

1990 No. 489

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Aid in Criminal and Care Proceedings
(General) (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>regulation 3(b) to (d)</i>	<i>1st April 1990</i>
<i>remainder</i>	<i>9th April 1990</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 21(5), 23, 24, 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.—(1) These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (General) (Amendment) Regulations 1990.

(2) Regulation 3(b) to (d) of these Regulations shall come into force on 1st April 1990 and all other regulations shall come into force on 9th April 1990.

Interpretation

2. In regulation 3 of these Regulations a regulation or Schedule referred to by number means a regulation or Schedule so numbered in the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989(b).

Amendment of the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989

3.—(1) In Schedule 3—

- (a) in paragraph 3 after the words “disposable capital” there shall be inserted the words “, whether for the purpose of reducing his liability to pay a contribution towards legal aid or otherwise”;
- (b) after paragraph 7 there shall be inserted the following new paragraph—

“7A. In computing disposable income there shall be deducted any sums payable (net of community charge benefit) by the person concerned in respect of the personal community charge to which he is subject by virtue of section 2 of the Local Government Finance Act 1988(c).”;
- (c) in sub-paragraph (2)(b) of paragraph 8 for the word “rates” there shall be substituted the words “any domestic rates and water and sewerage charges”;

(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. 1989/344.

(c) 1988 c.41.

(d) in paragraph 9 after the words "in the circumstances" there shall be inserted the words "including any net sum payable by him by way of contribution towards the collective community charge to which the person with a qualifying interest in such accommodation is subject by virtue of section 5 of the Local Government Finance Act 1988."

(2) In Schedule 4—

(a) for the table there shall be substituted the following table—

“

<i>Average Weekly Disposable Income</i>	<i>Weekly Contribution</i>
Exceeding £55 but not exceeding £61	£1
Exceeding £61 but not exceeding £65	£2
Exceeding £65 but not exceeding £69	£3
Exceeding £69 but not exceeding £73	£4
Exceeding £73 but not exceeding £77	£5
Exceeding £77 but not exceeding £81	£6
Exceeding £81 but not exceeding £85	£7

”;

(b) for the figure "£82" below the table there shall be substituted the figure "£85".

Dated 28th February 1990

Mackay of Clashfern, C.

We consent,

*John Taylor
Stephen Dorrell*

Two of the Lords Commissioners
of Her Majesty's Treasury

Dated 5th March 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 by—

(1) amending paragraph 3 of Schedule 3 of the 1989 Regulations to allow account to be taken of resources of which an applicant has deprived himself for whatever reason (regulation 3(1)(a));

(2) making provision for allowances to be made in respect of the community charge and water and sewerage charges (regulation 3(1)(b) to (d));

(3) increasing the levels of disposable income on which contribution is payable (regulation 3(2)).

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