 c. 63.
(**c**) S.I. 1973/1802 (1973 III, p. 5526).

(*a*) if the period of computation ends two months or more after the date on which these regulations come into operation, his maximum contribution in respect of income shall be arrived at by apportioning it between the parts of that period falling before and after that date according to the number of months in each part (but so that any fraction of a month in the second part shall be treated as a complete month), and by giving effect to the change in determining the amount of the contribution in respect of the second part; but

(*b*) otherwise the maximum amount of his contribution shall be unaffected.

*William Ross,*
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
15th July 1974.

## EXPLANATORY NOTE

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

These Regulations increase the financial limits of legal aid. In future legal aid will be available to those with incomes (after certain deductions) of not more than £1,380 a year (instead of £1,175) and without payment of a contribution from those of incomes (after deductions) of £440 a year (instead of £375).

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