
STATUTORY INSTRUMENTS

1996 No. 2308

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

**The Legal Advice and Assistance
(Amendment) (No. 3) Regulations 1996**

Made - - - - 2nd September 1996
Laid before Parliament 16th September 1996
Coming into force - - 7th October 1996

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: —

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment) (No. 3) Regulations 1996 and shall come into force on 7th October 1996.

Interpretation

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

Amendments to the Legal Advice and Assistance Regulations 1989

3. In regulation 3(1), after the definition of “fund” there shall be inserted the following: —

““income-based jobseeker’s allowance” has the meaning given by section 1(4) of the Jobseekers Act 1995⁽³⁾, but excludes any sum treated as payable by way of a jobseeker’s allowance by virtue of section 26 of that Act;”.

4. In regulation 9(4)(b) and (c), after “income support,” there shall be inserted “income-based jobseeker’s allowance,”.

(1) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meaning given to “regulations”.
(2) S.I.1989/340, as amended by S.I. 1989/560, 1990/486, 1991/636 and 2305, 1992/591, 719 and 2654, 1993/790, 1994/805 and 1823.
(3) 1995 c. 18.

5. In regulation 10(2)(b) and (c), after “income support,”there shall be inserted “income-based jobseeker’s allowance,”.
6. Regulation 13 shall be amended as follows: —
- (a) in paragraph (2), after “income support,”there shall be inserted “income-based jobseeker’s allowance,”;
 - (b) in paragraph (3), after “income support”there shall be inserted “or income-based jobseeker’s allowance”.
7. After paragraph 7(2) of Schedule 2, there shall be inserted the following: —
- “3) In computing the capital and income of the person concerned, there shall be left out of account so much of any back to work bonus received under section 26 of the Jobseekers Act 1995 as is by virtue of that section to be treated as payable by way of a jobseeker’s allowance.”.
8. After paragraph 9A of Schedule 2, there shall be inserted the following: —
- “9B. In computing the disposable income of any person there shall be disregarded any payment made by the Secretary of State under the Earnings Top-up Scheme 1996(4).”.

Dated 23rd August 1996

Mackay of Clashfern, C.

We consent,

Bowen Wells
Roger Knapman
Two of the Lords Commissioners of Her
Majesty’s Treasury

Dated 2nd September 1996

(4) This Scheme, which applies only in certain areas of Great Britain, is an extra-statutory Scheme introduced by the Secretary of State for Social Security having effect on 8th October 1996. Copies of the Rules of the Scheme may be obtained from the Customer Services Manager, Earnings Top-up, Norcross, Blackpool FY5 3TA and will be available for inspection at the Department of Social Security, 9th Floor Adelphi, 1 11 John Adam Street, London WC2N 6HT and offices of the Benefits Agency and Employment Job Centres which serve the areas specified in Schedule 1 to the Scheme.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance Regulations 1989, so that: —

a) a person in receipt of income-based jobseeker's allowance need not provide details of his financial resources when applying for advice and assistance, and that his financial resources are to be taken not to exceed the eligibility limit for the time being;

b) any back to work bonus treated as payable by way of a jobseeker's allowance is excluded from the computation of capital or income;

c) earnings top-up is excluded from the computation of income.