

2002 No. 330

LEGAL AID AND ADVICE

**The Civil Legal Aid (Financial Conditions) (Scotland)
(No. 2) Regulations 2002**

Made

26th June 2002

Coming into force

1st July 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) (No. 2) Regulations 2002 and shall come into force on 1st July 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 1st July 2002.

Amendment of the Legal Aid (Scotland) Act 1986

3. In section 15(2)(a) of the Legal Aid (Scotland) Act 1986(b) (financial conditions), for “£8,560” there is substituted “£10,000”.

4. In section 17(2)(b) of the Legal Aid (Scotland) Act 1986 (contributions), for “£3,000” there is substituted “£6,000”.

Revocation

5. Regulation 4 of the Civil Legal Aid (Financial Conditions) (Scotland) Regulations 1996(c) is hereby revoked except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 1st July 2002.

JAMES WALLACE

A member of the Scottish Executive

St Andrew's House,
Edinburgh
26th June 2002

(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(2)(a) was inserted by S.I. 1996/1012.
(c) S.S.I. 1996/1012.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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 £8,560 to £10,000 (regulation 3).

The upper limit of disposable capital, above which a legally assisted person may be required to pay a contribution, is increased from £3,000 to £6,000 (regulation 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 1st July 2002 (regulation 2).

Regulation 4 of the Civil Legal Aid (Financial Conditions) (Scotland) Regulations 1996 (which prescribed the previous disposable capital limit of £8,560) is revoked except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 1st July 2002 (regulation 5).

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