STATUTORY INSTRUMENTS

1978 No. 1817 (S. 162)

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (Financial Conditions) Regulations 1978

Made - - - -	*24th October* 1978
Laid before Parliament	*2nd November* 1978
Coming into Operation	*27th November* 1978

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 1978 and shall come into operation on 27th November 1978.

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

(3) The Interpretation Act 1889**(c)** 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 £2,600 a year, instead of the amount prescribed by that sub-section.

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 £815 instead of the amount prescribed by section 3(1) of the Act.

4. For the purposes of section 2(1) of the Act a person may be refused legal aid if he has a disposable capital of more than £1,700.

5. For the purposes of section 3(1)(*b*) of the Act a person's contribution may include a contribution in respect of capital not greater than the amount (if any) by which his disposable capital exceeds £365.

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

New St. Andrew's House,
Edinburgh.
24th October 1978.

(a) 1967 c. 43.
(b) The relevant amending instrument is S.I. 1977/1981.
(c) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Legal Aid (Scotland) Act 1967, by increasing the financial limits of eligibility for legal aid. In future legal aid will be available to those with incomes (after certain deductions) of not more than £2,600 a year (instead of £2,400) and without payment of a contribution from those with incomes (after deductions) of £815 a year (instead of £760). The Regulations also raise to £365 (instead of £340) the amount of disposable capital which cannot be called upon for a contribution towards legal aid and raise the limit of the disposable capital above which a person may be refused legal aid to £1,700 instead of £1,600.

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