
STATUTORY INSTRUMENTS

1995 No. 1066 (S.92)

LEGAL AID AND ADVICE, SCOTLAND

**The Advice and Assistance (Scotland)
Amendment Regulations 1995**

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>11th April 1995</i> |
| <i>Laid before Parliament</i> | | <i>13th April 1995</i> |
| <i>Coming into force</i> | - - | <i>5th May 1995</i> |

The Secretary of State, in exercise of the powers conferred on him by sections 36(1) and (2)(a), 37(1) and 42(3) of the Legal Aid (Scotland) Act 1986⁽¹⁾ and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Advice and Assistance (Scotland) Amendment Regulations 1995 and shall come into force on 5th May 1995.

(2) In these Regulations “the principal Regulations” means the Advice and Assistance (Scotland) Regulations 1987⁽²⁾.

2. These Regulations shall apply only in relation to any case where an application for advice and assistance is made on or after 5th May 1995.

3. After regulation 6 of the principal Regulations there shall be inserted—

“Resources of cohabittees

6A. A man and a woman who are not married to each other and who are living together in the same household as husband and wife shall be treated for the purposes of section 42 of the Act as if they were spouses of each other.”.

4. In Schedule 2 to the principal Regulations (assessment of disposable capital and disposable income) in paragraph 8(a)(ii) there shall be omitted the words “to the National Insurance Fund”.

(1) 1986 c. 47.

(2) S.I. 1987/382 as amended by 1987/883, 1988/489 and 1131, 1989/506, 1990/632, 1992/373 and 752, 1993/533 and 819 and 1994/1061.

Status: This is the original version (as it was originally made).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

St Andrew's House,
Edinburgh
5th April 1995

Fraser of Carmyllie
Minister of State, Scottish Office

We concur,

11th April 1995

A J B Mitchell
Kenneth Clark
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Advice and Assistance (Scotland) Regulations 1987. They provide for the aggregation of the resources of a man and a woman living together as husband and wife who are not married to each other (regulation 3) and correct a defect in the drafting of the amendment made by regulation 4 of the Advice and Assistance (Scotland) Amendment Regulations 1994 (S.I. [1994/1061](#)) (regulation 4).