

## 1979 No. 324 (S. 32)

## LEGAL AID AND ADVICE, SCOTLAND

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

<i>Made</i> - - - -	15th March 1979
<i>Laid before Parliament</i>	20th March 1979
<i>Coming into Operation</i>	6th April 1979

In exercise of the powers conferred on me by section 4 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) (Assessment of Resources) Amendment Regulations 1979 and shall come into operation on 6th April 1979.

(2) In these regulations, “the principal regulations” means the Legal Aid (Scotland) (Assessment of Resources) Regulations 1960(b).

2. In Schedule 1 to the principal regulations

(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 3 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

(a) 1967 c. 43.

(b) S.I. 1960/1395; the relevant amending instruments are S.I. 1970/1135, 1973/1561, 1977/1761, 1978/1566.

(c) 1976 c. 71.

B in sub-paragraph (b) of that paragraph for a person living alone;

(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.”;

(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 to the principal regulations, rules 14 and 15 shall be deleted and rule 16 shall be renumbered rule 14.

New St Andrew's House,  
Edinburgh.  
14th March 1979.

*Bruce Millan,*  
One of Her Majesty's Principal  
Secretaries of State.

We concur,

15th March 1979.

*Peter Snape,*  
*T. E. Graham,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations further amend the provisions for calculating the disposable income and disposable capital of an applicant for Legal Aid which are set out in the Legal Aid (Scotland) (Assessment of Resources) Regulations 1960 by:—

- (i) removing the disregard of £104 of income;
- (ii) specifying the expenses incurred in connection with employment which may be deducted from income;
- (iii) increasing the deductions from income in respect of a spouse or any dependent child or relative; and
- (iv) removing the deductions made from capital in respect of dependants and in respect of low income.



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