

2002 No. 145

LEGAL AID AND ADVICE

**The Civil Legal Aid (Financial Conditions) (Scotland)
Regulations 2002**

Made

19th March 2002

Coming into force

8th April 2002

The Scottish Ministers, in exercise of the powers conferred by section 36(1) and (2)(b) of the Legal Aid (Scotland) Act 1986(a) 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 and commencement

1. These Regulations may be cited as the Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2002 and shall come into force on 8th April 2002.

Application

2. These Regulations shall apply only in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board on or after 8th April 2002.

Amendment of the Legal Aid (Scotland) Act 1986

3. For the yearly amount of £9,034 specified in section 15(1) of the Legal Aid (Scotland) Act 1986(b), there shall be substituted the yearly amount of £9,188.

4. For the yearly amount of £2,767 specified in section 17(2)(a) of the Legal Aid (Scotland) Act 1986(c), there shall be substituted the yearly amount of £2,814.

(a) 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).
(b) The existing figure specified in section 15(1) was inserted by S.S.I. 2001/123.
(c) The existing figure specified in section 17(2)(a) was inserted by S.S.I. 2001/123.

Revocation

5. The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2001(a) 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 8th April 2002.

St Andrew's House,
Edinburgh
19th March 2002

JAMES WALLACE
A member of the Scottish Executive

(a) S.S.I. 2001/123.

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 £9,188 (instead of £9,034) and to make eligible without payment of a contribution, persons with a yearly disposable income of not more than £2,814 (instead of £2,767) (regulations 3 and 4).

The Regulations only apply in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board on or after 8th April 2002 (regulation 2).

The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2001 are revoked except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 8th April 2002 (regulation 5).

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