
 STATUTORY INSTRUMENTS

1979 No. 280

LEGAL AID AND ADVICE, ENGLAND

**The Legal Aid (Assessment of Resources) (Amendment)
Regulations 1979**

<i>Made - - - -</i>	<i>12th March 1979</i>
<i>Laid before Parliament</i>	<i>16th March 1979</i>
<i>Coming into Operation</i>	<i>6th April 1979</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 11 and 20 of the Legal Aid Act 1974(a), and with the concurrence of the Treasury, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations 1979 and shall come into operation on 6th April 1979.

(2) In these Regulations a schedule referred to by number means a schedule so numbered in the Legal Aid (Assessment of Resources) Regulations 1960(b).

2. In Schedule 1:—

(a) rule 4A shall be omitted;

(b) for rule 6 there shall be substituted:—

“(6) When the income of the person concerned consists, wholly or in part, of a wage or salary from employment there shall be deducted:—

(a) the reasonable expenses of travelling to and from his place of employment;

(b) the amount of any payments reasonably made for membership of a trade union or professional organisation; and

(c) when it would be reasonable to do so, an amount to provide for the care of any dependent child living with the person concerned during the time that person is absent from the home by reason of employment.”;

(c) for sub-paragraphs (a) and (b) of paragraph 1 of rule 10 there shall be substituted

“(a) in the case of a spouse at a rate equivalent to 50 per cent. above the amount by which the amount of rate B in sub-paragraph (a) of paragraph 7 of Schedule 1 to the Supplementary Benefits Act 1976(c) for a husband and wife exceeds the amount of rate B in sub-paragraph (b) of that paragraph for a person living alone;

(a) 1974 c. 4.

(b) S.I. 1960/1471, relevant amending Instruments are S.I. 1966/1348; 1970/1162; 1972/1748; 1973/1475; 1977/1717; 1978/1570.

(c) 1976 c. 71.

(b) in the case of a dependent child or a dependent relative, at a rate equivalent to 50 per cent above the amount in sub-paragraph (c) of paragraph 7 of the said Schedule 1 appropriate to the age of the child or relative, rate A being taken in the case of any person aged not less than 18 years.”; and

(d) for rule 12 there shall be substituted :—

“12. Where the person concerned must provide for any other matter the Supplementary Benefits Commission may make an allowance of such amount as they consider to be reasonable in the circumstances of the case.”.

3. In Schedule 2, rules 14 and 15 shall be omitted.

Dated 7th March 1979.

Elwyn-Jones, C.

We concur,

T. E. Graham,

Dated 12th March 1979.

T. M. Cox,

Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Legal Aid (Assessment of Resources) Regulations 1960 by:—

- (i) removing the disregard of £104 of income and making consequential amendments;
- (ii) specifying the employment expenses which may be deducted from income;
- (iii) increasing the deductions from income for dependants; and
- (iv) removing the deductions from capital for dependants and low income.

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