

2007 No. 59

LEGAL AID AND ADVICE

The Civil Legal Aid (Scotland) Amendment Regulations 2007

Made - - - - *8th February 2007*

Laid before the Scottish Parliament *9th February 2007*

Coming into force - - *9th April 2007*

The Scottish Ministers, in exercise of the powers conferred by sections 17(2B), 36(1) and (2)(g) and 42 of the Legal Aid (Scotland) Act 1986(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (Scotland) Amendment Regulations 2007 and shall come into force on 9th April 2007.

Application

2. These Regulations shall apply only in relation to any case where an application for civil legal aid is made on or after 9th April 2007.

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

3. The Civil Legal Aid (Scotland) Regulations 2002(b) are amended in accordance with the following Regulations.

4. In regulation 33—

(a) in paragraph (a), at the end, insert—

“(xii) by way of state pension credit under the State Pension Credit Act 2002(c).”;
and

(b) in paragraph (b), for “£4,653” substitute “£4,821”(d).

(a) 1986 c.47. Section 17(2B) was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74 and Schedule 8, paragraph 36(6). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2002/494.

(c) 2002 c.16.

(d) The previous figure in regulation 33(b) was inserted by S.S.I 2006/61.

5. In Schedule 2, at the end of paragraph 5, insert–

“;

(e) state pension credit (payable under the State Pension Credit Act 2002).”.

St Andrew's House,
Edinburgh
8th February 2007

JOHANN MLAMONT
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) Regulations 2002 as follows:–

- (a) the rules concerning the assessment of applicants' resources in relation to the computing of disposable income are amended to provide that state pension credit payable under the State Pension Credit Act 2002 shall be disregarded (regulation 5);
- (b) the rule which requires the amount of the net liability of the Scottish Legal Aid Fund in any case to be paid out of any property recovered or preserved shall not apply in respect of money payable by way of state pension credits (regulation 4); and
- (c) the requirement on a person in receipt of civil legal aid to pay the amount of any net liability of the Scottish Legal Aid Fund shall not apply to the first £4,821 recovered or preserved by virtue of certain family proceedings (the sum is increased from £4,653) (regulation 4).

The Regulations apply only in relation to any case where an application for civil legal aid is made on or after 9th April 2007 (regulation 2).

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