

## STATUTORY INSTRUMENTS

1983 No. 423

## LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (Assessment of Resources) (Amendment)  
Regulations 1983

<i>Made</i>	- - -	15th March 1983
<i>Laid before Parliament</i>		16th March 1983
<i>Coming into Operation</i>		5th April 1983

The Lord Chancellor, in exercise of the powers conferred on him by sections 11 and 20 of the Legal Aid Act 1974 (a) and with concurrence of the Treasury, hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations 1983 and shall come into operation on 5th April 1983.

2. In these Regulations a regulation or Schedule referred to by number means a regulation or Schedule so numbered in the Legal Aid (Assessment of Resources) Regulations 1980 (b).

3. In paragraph (1) of regulation 9, for the words

“—

- (i) any person liable to maintain the child under section 17 of the Supplementary Benefits Act 1976; and
- (ii) any person having care and control of the child, not being a person having such care and control by reason of any contract or for some temporary purpose,”

there shall be substituted the words “any person who is responsible in law for maintaining the child and with whom the child is living”.

4. In regulation 10, for the word “and” there shall be substituted the word “or”.

(a) 1974 c.4, as amended by the Legal Aid Act 1979 (c.26) and section 20 of, and paragraph 9 of Schedule 4 to, the Social Security Act 1980 (c.30).

(b) S.I. 1980/1630.

5. For regulation 13 there shall be substituted the following regulation:—
- “13.—(1) Where it appears to the committee that the circumstances upon which the assessment officer has determined the disposable income or disposable capital of the person concerned have altered so that—
- (a) his disposable income may have increased by an amount greater than £500 or decreased by an amount greater than £250; or
  - (b) his disposable capital may have increased by an amount greater than £120;
- the assessment officer shall, if so required by the committee, re-determine that person's disposable income or disposable capital and maximum contribution as the case may be, unless it appears to him to be unlikely that any significant change in that person's liability to make a contribution will result from such a re-determination.
- (2) For the purpose of making a re-determination under paragraph (1) the amount and value of every resource of a capital nature shall be ascertained as on the date of the request by the committee.”
6. Rule 5 of Schedule 2 shall be omitted.

*Hailsham of St. Marylebone, C.*

Dated 15th March 1983.

We concur,

*P. L. Brooke,  
Donald Thompson,  
Two of the Lords Commissioners  
of Her Majesty's Treasury*

Dated 15th March 1983.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations amend the Legal Aid (Assessment of Resources) Regulations 1980 by

- (1) simplifying regulation 9 of the 1980 Regulations, under which a child applicant's resources are aggregated with the resources of all those liable to maintain him, by restricting aggregation to those persons who are responsible for maintaining the child and with whom he lives;
- (2) increasing the amount by which disposable income must have increased or decreased for a re-determination to be made from £156 and £78 to £500 and £250 respectively; and
- (3) abolishing rule 5 of Schedule 2 to the 1980 Regulations which requires that the first £4 of an applicant's unearned income be disregarded.

Other minor amendments are also made.



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