
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) Regulations 1996 (“the principal Regulations”) so as to—

- (a) make further provision for a deduction to be made for a dependent person aged 19 or over when computing the income of a person during the assessment of his resources in respect of an application for legal aid. Previously deductions could only be made for a dependent child or relative (regulation 3);
- (b) provide that the definition of pensionable age in Schedule 3 to the principal Regulations is 60. Previously the age was 65 for men and 60 for women. Persons of pensionable age who are on low incomes are entitled in terms of Rule 15 of Schedule 3 to the principal Regulations to specified capital disregards (regulation 4(b)); and
- (c) make an amendment in the rules for computing capital in respect of the calculation of the value of a business (regulation 4).

By virtue of regulation 2, the Regulations apply only in relation to any case where an application for legal aid is made to the Scottish Legal Aid Board on or after 6th April 1998.