

## 1976 No. 628

## LEGAL AID AND ADVICE, ENGLAND

## The Legal Aid (General) (Amendment No. 2)

## Regulations 1976

<i>Made - - - -</i>	<i>14th April 1976</i>
<i>Laid before Parliament</i>	<i>3rd May 1976</i>
<i>Coming into Operation</i>	<i>1st August 1976</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 9 and 20 of the Legal Aid Act 1974(a), hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment No. 2) Regulations 1976 and shall come into operation on 1st August 1976.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations a regulation referred to by number means a regulation so numbered in the Legal Aid (General) Regulations 1971(c), as amended (d).

2. The following paragraph shall be substituted for paragraph (10) of regulation 18:—

“(10) The provisions of this regulation shall not apply to—

- (a) any interim payment of damages in accordance with an order made under Order 29, rule 12, of the Rules of the Supreme Court (e);
- (b) any periodical payment of maintenance, which for this purpose means money or money's worth paid towards the support of a spouse, former spouse, child or any other person for whose support the payer has previously been responsible or has made payments;
- (c) the first £2,500 of any money, or of the value of any property, recovered or preserved by virtue of an order made, or deemed to be made, under the provisions of—
  - (i) section 23(1)(c) or (f), 23(2), 24, 27(6)(c) or (f), or 35 of the Matrimonial Causes Act 1973(f); or
  - (ii) section 2 or 6 of the Inheritance (Provision for Family and Dependents) Act 1975(g) or any provision repealed by that Act; or

(a) 1974 c. 4.

(c) S.I. 1971/62 (1971 I, p. 75).

(e) S.I. 1965/1776 (1965 III, p. 4995).

(g) 1975 c. 63.

(b) 1889 c. 63.

(d) There are no relevant amendments.

(f) 1973 c. 18.

(d) where the certificate was issued before 3rd May 1976, any money or property, of whatever amount or value, recovered or preserved by virtue of an order made, or deemed to be made, under any of the provisions specified in sub-paragraph (c) before 1st August 1976, or which, if made after that date, gives effect to a settlement entered into before that date;

and such payments, money or property shall not be the subject of a charge within the terms of section 9(6) of the Legal Aid Act 1974.”.

Dated 14th April 1976.

*Elwyn-Jones, C.*

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Legal Aid (General) Regulations 1971 by substituting a new Regulation 18(10), which lists the exemptions to the statutory charge imposed by section 9(6) of the Legal Aid Act 1974 on property recovered or preserved for an assisted person. The new provision exempts interim payments of damages, periodical payments of maintenance and (subject to certain transitional provisions) the first £2,500 of money or the value of property recovered or preserved by virtue of an order made, or deemed to be made, under specified provisions of the Matrimonial Causes Act 1973 or the Inheritance (Provision for Family and Dependents) Act 1975.

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