

**1999 No. 2577**

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

**The Legal Aid in Criminal and Care Proceedings (General)  
(Amendment) (No. 4) Regulations 1999**

*Made* - - - *14th September 1999*  
*Laid before Parliament* *14th September 1999*  
*Coming into force* *5th October 1999*

The Lord Chancellor, in exercise of the powers conferred on him by sections 34 and 43 of the Legal Aid Act 1988<sup>(a)</sup> and with the consent of the Treasury, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (General) (Amendment) (No. 4) Regulations 1999 and shall come into force on 5th October 1999.

**Interpretation**

2. In these Regulations a reference to any regulation by number alone means the regulation so numbered in the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989<sup>(b)</sup>.

**Transitional provisions**

3.—(1) These Regulations shall apply to applications for legal aid made on or after 5th October 1999.

(2) Where a person at any time on or after 5th October 1999 receives family credit or disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992<sup>(c)</sup> in pursuance of a decision made before that date, his disposable income shall be assessed as if these Regulations had not come into force.

**Amendments to the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989**

4. In regulation 26(3), for “income-based jobseeker’s allowance, income support, family credit or disability working allowance” there shall be substituted “any qualifying benefit”.

5. After regulation 26(3) there shall be inserted:—

“(3A) The following are qualifying benefits for the purposes of paragraph (3) above:—

- (a) income support;
- (b) working families’ tax credit, provided that the amount (if any) to be deducted under section 128(2)(b) of the Social Security Contributions and Benefits Act 1992<sup>(d)</sup> has been determined at not more than £70 a week;
- (c) disabled person’s tax credit, provided that the amount (if any) to be deducted under section 129(5)(b) of the Social Security Contributions and Benefits Act 1992 has been determined at not more than £70 a week; and

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<sup>(a)</sup> 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”.

<sup>(b)</sup> S.I. 1989/344, amended where relevant by S.I. 1996/1258.

<sup>(c)</sup> 1992 c. 4.

<sup>(d)</sup> 1992 c. 4 as amended by the Tax Credits Act 1999 (c. 10).

(d) income-based jobseeker's allowance.”.

Signed by authority of the Lord Chancellor

Dated 14th September 1999

We consent

*Keith Vaz*  
Parliamentary Secretary  
Lord Chancellor's Department

Dated 14th September 1999

*Jim Dowd*  
*Clive Betts*  
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 amend the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 so as to replace references to family credit and disability working allowance with references to working families' tax credit and disabled person's tax credit, following the changes made by the Tax Credits Act 1999. A recipient of one of these tax credits will be eligible for criminal legal aid without liability to make a contribution or the need to submit a statement of means provided that the amount to be deducted from the weekly maximum allowance does not exceed £70. Those in receipt of family credit or disability working allowance under a decision made before the coming into force of these Regulations will continue to be eligible for criminal legal aid without liability to make a contribution or the need to submit a statement of means.

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