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STATUTORY INSTRUMENTS

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**1996 No. 2307**

**LEGAL AID AND  
ADVICE, ENGLAND AND WALES**

**The Legal Aid in Criminal and Care Proceedings  
(General) (Amendment) (No. 4) Regulations 1996**

*Made - - - - 2nd September 1996*  
*Laid before Parliament 16th September 1996*  
*Coming into force - - 7th October 1996*

The Lord Chancellor, in exercise of the powers conferred on him by sections 34 and 43 of the Legal Aid Act 1988(1) and with the consent of the Treasury, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (General) (Amendment) (No. 4) Regulations 1996 and shall come into force on 7th October 1996.

**Interpretation**

2. In these Regulations a reference to any regulation or Schedule by number alone means the regulation or Schedule so numbered in the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989(2).

**Amendments to the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989**

3. In regulation 3(1), the following shall be substituted for the definition of “income-based jobseeker’s allowance”:—

““income-based jobseeker’s allowance” has the meaning given by section 1(4) of the Jobseekers Act 1995(3), but excludes any sum treated as payable by way of a jobseeker’s allowance by virtue of section 26 of that Act;”.

4. In regulation 41A(2), for “paragraph (1)” there shall be substituted “paragraph (1)(a)”.

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(1) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meaning given to “regulations”.  
(2) S.I. 1989/344, as amended by S.I. 1993/789, 1995/542 and 1996/1258.  
(3) 1995 c. 18.

5. The following shall be inserted after paragraph 6 of Schedule 3:—

“6A In computing disposable income there shall be disregarded—

- (a) so much of any back to work bonus received under section 26 of the Jobseekers Act 1995 as is by virtue of that section to be treated as payable by way of a jobseeker’s allowance;
- (b) any payment made by the Secretary of State under the Earnings Top-up Scheme 1996(4).”.

6. Paragraph 16 of Schedule 3 shall be amended as follows:—

- (a) in sub-paragraph (b)(ii), the final “and” shall be omitted;
- (b) the following shall be inserted after sub-paragraph (c):—
  - “; and
  - (d) so much of any back to work bonus received under section 26 of the Jobseekers Act 1995 as is by virtue of that section to be treated as payable by way of a jobseeker’s allowance.”.

Dated 23rd August 1996

*Mackay of Clashfern. C.*

We consent,

*Bowen Wells*  
*Roger Knapman*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

Dated 2nd September 1996

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(4) This Scheme, which applies only in certain areas of Great Britain, is an extra-statutory Scheme introduced by the Secretary of State for Social Security having effect on 8th October 1996. Copies of the Rules of the Scheme may be obtained from the Customer Services Manager, Earnings Top-up, Norcross, Blackpool FY5 3TA and will be available for inspection at the Department of Social Security, 9th Floor, Adelphi, 1-11 John Adam Street, London WC2N 6HT and offices of the Benefits Agency and Employment Job Centres which serve the areas specified in Schedule 1 to the Scheme.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 so that any back to work bonus treated as payable by way of a jobseeker's allowance, and any earnings top-up, are excluded from the computations of disposable income and disposable capital. Regulation 41A(2), which provides for a defence of due care or diligence for mis-statements or omissions in connection with legal aid applications, is amended to refer to paragraph (1)(a) instead of paragraph (1).