

---

STATUTORY INSTRUMENTS

---

**1987 No. 381 (S. 31)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Civil Legal Aid (Scotland) Regulations 1987**

|                               |         |                        |
|-------------------------------|---------|------------------------|
| <i>Made</i>                   | - - - - | <i>9th March 1987</i>  |
| <i>Laid before Parliament</i> |         | <i>11th March 1987</i> |
| <i>Coming into force</i>      |         | <i>1st April 1987</i>  |

THE CIVIL LEGAL AID (SCOTLAND) REGULATIONS 1987

Part I

General

1. Citation and commencement
2. Revocations
3. Interpretation
4. Distinct proceedings for purposes of legal aid

Part II

Applications for Legal Aid

5. Form of Application
6. Applications on behalf of children
7. Notification to opponent
8. Right of opponent to make representations
9. Attendance for interview and supply of information

Part III

Assessment of Resources

10. Determination of disposable income and disposable capital
11. Circumstances in which resources of spouse not to be taken into account
12. Resources of applicant who is a child
13. Deprivation or conversion of resources
14. Assessment of disposable income, etc. in relation to appellate proceedings
15. Assessment of resources, etc. of person making application in a representative, fiduciary or official capacity

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

#### Part IV

##### Determination of Applications

16. Applicant having joint interest, etc. with other persons
17. Applicant having rights and facilities in relation to litigation
18. Legal aid in matters of special urgency
19. Notification of decision
20. Application for review

#### Part V

##### Conduct of Proceedings

21. Employment of counsel and expert witnesses
22. Execution of diligence

#### Part VI

##### Changes of Circumstances

23. Duty to report changes of circumstances
24. Duty to report abuse of legal aid
25. Change of nominated solicitor
26. Duty to report completion of proceedings
27. Power of Board to modify or impose conditions
28. Power of Board to amend determination
29. Termination of legal aid on change of circumstances
30. Termination of legal aid other than on change of circumstances
31. Right to recover amounts paid from the Fund and effect of ceasing to make legal aid available

#### Part VII

##### Expenses

32. Payments out of property recovered or preserved
33. Liability of assisted person where legal aid received in part of matter
34. Liability of assisted person where legal aid ceases in part of matter
35. Liability for expenses of assisted person acting in a fiduciary, representative or official capacity
36. Liability for expenses of assisted person who is a child
37. Unassisted party acting in a fiduciary, representative or official capacity
38. Application for revision of award of expenses against assisted person
39. Recovery of sums due to Fund
40. Right of Board to security over heritable property
41. Interest on sums outstanding
42. Payment to solicitor who acts before award of legal aid made

#### Part VIII

##### Particular Courts, Tribunals and Proceedings

43. Appeals to the House of Lords
44. Restrictive Practices Court
45. Employment Appeal Tribunal
46. Convention applications

47. Applications under the European Judgments Convention  
Signature
- 

#### SCHEDULE 1 — REGULATIONS REVOKED

#### SCHEDULE 2 — RULES FOR COMPUTING DISPOSABLE INCOME

1. The income of the person concerned from any source shall...
2. The income in respect of any emolument, benefit or privilege...
3. (1) The income from a trade, business or gainful occupation...
4. (1) In computing the disposable income of the person concerned...
5. There shall be disregarded £4 a week of the income...
6. There shall be disregarded— (a) attendance allowance paid under the...
7. When the income of the person concerned consists, wholly or...
8. There shall be a deduction in respect of contributions payable...
9. (1) There shall be a deduction, in respect of rent...
10. If the person concerned is not a householder, there shall...
11. (1) There shall be a deduction in respect of the...
12. If the person concerned is making and, throughout such period...
13. Where the person concerned must provide for any other matter...
14. In computing the income from any source there shall be...

#### SCHEDULE 3 — RULES FOR COMPUTING DISPOSABLE CAPITAL

1. Subject to the provisions of these Regulations, there shall be...
2. So far as any resource does not consist of money,...
3. Where money is due to the person concerned, whether immediately...
4. If the person concerned stands in relation to a company...
5. Where the person concerned is or is to be treated...
6. The value of any interest, whether vested or contingent, of...
7. In computing the amount of capital of the person concerned,...
8. Save in exceptional circumstances, nothing shall be included in the...
9. (1) In computing the amount of capital of the person...
10. Where the person concerned has received or is entitled to...
11. The value of any life assurance or endowment policy shall...
12. Where under any statute, bond, agreement, indemnity, guarantee or other...
13. An allowance may be made in respect of any debt...
14. In computing the amount of capital there shall be disregarded...

#### SCHEDULE 4 —

Explanatory Note