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STATUTORY INSTRUMENTS

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**1996 No. 435**

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

**The Legal Advice and Assistance  
(Amendment) Regulations 1996**

*Made* - - - - 27th February 1996  
*Laid before Parliament* 28th February 1996  
*Coming into force* - - 1st June 1996

The Lord Chancellor, in exercise of the powers conferred on him by sections 9, 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) Regulations 1996 and shall come into force on 1st June 1996.

**Interpretation**

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

**Transitional Provisions**

3. These Regulations shall apply to applications for advice and assistance made on or after 1st June 1996 and applications made before that date shall be treated as if these Regulations had not come into force.

**Amendments to the Legal Advice and Assistance Regulations 1989**

4. In paragraph 8 of Schedule 2—

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(1) 1988 c. 34; sections 9, 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 meanings assigned to the words “prescribed” and “regulations”.  
(2) S.I.1989/340: there are no relevant amendments.

- (a) the words “the value of the main or only dwelling in which he resides and” shall be omitted from paragraph (a);
- (b) the following new paragraph shall be inserted after paragraph (a):—
  - “(aa) the value of the main or only dwelling in which he resides shall be taken to be the amount for which that interest could be sold in the open market, subject to the following rules:—
    - (i) the amount to be allowed in respect of any mortgage debt or heritable security shall not exceed £100,000;
    - (ii) the first £100,000 of the value of that interest, after the application of the rule in paragraph (i), shall be disregarded.”;
- (c) in paragraph (b), for the words from “in respect of” to the end of the paragraph there shall be substituted the following:—

“the amount for which any interest in a dwelling which is not the main dwelling could be sold in the open market; provided that the total amount to be allowed in respect of any mortgage debts or heritable securities over all such dwellings, together with any amount allowed under paragraph (aa)(i) in respect of the main dwelling, shall not exceed £100,000.”.

Dated 22nd February 1996

*Mackay of Clashfern, C.*

We consent,

Dated 27th February 1996

*Simon Burns*  
*Liam Fox*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

## EXPLANATORY NOTE

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

These Regulations amend the provisions of the Legal Advice and Assistance Regulations 1989 concerning the computation of the capital of an applicant for legal advice and assistance by—

- (1) limiting the total amount deductible in respect of any mortgage debts on one or more homes of the applicant to £100,000;
- (2) limiting the amount to be disregarded in computing the applicant's capital in respect of his only or principal home to the first £100,000 of the value, as assessed after deduction of any amount allowable in respect of a mortgage debt.