

1972 No. 1757 (S.139)

LEGAL AID AND ADVICE, SCOTLAND

**The Legal Aid (Scotland) (Section 5) Amendment
Regulations 1972**

<i>Made - - - -</i>	<i>16th November 1972</i>
<i>Laid before Parliament</i>	<i>24th November 1972</i>
<i>Coming into Operation</i>	<i>18th December 1972</i>

In exercise of the powers conferred on me by sections 4, 5 and 15 of the Legal Aid (Scotland) Act 1967(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.—(1) These regulations may be cited as the Legal Aid (Scotland) (Section 5) Amendment Regulations 1972 and shall come into operation on 18th December 1972.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

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

(1) In paragraph 6 (which relates to the resources to be included as capital and income) for the expressions “£125” and “£325” in each place where they occur there shall be substituted the expressions “£250” and “£400”.

(2) In paragraph 8 (which relates to the computing of an applicant’s capital)—

(a) In sub-paragraph (b) for the expressions “£75”, “£50” and “£25” there shall be substituted respectively the expressions “£125”, “£80” and “£40”.

(b) In sub-paragraph (c) for the expression “£375” in both places where it occurs there shall be substituted the expression “£400”.

(a) 1967 c. 43.

(b) 1889 c. 63.

(c) S.I. 1960/497 (1960 II, p. 1827).

(d) The relevant amending instruments are S.I. 1960/756, 1559, 1970/812 (1960 II, pp. 1835, 1837; 1970 II, p. 2649).

(3) In paragraph 10 (which relates to the applicant's contribution to the Legal Aid (Scotland) Fund) for the expressions "£253" and "£250" there shall be substituted respectively the expressions "£303" and "£300".

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.

14th November 1972.

We concur.

16th November 1972.

V. H. Goodhew,
Hugh Ross,
Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid (Scotland) (Section 5) Regulations 1960 which provide for legal aid in matters not involving litigation. The principal changes are:—

- (1) legal aid will be available to persons having disposable capital of not more than £250 instead of £125 and disposable income of not more than £400 instead of £325;
- (2) the capital allowances for dependants shall be £125 for the first, £80 for the second and £40 for any further dependant instead of £75, £50 and £25 respectively;
- (3) the maximum capital allowance for someone with low income shall be £400 instead of £375;
- (4) the assisted person's maximum contribution will now be one-third of his disposable income in excess of £300 instead of £250.

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