1960 No. 1559 (S. 79)

The Legal Aid (Scotland) (Section 5) Amendment (No. 2) Regulations, 1960

Made - - - -	30*th August*, 1960
Laid before Parliament	5*th September*, 1960
Coming into Operation	6*th September*, 1960

In exercise of the powers conferred on me by section 5, sections 2, 3 and 4 as applied by section 5, and section 12 of the Legal Aid (Scotland) Act, 1949(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. These Regulations may be cited as the Legal Aid (Scotland) (Section 5) Amendment (No. 2) Regulations, 1960, and shall come into operation on the sixth day of September, 1960.

2. The Schedule to the Legal Aid (Scotland) (Section 5) Regulations, 1960(b), as amended by the Legal Aid (Scotland) (Section 5) Amendment Regulations, 1960(c) (which Schedule relates to the assessment of resources of an applicant for a legal aid certificate) shall be amended as follows:—

(*a*) In paragraph 6, for the expression "£390", wherever it occurs, there shall be substituted the expression "£325".

(*b*) For paragraph 8 there shall be substituted the following paragraph:—

"8. In computing the capital of an applicant:—

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

(*b*) where the applicant has living with him one or more of the following persons, namely:—

(i) a spouse whose resources are required to be treated as his for the purposes of these Regulations;

(ii) a child wholly or substantially maintained by him;

(iii) any other relative wholly or substantially 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.

(*c*) where the disposable income of the applicant is less than £375 there shall be an allowance of a sum equal to the difference between the amount of the disposable income and £375."

(*c*) In paragraph 9, after sub-paragraph (*e*) there shall be inserted the following sub-paragraph:—

"(*f*) £65 in respect of rent."

(a) 12, 13 & 14 Geo. 6. c. 63. (b) S.I. 1960/497 (Pt. II, p. 1827, of this vol.).
(c) S.I. 1960/756 (Pt. II, p. 1835, of this vol.).

(*d*) In paragraph 10, for the expression "£318" there shall be substituted the expression "£253", and for the expression "£315" there shall be substituted the expression "£250".

Iain Macleod,
One of Her Majesty's Principal Secretaries of State.

22nd August, 1960.

We concur.

J. D. Gibson-Watt,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

30th August, 1960.

EXPLANATORY NOTE

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

These Regulations amend the Legal Aid (Scotland) (Section 5) Regulations, 1960, so as to provide that an additional allowance against capital shall be available to persons applying for legal aid under Section 5 of the Legal Aid (Scotland) Act, 1949, in matters not involving litigation. Otherwise, the financial conditions of this form of legal aid are brought into closer conformity with the financial conditions of legal aid in litigation, but persons now entitled to Section 5 legal aid will not in practice cease to be so entitled.