

1977 No. 1716

LEGAL AID AND ADVICE, ENGLAND

**The Legal Advice and Assistance (Amendment No. 2)
Regulations 1977**

Made - - - - 21st October 1977
Laid before Parliament 2nd November 1977
Coming into Operation 28th November 1977

The Lord Chancellor, in exercise of the powers conferred on him by sections 5, 11 and 20 of the Legal Aid Act 1974(a) and with the concurrence of the Treasury, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment No. 2) Regulations 1977.

(2) These Regulations shall come into operation on 28th November 1977, and Regulation 3 shall apply to the computation, for the purposes of section 11(1) of the Legal Aid Act 1974, of the amount of capital of a person seeking advice or assistance after that date.

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

(4) In these Regulations, a regulation or schedule referred to by number means a regulation or schedule so numbered in the Legal Advice and Assistance Regulations 1973(c), as amended(d).

2. In Regulation 6(1) the following shall be substituted for sub-paragraphs (b) to (e):—

“(b) the first £2,500 of any money, or of the value of any property, recovered or preserved by virtue of—

- (i) an order made, or deemed to be made under the provisions of section 23(1)(c), 23(2), 24, 27(6)(c), or 35 of the Matrimonial Causes Act 1973(e); or
- (ii) an order made, or deemed to be made, under the provisions of sections 2 and 6 of the Inheritance (Provision for Family and Dependants) Act 1975(f) or any provision repealed by that Act; or
- (iii) an order made, or deemed to be made, under section 17 of the Married Women’s Property Act 1882(g); or
- (iv) an agreement which has the same effect as an order made, or deemed to be made, under any of the provisions specified in this sub-paragraph;

(a) 1974 c. 4.

(b) 1889 c. 63.

(c) S.I. 1973/349 (1973 I, p. 1223).

(d) The only relevant amending instrument is S.I. 1977/182 (1977 I, p. 536).

(e) 1973 c. 18.

(f) 1975 c. 63.

(g) 1882 c. 75.

(c) moneys payable as unemployment, sickness, maternity, invalidity or widow's benefit, guardian's or attendance allowance, child's special allowance, retirement pension or death grant, benefits for industrial injuries and invalid care allowance payable under the Social Security Act 1975(a), mobility allowance payable under the Social Security Pensions Act 1975(b) and supplementary benefit;

(d) allowances payable under the Child Benefit Act 1975(c) or family income supplement;

(e) any money payable in accordance with an order made by the Employment Appeal Tribunal;".

3. In the Schedule, the following shall be substituted for rule 7(b):—

“(b) there shall be left out of account the value of the main or only dwelling in which he resides”.

Dated 6th October 1977.

Elwyn-Jones, C.

Dated 21st October 1977.

David Stoddart,

T. E. Graham,

Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Legal Advice and Assistance Regulations 1973 by:—

(i) adding certain social security and similar benefits to the prescribed exemptions from the charge imposed by section 5(3)(b) of the Legal Aid Act 1974 and making certain other amendments to bring them into line with the exemptions prescribed in the case of legal aid; and

(ii) providing that, in assessing the resources of an applicant for legal advice and assistance, no account shall be taken of the value of the main or only dwelling in which he resides.

(a) 1975 c. 14.

(b) 1975 c. 60.

(c) 1975 c. 61.

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