
STATUTORY INSTRUMENTS

1998 No. 663

**LEGAL AID AND ADVICE,
ENGLAND AND WALES**

**The Legal Advice and Assistance
(Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>10th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>6th April 1998</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 9, 34 and 43 of the Legal Aid Act 1988⁽¹⁾ and with the consent of the Treasury, hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations 1998 and shall come into force on 6th April 1998.

(2) In these Regulations, unless the context otherwise requires, a regulation or Schedule referred to by number alone means the regulation or Schedule so numbered in the Legal Advice and Assistance Regulations 1989⁽²⁾.

Transitional Provisions

2.—(1) These Regulations shall apply to applications for advice and assistance made on or after 6th April 1998 and applications made before that date shall be treated as if these Regulations had not come into force.

Amendments to the Legal Advice and Assistance Regulations 1989

3.—(1) Regulation 11 shall be amended by substituting

(a) “£80” for “£77” in paragraph (1) and

(1) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63 and by the Family Law Act 1996 (c. 27), Schedule 8, paragraph 44. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.

(2) S.I.1989/340; the relevant amending instruments are S.I. 1992/719, 1993/790, 1994/805, 1995/795, 949, 1996/641 and 1997/751.

- (b) “£172” for “£166” in paragraph (2).
- (2) Regulation 12 shall be amended by substituting
 - (a) “£72” for “£69” in each of the places where that amount is stated in paragraphs (1), (2) and (5) and
 - (b) “£172” for “£166” in paragraph (1).
- 4.—(1) In paragraph 9(b)(ii) of Schedule 2, after the first occurrence of the word “relative”, there shall be inserted the words “aged 18 or under”.
- (2) At the end of paragraph 9(b)(ii) of Schedule 2, there shall be inserted the following—
 - “(iii) in the case of a dependent child or a dependent relative aged 19 or over, at a rate equivalent to the amount which would have been specified for the time being in accordance with paragraph 9(b)(ii) immediately before he attained the age of 19.”.

Dated 4th March 1998

Irvine of Lairg, C.

We consent,

Dated 10th March 1998

Graham Allen
John McFall
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance Regulations 1989 so as—

- (a) to increase, with effect from 6th April 1998, the weekly income limits for legal advice and assistance (other than assistance by way of representation “ABWOR”) from £77 to £80; for non-contributory ABWOR from £69 to £72, and for contributory ABWOR from £166 to £172; and
- (b) to make further provision for a deduction to be made for a dependent child or a dependent relative aged 19 or over when computing the income of a person during the assessment of his resources in respect of an application for advice and assistance.