

*Draft Regulations laid before the Scottish Parliament under section 37(2) of the Legal Aid (Scotland)
Act 1986, for approval by resolution of the Scottish Parliament.*

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

LEGAL AID AND ADVICE

**The Civil Legal Aid (Financial
Conditions) (Scotland) Regulations 2008**

Made - - - - 2008
Coming into force - - 7th April 2008

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 36(2)(b) of the Legal Aid (Scotland) Act 1986⁽¹⁾ and of all other powers enabling them to do so.

In accordance with section 37(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2008 and shall come into force on 7th April 2008.

(2) In these Regulations, “the Act” means the Legal Aid (Scotland) Act 1986.

Application

2. These Regulations shall apply only in relation to any case where an application for civil legal aid is made on or after 7th April 2008.

Amendment of the Legal Aid (Scotland) Act 1986

3. In section 15(1) of the Act⁽²⁾ for “£10,074” substitute “£10,306”.

4. In section 15(2)(a) of the Act⁽³⁾ for “£11,402” substitute “£11,847”.

5. In section 17(2)(a) of the Act⁽⁴⁾ for “£3,085” substitute “£3,156”.

(1) 1986 c. 47. Section 36(2)(b) was amended by the Legal Aid Act 1988 (c. 34), Schedule 4, paragraph 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) The previous figure specified in section 15(1) was inserted by S.S.I. 2007/249.

(3) The previous figure specified in section 15(2)(a) was inserted by S.S.I. 2007/249.

(4) The previous figure specified in section 17(2)(a) was inserted by S.S.I. 2007/249.

6. In section 17(2)(b) of the Act⁽⁵⁾ for “£6,879” substitute “£7,147”.

Revocation

7. The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2007⁽⁶⁾ are revoked except in relation to any case where an application for civil legal aid is made to the Scottish Legal Aid Board before 7th April 2008.

St Andrew’s House,
Edinburgh
2008

A member of the Scottish Executive

(5) The previous figure specified in section 17(2)(b) was inserted by S.S.I. 2007/249.
(6) S.S.I 2007/249.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations increase certain financial limits of eligibility for civil legal aid under the Legal Aid (Scotland) Act 1986.

Regulation 3 increases income limits to make a person with a yearly disposable income of not more than £10,306 (increased from £10,074) eligible for civil legal aid. Regulation 5 increases, from £3,085 to £3,156, the yearly disposable income limit below which a person will be eligible for civil legal aid and will not have to pay a contribution.

Regulation 4 increases the upper limit of disposable capital to £11,847 (increased from £11,402), above which civil legal aid may be refused if it appears the person can afford to proceed without it.

In regulation 6, the upper limit of disposable capital, above which a legally assisted person may be required to pay a contribution, is £7,147 (increased from £6,879).

Regulation 8 revokes the Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2007.