
STATUTORY INSTRUMENTS

1996 No. 2309

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

**The Civil Legal Aid (Assessment of Resources)
(Amendment) (No. 3) 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 Civil Legal Aid (Assessment of Resources) (Amendment) (No. 3) 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 Civil Legal Aid (Assessment of Resources) Regulations 1989(2).

Amendments to the Civil Legal Aid (Assessment of Resources) Regulations 1989

3. In regulation 3(1), after the definition of “income” there shall be added the following:—

““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 14, the following shall be substituted for the words from “which shall” to the end of the regulation:—

(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.1989/338, as amended by S.I. 1990/484 and 1993/788.
(3) 1995 c. 18.

“and give written notice to the Area Director of the amended assessment and of any of the circumstances giving rise to it which he considers to merit special attention.”.

5. Schedule 2 shall be amended as follows:—

(a) in paragraph 5, after “in receipt” there shall be inserted “of income-based jobseeker’s allowance or”, and after “during which” there shall be inserted “income-based jobseeker’s allowance or”;

(b) after paragraph 6, there shall be inserted the following:—

“(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. Schedule 3 shall be amended as follows:—

(a) in paragraph 7, after “in receipt” there shall be inserted “of income-based jobseeker’s allowance or”, and after “during which” there shall be inserted “income-based jobseeker’s allowance or”;

(b) the following shall be substituted for paragraph 8:—

“8. In computing the amount of capital of the person concerned, 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; and

(b) the whole of any payment made out of the social fund under the Social Security Contributions and Benefits Act 1992(5).”; and

(c) paragraph 14B shall be omitted.

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

(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.

(5) 1992 c. 4.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Assessment of Resources) Regulations 1989 so that:

- (a) the income and capital of a person in receipt of income-based jobseeker's allowance are to be taken not to exceed the contribution limit for the time being;
- (b) any back to work bonus treated as payable by way of a jobseeker's allowance, and all earning top-up, is excluded from the computations of income and capital;
- (c) the assessment officer is to notify the Area Director of any amended assessment under regulation 14, so that he may discharge or amend the legal aid certificate.