
STATUTORY INSTRUMENTS

1992 No.720

**LEGAL AID AND ADVICE,
ENGLAND AND WALES**

**The Legal Aid in Criminal and Care Proceedings
(General) (Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>12th March 1992</i>
<i>Laid before Parliament</i>		<i>12th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 34 and 43 of the Legal Aid Act 1988(1), and with the consent of the Treasury, hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (General) (Amendment) Regulations 1992 and shall come into force on 6th April 1992.

2. In 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(2).

3. In regulation 3 after the definition of “Court of Appeal” there shall be inserted the following new definitions—

““disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act 1975(3);

“disability working allowance” means a disability working allowance under section 20(6A) of the Social Security Act 1986(4);”.

4. For regulation 4 there shall be substituted the following new regulation:—

(1) 1988 c. 34; section 34 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.

(2) S.I.1989/344, as amended by S.I. 1990/489 and S.I. 1991/637 and 1925.

(3) 1975 c. 14; section 37ZA was inserted by section 1 of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

(4) 1986 c. 50; section 20(6A) was inserted by section 6 of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

“Forms

4. Forms 1 and 5 in Schedule 2 shall be used where applicable and the remaining forms in Schedule 2, or forms to the like effect, may be used with such variations as the circumstances may require.”.

5. In regulation 26(3)(c) and regulation 37(1)(a), in paragraphs 2 and 6 of Form 5 in Schedule 2 and in paragraph 16(b)(ii) of Schedule 3 for the words “or family credit” there shall be substituted in each place the words “, family credit or disability working allowance”.

6. In Schedule 2—

- (a) in paragraph 2(1)(b) of Form 5 for the words “The Income Support” there shall be substituted the word “Your”;
- (b) for Part Two of Form 6 in Schedule 2 there shall be substituted the following:—

Part Two— Calculation of contribution from INCOME	
(1) Disposable income is (A) – (B) =	£
(2) Contribution* is	£
* as calculated in accordance with Schedule 4	

- (c) in relation to proceedings commenced on or after 14th October 1991, Form 16 shall be omitted.

7. In Schedule 3—

- (a) for paragraph 6(b) there shall be substituted the following new sub-paragraph—
“(b) disability living allowance;”;
- (b) in paragraph 16(a) after “1975” there shall be inserted the words “or disability living allowance” and at the end of the paragraph there shall be inserted the words “or his disability”;
- (c) at the end of paragraph 16(b)(i) there shall be inserted the words “or disability living allowance”.

8. In Schedule 4—

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

“Average Weekly Disposable Income	Weekly Contribution
Exceeding £65 but not exceeding £69	£2
Exceeding £69 but not exceeding £73	£3
Exceeding £73 but not exceeding £77	£4
Exceeding £77 but not exceeding £81	£5
Exceeding £81 but not exceeding £85	£6
Exceeding £85 but not exceeding £89	£7”;

- (b) for the figure “£85” below the table there shall be substituted the figure “£89”.

11th March 1992

Mackay of Clashfern, C.

We consent,

12th March 1992

Irvine Patnick
Sydney Chapman
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make changes to the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989, in particular by:

- (1) providing for certain prescribed Forms to be compulsory (regulation 4);
- (2) providing for a disregard of disability living allowance when assessing disposable income or capital and assimilating the positions of those persons in receipt of disability working allowance with those on family credit (regulations 3, 5 and 7);
- (3) increasing the lower limit of disposable income and amending the scale of weekly contributions payable (regulation 8).