
STATUTORY INSTRUMENTS

1988 No. 490 (S.52)

LEGAL AID AND ADVICE, SCOTLAND

The Civil Legal Aid (Scotland) Amendment Regulations 1988

<i>Made</i>	- - - -	<i>11th March 1988</i>
<i>Laid before Parliament</i>		<i>17th March 1988</i>
<i>Coming into force</i>	- -	<i>11th April 1988</i>

The Secretary of State, in exercise of the powers conferred on him by sections 17(5), 37(1) and 42 of the Legal Aid (Scotland) Act 1986⁽¹⁾ and of all other powers enabling him in that behalf, and with the concurrence of the Treasury, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Civil Legal Aid (Scotland) Amendment Regulations 1988 and shall come into force on 11th April 1988.

(2) In these Regulations, “the principal Regulations” means the Civil Legal Aid (Scotland) Regulations 1987⁽²⁾.

2.—(1) Regulation 32(a)(v) of the principal Regulations shall be amended by inserting, after the words “by way of”, the words “income support or family credit under the Social Security Act 1986⁽⁵⁾,”

(2) After regulation 32(a)(vi) of the principal Regulations, there shall be inserted the following:—
“(vii) by way of any payment made out of the social fund under the Social Security Act 1986.”.

3. After paragraph 4 of Schedule 2 to the principal Regulations, there shall be inserted the following:—

“**4A.** In computing the disposable income of the person concerned, there shall be disregarded income support paid under the Social Security Act 1986.”.

4. In paragraph 6 of Schedule 2 to the principal Regulations, after sub-paragraph (d), there shall be inserted the following:—

“(e) any payment made out of the social fund under the Social Security Act 1986.”.

5. For paragraph 7(d) of Schedule 2 to the principal Regulations, there shall be substituted the following:—

(1) 1986 c. 47

(2) S.I.1987/381, amended by S.I. 1987/431

(5) 1986 c. 50

“(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((3)) or to a personal pension scheme within the meaning of the Social Security Act 1986.”.

6. For paragraph 11(1)(b) of Schedule 2 to the principal Regulations, 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((4)) appropriate to the age of the child or relative.”.

7. After paragraph 6 of Schedule 3 to the principal Regulations, 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 as the disposable capital limit under section 17(2)(b) of the Act. 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.”.

New St Andrew’s House,
Edinburgh
10th March 1988 We concur,

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

11th March 1988

David Lightbown
Michael Neubert
Two of the Lords Commissioners of Her
Majesty’s Treasury

(3) 1975 c. 60
(4) S.I. 1987/1967

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Scotland) Regulations 1987 in consequence of the provisions of the Social Security Act 1986 relating to income support, family credit, payments out of the social fund and personal pension schemes.