
STATUTORY INSTRUMENTS

1998 No. 664

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

**The Civil Legal Aid (Assessment of
Resources) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>10th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>6th April 1998</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 15(1), 16, 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 Civil Legal Aid (Assessment of Resources) (Amendment) Regulations 1998 and shall come into force on 6th April 1998.

(2) In these Regulations, unless the context otherwise requires, a regulation or Schedule referred to by number alone means the regulation or Schedule so numbered in Civil Legal Aid (Assessment of Resources) Regulations 1989(2).

(3) These Regulations shall apply to applications for legal aid made on or after 6th April 1998 and applications made before that date shall be treated as if these Regulations had not come into force.

Amendments to the Civil Legal Aid (Assessment of Resources) Regulations 1989

2. Regulation 4 shall be amended by substituting in—

- (a) paragraph (2) for “£7,595”, “£7,777”,
- (b) paragraph (3) for “£8,370”, “£8,571”, and
- (c) paragraph (4) for “£2,563”, “£2,625”.

(1) 1988 c. 34; sections 15, 16, 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 17 paragraph 19 and Schedule 18, paragraphs 60, 61 and 63 and by the Family Law Act 1996 (c. 27), sections 26 and 29 and Schedule 8, paragraph 44. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.

(2) S.I.1989/338; the relevant amending instruments are S.I. 1990/484, 1992/718, 1993/788, 1994/806, 1995/797, 1996/642 and 1997/753.

3. Regulation 11 shall be amended by adding the word “forthwith” after the word “shall”.
- 4.—(1) In paragraph 11(1)(b)(ii) of Schedule 2, after the first occurrence of the word “relative”, there shall be inserted the words “aged 18 or under”.
 - (2) At the end of paragraph 11(1)(b)(ii) of Schedule 2, there shall be inserted the following—
 - “(iii) in the case of a dependent child or a dependent relative aged 19 or over, at a rate equivalent to the amount which would have been specified in accordance with paragraph 11(1)(b)(ii) immediately before he attained the age of 19.”.
5. Paragraph 5(b) of Schedule 3 shall be amended by adding the word “substantially” after the word “without”.
6. Paragraph 14A(2) of Schedule 3 shall be amended by substituting in paragraph (a), “60”, for “65”.

We consent.

Dated 4th March 1998

*Irvine of Lairg, C.
Graham Allen*

Dated 10th March 1998

John Mcfall
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Assessment of Resources) Regulations 1989 so as to—

- (a) increase the income limit for non-contributory civil legal aid from £2,563 to £2,625; the upper income limit is increased from £7,595 to £7,777; for personal injury cases the upper income limit is increased from £8,370 to £8,571 (*regulation 2*);
- (b) make further provision for a deduction to be made for a dependent child or a dependent relative aged 19 or over when computing the income of a person during the assessment of his resources in respect of an application for legal aid (*regulation 4*);
- (c) change the definition of pensionable age for a man from 65 to 60 in Schedule 2 to the 1989 Regulations; this relates to the amount of capital which may be disregarded for pensioners on low incomes during the computation of their capital for a legal aid application (*regulation 6*); and
- (d) make other minor amendments (*regulations 3 and 5*).