

1990 No. 486

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Advice and Assistance (Amendment)
Regulations 1990**

<i>Made - - - -</i>	<i>5th March 1990</i>
<i>Laid before Parliament</i>	<i>9th March 1990</i>
<i>Coming into force</i>	<i>9th April 1990</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 9, 34 and 43 of the Legal Aid Act 1988(a), and with the consent of the Treasury, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations 1990 and shall come into force on 9th April 1990.

Interpretation

2. In these Regulations a regulation or Schedule referred to by number means a regulation or Schedule so numbered in the Legal Advice and Assistance Regulations 1989(b).

Amendment of the Legal Advice and Assistance Regulations 1989

3.—(1) In paragraph (1) of regulation 11 for the figure “£890” there shall be substituted the figure “£935”.

(2) In paragraph (5) of regulation 22 after the words “An application for approval” there shall be inserted the words “, except in respect of ABWOR to which Part III of the Act applies by virtue of regulation 9 of the Scope Regulations,”.

(3) For paragraph 6 of Schedule 2 there shall be substituted the following new paragraph—

“6. If it appears to the solicitor that the person concerned has, with intent to reduce the amount of his disposable capital or disposable income, whether for the purpose of making himself eligible for advice and assistance, reducing his liability to pay a contribution in respect of the costs of advice and assistance or otherwise—

- (a) directly or indirectly deprived himself of any resources; or
- (b) converted any part of his resources into resources which are to be left out of account wholly or partly;

the resources of which he has so deprived himself or which he has so converted shall be treated as part of his resources or as not so converted as the case may be.”.

(4) For the table specified in Schedule 3 there shall be substituted the following table—

(a) 1988 c.34; section 43 is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(b) S.I. 1989/340.

“

<i>Disposable income</i>	<i>Maximum contribution</i>
Exceeding £64 but not exceeding £72 a week	£5
Exceeding £72 but not exceeding £78 a week	£12
Exceeding £78 but not exceeding £84 a week	£19
Exceeding £84 but not exceeding £90 a week	£25
Exceeding £90 but not exceeding £96 a week	£32
Exceeding £96 but not exceeding £102 a week	£38
Exceeding £102 but not exceeding £108 a week	£45
Exceeding £108 but not exceeding £114 a week	£51
Exceeding £114 but not exceeding £120 a week	£58
Exceeding £120 but not exceeding £125 a week	£64
Exceeding £125 but not exceeding £130 a week	£70
Exceeding £130 but not exceeding £135 a week	£75”

Dated 28th February 1990

Mackay of Clashfern, C.

We consent,

*John Taylor
Stephen Dorrell*

Dated 5th March 1990 Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance Regulations 1989 by—

(1) increasing the disposable capital limit for eligibility for advice and assistance from £890 to £935 (regulation 3(1));

(2) amending regulation 22(5) of the 1989 Regulations so that it no longer applies to ABWOR in respect of proceedings covered by regulation 9 of the Legal Advice and Assistance (Scope) Regulations 1989 (S.I. 1989/550) (Mental Health Review Tribunal and board of prison visitors proceedings) (regulation 3(2));

(3) amending paragraph 6 of Schedule 2 of the 1989 Regulations to allow account to be taken of resources of which the applicant has deprived himself for whatever reason (regulation 3(3));

(4) amending the scale of contributions payable for legal advice and assistance (regulation 3(4)).

50p net

ISBN 0 11 003486 4

Printed in the United Kingdom for HMSO

795/WO 0513 C17 3/90 452/1 9385/9X03/7152 88352