
STATUTORY INSTRUMENTS

1997 No. 752

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

**The Legal Aid in Criminal and Care Proceedings
(General) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>10th March 1997</i>
<i>Laid before Parliament</i>		<i>11th March 1997</i>
<i>Coming into force</i>		
<i>All provisions except regulations 2 and 3</i>		<i>1st April 1997</i>
<i>Regulations 2 and 3</i>		<i>7th April 1997</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 21(5), 23, 34 and 43 of the Legal Aid Act 1988(1), and with the consent of the Treasury, hereby makes the following Regulations:—

Citation, commencement, interpretation and transitional provisions

1.—(1) These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (General) (Amendment) Regulations 1997 and shall come into force on 1st April 1997, except for regulations 2 and 3 which shall come into force on 7th April 1997.

(2) In these Regulations, unless the context otherwise requires, a Schedule referred to by number means the Schedule so numbered in the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989(2).

(3) Subject to paragraph (4), these Regulations shall apply to applications for legal aid made on or after 7th April 1997 and applications made before that date shall be treated as if these Regulations had not come into force.

(4) Regulations 4 and 5 of these Regulations shall apply to applications for legal aid made on or after 1st April 1997 and applications made before that date shall be treated as if regulations 4 and 5 had not come into force.

(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 assigned to the word “regulations”.
(2) S.I.1989/344; the relevant amending instruments are S.I. 1990/489, 1991/637, 1992/720, 1993/789, 1895, 1994/807, 1995/796, 1996/646 and 1258.

Amendments to the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989

2. Part Two of Form 6 (which deals with Calculation of contribution from INCOME) in Schedule 2 shall be amended by substituting for “£48”, “£49” and, for “£49”, “£50”.

3. Schedule 4 shall be amended by substituting, for “£48”, “£49” and, for “£49”, “£50”.

4.—(1) Paragraph 6 of Schedule 3 shall stand as sub-paragraph (1) of that paragraph.

(2) After paragraph 6(1) of Schedule 3, there shall be inserted the following:—

“(2) In computing disposable income, a payment made under the Community Care (Direct Payments) Act 1996(3) shall be disregarded.”.

5. For “and” at the end of paragraph 16(b)(ii) of Schedule 3, there shall be substituted the following:—

“(iii) payments made under the Community Care (Direct Payments) Act 1996; and”.

Dated 10th March 1997

Mackay of Clashfern, C.

We consent,

Richard Ottaway
Patrick McLoughlin
Two of the Lords Commissioners of Her
Majesty’s Treasury

Dated 10th March 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 so as to—

- (a) amend Form 6 in Schedule 2 to reflect the changes made by regulation 3 (*regulation 2*); and
- (b) increase the income limit for non-contributory criminal legal aid from £48 a week to £49 per week (*regulation 3*);
- (c) provide that a payment made under the Community Care (Direct Payments) Act 1996 shall be disregarded in computing disposable income and capital (*regulations 4 and 5*).