
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 494

The Civil Legal Aid (Scotland) Regulations 2002

PART III

ASSESSMENT OF RESOURCES

Circumstances in which resources of spouse not to be taken into account and resources of cohabittees

11.—(1) The resources of a person's spouse shall not be treated as his or her resources if—

- (a) the spouse has a contrary interest in the dispute in respect of which application for legal aid is made; or
- (b) the Board is satisfied that the person and the spouse are living separate and apart.

(2) 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.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Civil Legal Aid (Scotland) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- reg 11 am by [S.S.I. 2003/49 regs 34](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 5(f) added by [S.I. 2008/1879 reg. 38\(4\)](#)
- Sch. 2 para. 5(g) inserted by [S.S.I. 2013/137 reg. 13\(3\)](#)
- Sch. 2 para. 7(g) inserted by [S.S.I. 2013/142 reg. 7\(4\)\(c\)](#)
- Sch. 2 para. 7(f) inserted by [S.S.I. 2013/65 reg. 7](#)
- sch. 2 para. 7(h) inserted by [S.S.I. 2020/424 reg. 3\(4\)](#)
- sch. 2 para. 7(i)(j) inserted by [S.S.I. 2021/73 reg. 8](#)
- sch. 2 para. 7(k)(l) inserted by [S.S.I. 2022/31 reg. 8\(3\)](#)
- sch. 2 para. 5(h) inserted by [S.S.I. 2023/11 reg. 3\(4\)\(a\)](#)
- sch. 2 para. 7(m) inserted by [S.S.I. 2023/11 reg. 3\(4\)\(b\)](#)
- Sch. 2 para. 5(i) inserted by [S.S.I. 2023/178 reg. 6\(4\)\(b\)](#)
- Sch. 2 para. 5(n) inserted by [S.S.I. 2023/178 reg. 6\(4\)\(c\)](#)
- Sch. 2 para. 7(o) inserted by [S.S.I. 2023/313 reg. 6\(4\)](#)
- Sch. 2 para. 7(p)(q) inserted by [S.S.I. 2024/141 reg. 6](#)
- Sch. 2 para. 7(f) words omitted by [S.S.I. 2013/142 reg. 7\(4\)\(b\)](#)
- Sch. 2 para. 5(h) words substituted by [S.S.I. 2023/178 reg. 6\(4\)\(a\)](#)
- sch. 3 para. 8(d)-(f) inserted by [S.S.I. 2020/424 reg. 3\(5\)](#)
- Sch. 3 para. 8(g) inserted by [S.S.I. 2021/333 reg. 3\(4\)](#)
- sch. 3 para. 8(h)-(j) inserted by [S.S.I. 2023/11 reg. 3\(5\)](#)
- Sch. 3 para. 8(k) inserted by [S.S.I. 2023/313 reg. 6\(5\)](#)
- Sch. 3 para. 8(j) words inserted by [S.S.I. 2023/178 reg. 6\(5\)\(b\)](#)
- Sch. 3 para. 8(i) words substituted by [S.S.I. 2023/178 reg. 6\(5\)\(a\)](#)
- reg. 2A inserted by [S.S.I. 2011/161 reg. 7\(2\)](#)
- reg. 4(1)(m) inserted by [S.S.I. 2016/257 reg. 3\(2\)](#)
- reg. 4(1)(n) inserted by [S.S.I. 2017/310 reg. 3\(2\)](#)
- reg 11A added by [S.I. 2010/461 reg 3](#)
- reg 13A added by [S.S.I. 2006/325 reg 6](#)
- reg 13A am by [S.S.I. 2007/425 regs 34](#)
- reg. 13A(2)(c) words omitted by [S.S.I. 2011/161 reg. 7\(4\)](#)
- reg. 18(2)(w) omitted by [S.S.I. 2010/166 reg. 6\(3\)](#)
- reg. 18(3A)(3B) omitted by [S.S.I. 2011/134 reg. 5\(c\)](#)
- reg. 21(1)(ca) inserted by [S.S.I. 2015/380 reg. 3\(4\)](#)
- reg 23A added by [S.S.I. 2004/491 regs 24\(1\)](#)
- reg 31A added by [S.S.I. 2004/491 regs 24\(4\)](#)
- reg. 33(a)(xiv) inserted by [S.S.I. 2013/142 reg. 7\(3\)\(b\)](#)
- reg. 33(a)(xix)-(xxii) inserted by [S.S.I. 2022/31 reg. 8\(2\)](#)
- reg. 33(a)(xiii) inserted by [S.S.I. 2013/137 reg. 13\(2\)](#)
- reg. 33(a)(xviii) inserted by [S.S.I. 2021/333 reg. 3\(3\)](#)

- reg. 33(a)(xxiii)(xxiv) inserted by S.S.I. 2023/11 reg. 3(3)(a)
- reg. 33(a)(xv)-(xvii) inserted by S.S.I. 2020/424 reg. 3(3)
- reg. 33(e) inserted by S.S.I. 2023/11 reg. 3(3)(b)
- reg. 33(e) words inserted by S.S.I. 2023/178 reg. 6(3)
- reg. 33(xxv) inserted by S.S.I. 2023/313 reg. 6(3)
- reg. 40(5A) inserted by S.S.I. 2012/64 reg. 2
- reg. 45(3)(c)(ii)(aa) words omitted by S.S.I. 2011/161 reg. 7(8)(b)
- reg. 46(1)(c) inserted by S.I. 2011/1484 Sch. 7 para. 30(a)
- reg. 46(1)(c) omitted by S.I. 2019/519 Sch. para. 34(a)
- reg. 46(1)(d) inserted by S.S.I. 2012/301 Sch. para. 4(2)(a)
- reg. 46(1)(d)(ii) words omitted by S.S.I. 2020/441 reg. 9(2)
- reg. 46(3)(4) inserted by S.I. 2011/1484 Sch. 7 para. 30(b)
- reg. 46(3) words inserted by S.S.I. 2012/301 Sch. para. 4(2)(b)
- reg. 46(4) omitted by S.I. 2019/519 Sch. para. 34(b)
- reg. 46(5) inserted by S.S.I. 2012/301 Sch. para. 4(2)(c)
- reg 48 added by S.S.I. 2004/491 regs 25
- reg. 48 omitted by S.S.I. 2020/441 reg. 9(3)