

Draft Regulations laid before the Scottish Parliament under section 37(2) of the Legal Aid (Scotland) Act 1986, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

LEGAL AID AND ADVICE

**The Civil Legal Aid (Financial
Conditions) (Scotland) Regulations 2006**

Made - - - - 2006
Coming into force - - 10th April 2006

The Scottish Ministers, in exercise of the powers conferred by section 36(1) and (2)(b) of the Legal Aid (Scotland) Act 1986(1) 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 2006 and shall come into force on 10th April 2006.

(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 10th April 2006.

Amendment of the Legal Aid (Scotland) Act 1986

3. For the yearly amount of £9,570 specified in section 15(1) of the Act(2) substitute the yearly amount of £9,781.

4. For the capital amount of £10,779 specified in section 15(2)(a) of the Act(3) substitute the capital amount of £11,070.

(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 1988 (c. 46).
(2) The previous figure specified in section 15(1) was inserted by S.S.I. 2005/162.
(3) The previous figure specified in section 15(2)(a) was inserted by S.S.I. 2005/162.

5. For the yearly amount of £2,931 specified in section 17(2)(a) of the Act(4) substitute the yearly amount of £2,995.

6. For the capital amount of £6,465 specified in section 17(2)(b) of the Act(5) substitute the capital amount of £6,640.

Revocation

7. The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2005(6) 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 10th April 2006.

St Andrew's House,
Edinburgh
2006

Authorised to sign by the Scottish Ministers

(4) The previous figure specified in section 17(2)(a) was inserted by [S.S.I. 2005/162](#).
(5) The previous figure specified in section 17(2)(b) was inserted by [S.S.I. 2005/162](#).
(6) [S.S.I. 2005/162](#).

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 £9,781 (instead of £9,570) and to make eligible without payment of a contribution persons with a yearly disposable income of not more than £2,995 (instead of £2,931) (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 £10,779 to £11,070 (regulation 4).

The upper limit of disposable capital, above which a legally assisted person may be required to pay a contribution, is increased from £6,465 to £6,640 (regulation 6).

The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2005 are revoked except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 10th April 2006 (regulation 7).