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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 141**

**LEGAL AID AND ADVICE**

**The Civil Legal Aid (Financial  
Conditions) (Scotland) Regulations 2004**

*Made* - - - - 23rd March 2004  
*Coming into force* - - 12th April 2004

The Scottish Ministers, in exercise of the powers conferred by section 36(1) and (2)(b) of the Legal Aid (Scotland) Act 1986<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 37(2) of that Act, been laid before and approved by resolution of the Scottish Parliament:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2004 and shall come into force on 12th April 2004.

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

**Application**

2. These Regulations shall apply only in relation to any case where an application for civil legal aid is made on or after 12th April 2004.

**Amendment of the Legal Aid (Scotland) Act 1986**

3. For the yearly amount of £9,307 specified in section 15(1) of the Act<sup>(2)</sup> substitute the yearly amount of £9,475.

4. For the capital amount of £10,170 specified in section 15(2)(a) of the Act<sup>(3)</sup> substitute the capital amount of £10,455.

5. For the yearly amount of £2,851 specified in section 17(2)(a) of the Act<sup>(4)</sup> substitute the yearly amount of £2,902.

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(1) 1986 c. 47; section 36(2)(b) was amended by the Legal Aid Act 1988 (c. 34), Schedule 4, paragraph 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).  
(2) The previous figure specified in section 15(1) was inserted by S.S.I. 2003/182.  
(3) The previous figure specified in section 15(2)(a) was inserted by S.S.I. 2003/182.  
(4) The previous figure specified in section 17(2)(a) was inserted by S.S.I. 2003/182.

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**Status:** This is the original version (as it was originally made).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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6. For the capital amount of £6,100 specified in section 17(2)(b) of the Act<sup>(5)</sup> substitute the capital amount of £6,271.

**Revocation**

7. The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2003<sup>(6)</sup> are hereby revoked except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 12th April 2004.

St Andrew's House, Edinburgh  
23rd March 2004

*CATHY JAMIESON*  
A member of the Scottish Executive

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<sup>(5)</sup> The previous figure specified in section 17(2)(b) was inserted by S.S.I. 2003/182.  
<sup>(6)</sup> S.S.I. 2003/182.

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## EXPLANATORY NOTE

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

These Regulations increase certain of the financial limits of eligibility for civil legal aid under the Legal Aid (Scotland) Act 1986.

The income limits are increased to make eligible for civil legal aid, persons with a yearly disposable income of not more than £9,475 (instead of £9,307) and to make eligible without payment of a contribution, persons with a yearly disposable income of not more than £2,902 (instead of £2,851) (regulations 3 and 5).

The upper limit of disposable capital, above which civil legal aid may be refused if it appears the applicant can afford to proceed without it, is increased from £10,170 to £10,455 (regulation 4).

The upper limit of disposable capital, above which a legally assisted person may be required to pay a contribution, is increased from £6,100 to £6,271 (regulation 6).

The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2003 are revoked except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 12th April 2004 (regulation 7).