

1988 No. 467

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Aid (Assessment of Resources) (Amendment)
Regulations 1988**

<i>Made - - - -</i>	<i>9th March 1988</i>
<i>Laid before Parliament</i>	<i>15th March 1988</i>
<i>Coming into force</i>	<i>11th April 1988</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 11, 20 and 25 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 1988 and shall come into force on 11th April 1988.

(2) In these Regulations, a Schedule referred to by number means the Schedule so numbered to the Legal Aid (Assessment of Resources) Regulations 1980(b).

2. After rule 4 of Schedule 2, there shall be inserted the following-

“5. In computing the disposable income of the person concerned, there shall be disregarded income support paid under the Social Security Act 1986.”.

3. For rule 6 of Schedule 2, there shall be substituted the following-

“6. There shall be disregarded-

- (a) attendance allowance paid under the Social Security Acts 1975-1986;
- (b) mobility allowance paid under the Social Security Acts 1975-1986;
- (c) constant attendance allowance paid as an increase to a disablement pension under section 61 of the Social Security Act 1975(c); and
- (d) any payment made out of the social fund under section 32 of the Social Security Act 1986.”.

4. For rule 7(d) of Schedule 2, there shall be substituted the following-

“(d) the amount of any contribution paid, whether under a legal obligation or not, to an occupational pension scheme within the meaning of the Social Security Pensions Act 1975(d) or to a personal pension scheme within the meaning of the Social Security Act 1986.”.

(a) 1974 c.4; section 11 was amended by the Social Security Act 1980 (c.30), section 20, Schedule 4, paragraph 9 and by the Social Security Act 1986 (c.50), Schedule 10, paragraph 46; section 20 was amended by the Legal Aid Act 1979 (c.26), section 4(2), by the Civil Jurisdiction and Judgments Act 1982 (c.27), section 40(1) and by the Legal Aid Act 1982 (c.44), sections 1, 16; section 25 is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(b) S.I. 1980/1630, amended by S.I. 1983/423 and 1986/276.

(c) 1975 c.14; section 61 was amended by the Social Security Act 1986 (c.50), section 39, Schedule 3, paragraph 6.

(d) 1975 c.60.

5. For rule 9(4) of Schedule 2, there shall be substituted the following—

“(4) Where any amount of the rent or rates is met by a rebate or allowance under Part II of the Social Security and Housing Benefits Act 1982(a), by any rate rebate or by housing benefit under the Social Security Act 1986, the amount so met shall be deducted from the rent to be considered under paragraph (1) of this rule.”.

6. For rule 11(1)(b) of Schedule 2, there shall be substituted the following—

“(b) in the case of a dependent child or a dependent relative, at a rate equivalent to 25 per cent above the amount specified for the time being in paragraph 2 of Part I of Schedule 2 to the Income Support (General) Regulations 1987(b) appropriate to the age of the child or relative.”.

7. After rule 6 of Schedule 3, there shall be inserted the following—

“6A. In computing the amount of capital of the person concerned where that person is in receipt of income support under the Social Security Act 1986, there shall be disregarded any amount which exceeds the sum for the time being specified in section 9(1)(b) of the Act(c).

6B. In computing the amount of capital of the person concerned, there shall be wholly disregarded any payment which is made out of the social fund under section 32 of the Social Security Act 1986.”.

Dated 8th March 1988

Mackay of Clashfern, C.

*Mark Lennox-Boyd
David Lightbown*

Two of the Lords Commissioners of
Her Majesty's Treasury

Dated 9th March 1988

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Legal Aid (Assessment of Resources) Regulations 1980 in consequence of the provisions of the Social Security Act 1986 relating to income support, housing benefit, payments out of the social fund and personal pension schemes.

(a) 1982 c.24.

(b) S.I. 1987/1967.

(c) By S.I. 1983/1783, the sum specified in section 9(1)(b) of the Legal Aid Act 1974 is £3,000.

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