SCOTTISH STATUTORY INSTRUMENTS

2005 No. 163

LEGAL AID AND ADVICE

The Advice and Assistance (Financial Conditions) (Scotland) Regulations 2005

Made - - - -	*17th March 2005*
Coming into force - -	*11th April 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 11(2) and 36(1) and (2)(b) of the Legal Aid (Scotland) Act 1986(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 37(2) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Advice and Assistance (Financial Conditions) (Scotland) Regulations 2005 and shall come into force on 11th April 2005.

(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 advice and assistance is made on or after 11th April 2005.

Amendment of the Legal Aid (Scotland) Act 1986

3. For the weekly sum of £197 specified in section 8(a) of the Act(**2**) substitute the weekly sum of £203.

4. For the capital sum of £1,370 specified in section 8 of the Act(**3**) substitute the capital sum of £1,412.

(**1**) 1986 c. 47; section 11(2) was amended by the Social Security Act 1986 (c. 50), Schedule 10, paragraph 61, the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 9 and the Access to Justice Act 1999 (c. 22), section 33. 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 8(a) was inserted by S.S.I. 2004/140.

(**3**) The previous figure specified in section 8 was inserted by S.S.I. 2004/140.

5. For the weekly sum of £83 specified in section 11(2)(a) of the Act(**4**) substitute the weekly sum of £86.

Liability to pay fees or outlays under section 11(2) of the Act

6. The maximum amount of fees or outlays which a client is liable to pay under section 11(2) of the Act(**5**), where that client's disposable income falls within a range specified in the first column of the following table, is the amount specified in relation to that range in the second column:–

Disposable income range	*Maximum contribution*
1. Exceeding £86 but not exceeding £93 a week	£7
2. Exceeding £93 but not exceeding £100 a week	£14
3. Exceeding £100 but not exceeding £107 a week	£21
4. Exceeding £107 but not exceeding £114 a week	£28
5. Exceeding £114 but not exceeding £121 a week	£35
6. Exceeding £121 but not exceeding £128 a week	£42
7. Exceeding £128 but not exceeding £135 a week	£49
8. Exceeding £135 but not exceeding £142 a week	£56
9. Exceeding £142 but not exceeding £149 a week	£63
10. Exceeding £149 but not exceeding £156 a week	£70
11. Exceeding £156 but not exceeding £163 a week	£77
12. Exceeding £163 but not exceeding £170 a week	£84
13. Exceeding £170 but not exceeding £177 a week	£91
14. Exceeding £177 but not exceeding £184 a week	£98
15. Exceeding £184 but not exceeding £191 a week	£105
16. Exceeding £191 but not exceeding £198 a week	£112

(**4**) The previous figure specified in section 11(2)(a) was inserted by S.S.I. 2004/140.
(**5**) The previous maximum amounts were specified in S.S.I. 2004/140.