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STATUTORY INSTRUMENTS

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**1991 No. 745 (S. 71)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Civil Legal Aid (Scotland) Amendment Regulations 1991**

<i>Made</i>	- - - -	<i>18th March 1991</i>
<i>Laid before Parliament</i>		<i>20th March 1991</i>
<i>Coming into force</i>	- -	<i>22nd April 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 36(1), 37(1) and 42 of the Legal Aid (Scotland) Act 1986<sup>(1)</sup>, and all other powers enabling him in that behalf, and with the concurrence of Treasury, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Civil Legal Aid (Scotland) Amendment Regulations 1991 and shall come into force on 22nd April 1991.

(2) In these Regulations, “the principal Regulations” means the Civil Legal Aid (Scotland) Regulations 1987<sup>(2)</sup>.

2. After regulation 6A of the principal Regulations there shall be inserted the following:—

“**6B.** Where prior to 9th April 1990 the Board has made a determination of the disposable income, disposable capital or maximum contribution of a child under the upper age limit of compulsory school age, and a contribution is still payable, the Board shall amend that determination taking account of regulation 6A.”.

3. In regulation 14(2) of the principal Regulations—

- (a) in sub-paragraph (a) for the figure “£500” there shall be substituted the figure “£750”;
- (b) in sub-paragraph (b) for the figure “£250” there shall be substituted the figure “£300”; and
- (c) in sub-paragraph (c) for the figure “£120” shall be substituted the figure “£750”.

4. Regulation 22 of the principal Regulations shall be deleted and the following regulation substituted—

“**22.**—(1) Subject to paragraphs (2), (3) and (4) below, the prior approval of the Board shall be required for any step in the execution of diligence.

(2) The prior approval of the Board shall not be required for the service of a charge for payment where the same is required to enable an earnings arrestment to be carried out in

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(1) 1986 c. 47.

(2) S.I.1987/381, amended by S.I. 1987/431, 1988/490, 1171 and 1891, 1989/505 and 1990/631.

execution of a decree or order specified in regulation 32(a)(i) to (iii) or of any settlement specified in regulation 32(a)(vi) below, where the service of such a charge is carried out within 12 months from the date of that decree, order or settlement.

(3) The prior approval of the Board shall not be required for any arrestment in execution of a decree or order specified in regulation 32(a)(i) to (iii) or of any settlement specified in regulation 32(a)(vi) below, where such arrestment is carried out within 12 months from the date of that decree, order or settlement.

(4) Paragraph (1) above shall not apply where the Board, on an application made to it for retrospective approval for a step in the execution of diligence, considers that approval would have been given if timeous application had been made and that there was special reason why prior approval was not applied for.”.

5. In regulation 28 of the principal Regulations, paragraph (4) shall be deleted.

St Andrew's House,  
Edinburgh  
14th March 1991

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

We concur,

18th March 1991

*Thomas Sackville*  
*I. C. Patnick*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations amend the Civil Legal Aid (Scotland) Regulations 1987 by—

- (a) correcting and clarifying the occasions upon which the Board shall amend a determination made prior to 9th April 1990 of the disposable income, disposable capital or maximum contribution of a child (regulations 2 and 5);
- (b) raising the amounts of increase in disposable income and disposable capital which are to be taken account of in any redetermination of a person's disposable income and disposable capital (regulation 3); and
- (c) clarifying the occasions upon which, in the execution of diligence, the prior approval of the Scottish Legal Aid Board is or is not required (Regulation 4).