

1977 No. 1717

LEGAL AID AND ADVICE, ENGLAND

The Legal Aid (Assessment of Resources) (Amendment)
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 section 11 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 Aid (Assessment of Resources) (Amendment) Regulations 1977.

(2) These Regulations shall come into operation on 28th November 1977 and shall apply to the computation, for the purposes of section 11(1) of the Legal Aid Act 1974, of the rate of income and the amount of capital of a person applying for legal aid 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 Aid (Assessment of Resources) Regulations 1960(c) as amended(d).

2. In regulation 9, for the amounts £52, £26 and £75 there shall be substituted the amounts £156, £78 and £120 respectively.

3. In Schedule 1, the following rule shall be added after rule 5:—

“5A. There shall be disregarded:—

- (a) attendance allowance paid under the Social Security Act 1975(e); and
- (b) mobility allowance paid under the Social Security Pensions Act 1975(f).”

4. In Schedule 2:—

(a) for rule 9, there shall be substituted the following rule:—

“9.—(1) In computing the amount of capital of the person concerned,

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- (a) 1974 c. 4.
 - (b) 1889 c. 63.
 - (c) S.I. 1960/1471 (1960 II, p. 1749).
 - (d) The relevant amending instruments are S.I. 1962/147, 1966/1348, 1970/1162, 1971/63, 1972/1748 (1962 I, p. 115; 1966 III, p. 3676; 1970 II, p. 3931; 1971 I, p. 120; 1972 III, p. 5073).
 - (e) 1975 c. 14.
 - (f) 1975 c. 60.

the value of any interest in the main or only dwelling in which he resides shall be wholly disregarded.

(2) Where the person concerned resides in more than one dwelling in which he has an interest, the Commission shall decide which is the main dwelling and shall take into account in respect of the value to him of any interest in a dwelling which is not the main dwelling any sum which might be obtained by borrowing money on the security thereof."

(b) in rule 13, after the words "that the debt" there shall be inserted the words "or part of the debt".

(c) in rule 15, for the amount £600, in both places where it appears, there shall be substituted the amount £1,200.

Dated 6th October 1977.

Elwyn-Jones, C.

Dated 21st October 1977.

David Stoddart,

T. E. Graham.

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Legal Aid (Assessment of Resources) Regulations 1960 by:—

- (i) increasing from £52 to £156 the amount by which an assisted person's income must increase, from £26 to £78 the amount by which his income must decrease, and from £75 to £120 the amount by which his capital must increase, before a redetermination of his resources may be required;
- (ii) excluding attendance allowance and mobility allowance from the assessment of disposable income;
- (iii) excluding the value of any interest in the applicant's main or only dwelling from the assessment of disposable capital;
- (iv) providing that an allowance may be made against capital for part of a debt to be repaid within the following twelve months; and
- (v) increasing from £600 to £1,200 the disposable income below which an allowance is given when computing disposable capital.

SI 1977/1717
ISBN 0-11-071717-1



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