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STATUTORY INSTRUMENTS

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**1998 No. 971 (S.54)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Advice and Assistance (Financial Conditions) (Scotland) Regulations 1998**

*Made* - - - - *2nd April 1998*  
*Coming into force* - - *6th April 1998*

The Secretary of State, in exercise of the powers conferred on him by sections 11(2), 36(2)(b) and 37(1) of the Legal Aid (Scotland) Act 1986(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations, a draft of which has, in accordance with section 37(2) of that Act, been laid before, and approved by a resolution of, each House of Parliament:

1.—(1) These Regulations may be cited as the Advice and Assistance (Financial Conditions) (Scotland) Regulations 1998 and shall come into force on 6th April 1998.

(2) In these Regulations, “the Act” means the Legal Aid (Scotland) Act 1986.

2. These Regulations shall apply only in relation to any case where an application for advice and assistance is made on or after 6th April 1998.

3. For the weekly sum of £166 specified in section 8(a) of the Act(2), there shall be substituted the weekly sum of £172.

4. For the weekly sum of £69 specified in section 11(2)(a) of the Act(3), there shall be substituted the weekly sum of £72.

5. The maximum amount of fees or outlays which a client shall be liable to pay under section 11(2) of the Act(4), where his disposable income falls within a range specified in the first column of the following table, shall be the amount specified in relation to that range in the second column:—

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	<i>Disposable income Range</i>	<i>Maximum contribution</i>
1	Exceeding £72 but not exceeding £79 a week	£ 7

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(1) 1986 c. 47; section 11(2) was amended by the Social Security Act 1986 (c. 50), Schedule 10, paragraph 61 and by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 9 and section 36(2)(b) was amended by the Legal Aid Act 1988 (c. 34), Schedule 4, paragraph 6.

(2) The existing figure specified in section 8(a) was inserted by S.I. 1997/1113.

(3) The existing figure specified in section 11(2)(a) was inserted by S.I. 1997/1113.

(4) The existing maximum amounts are specified in S.I. 1997/1113.

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*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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	<i>Disposable income Range</i>	<i>Maximum contribution</i>
2	Exceeding £79 but not exceeding £86 a week	£14
3	Exceeding £86 but not exceeding £93 a week	£21
4	Exceeding £93 but not exceeding £100 a week	£28
5	Exceeding £100 but not exceeding £107 a week	£35
6	Exceeding £107 but not exceeding £114 a week	£42
7	Exceeding £114 but not exceeding £121 a week	£49
8	Exceeding £121 but not exceeding £128 a week	£56
9	Exceeding £128 but not exceeding £135 a week	£63
10	Exceeding £135 but not exceeding £142 a week	£70
11	Exceeding £142 but not exceeding £149 a week	£77
12	Exceeding £149 but not exceeding £156 a week	£84
13	Exceeding £156 but not exceeding £163 a week	£91
14	Exceeding £163 but not exceeding £172 a week	£100

6. The Advice and Assistance (Financial Conditions) (Scotland) Regulations 1997(5) are hereby revoked except in relation to any case where an application for advice and assistance is made before 6th April 1998.

St Andrew's House Edinburgh  
2nd April 1998

*Henry McLeish*  
Minister of State, Scottish Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations increase the disposable income limit for eligibility for advice and assistance under the Legal Aid (Scotland) Act 1986 from £166 a week to £172 a week; they increase the weekly disposable income above which a person is required to pay a contribution from £69 to £72, and they prescribe the scale of contributions to be paid where the weekly disposable income exceeds £72 but does not exceed £172.