1960 No. 756 (S. 34)

The Legal Aid (Scotland) (Section 5) Amendment Regulations, 1960

Made - - - -	*22nd April*, 1960
Laid before Parliament	*26th April*, 1960
Coming into Operation	*27th April*, 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 Regulations, 1960, and shall come into operation on the 27th day of April, 1960.

2. The Schedule to the Legal Aid (Scotland) (Section 5) Regulations, 1960(b) (which 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 "£75" there shall be substituted the expression "£125", and for the expression "£234", wherever it occurs, there shall be substituted the expression "£390".

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

(*c*) 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 dependent child within the meaning of the Legal Aid (Scotland) Assessment of Resources Regulations, 1950(c);

(iii) any other 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."

(a) 12, 13 & 14 Geo. 6. c. 63. (b) S.I. 1960/497 (Pt. II, p. 1827, of this vol.).
(c) S.I. 1950/1514 (1950 I, p. 1227).

(*d*) 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 in respect of any sum payable from the Legal Aid (Scotland) Fund on his account a contribution to that Fund of not more than £1 for each £3 of disposable income in excess of £315."

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

22nd April, 1960.

We concur

Graeme Bell Finlay,
Michael Hughes-Young,
Two of the Lords Commissioners of Her Majesty's Treasury.

22nd April, 1960.

EXPLANATORY NOTE

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

The Regulations relax the financial conditions of legal aid in matters not involving litigation under Section 5 of the Legal Aid (Scotland) Act, 1949. Legal aid of this kind will in future be available to persons having disposable capital of not more than £125 (instead of £75) and disposable income of not more than £390 (instead of £234). There will be new capital allowances of £75 for the first dependant, £50 for the second dependant and £25 for each further dependant and the income allowances will be increased to £117 (instead of £78) for a spouse or adult dependant and £70 (instead of £65) for a child. The assisted person's maximum contribution will now be one-third of his disposable income in excess of £315.