SCOTTISH STATUTORY INSTRUMENTS

2004 No. 140

LEGAL AID AND ADVICE

The Advice and Assistance (Financial Conditions) (Scotland) Regulations 2004

Made - - - -	*23rd March 2004*
Coming into force - -	*12th April 2004*

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 2004 and shall come into force on 12th April 2004.

(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 12th April 2004.

Amendment of the Legal Aid (Scotland) Act 1986

3. For the weekly sum of £192 specified in section 8(a) of the Act(**2**) substitute the weekly sum of £197.

4. For the capital sum of £1,330 specified in section 8 of the Act(**3**) substitute the capital sum of £1,370.

(**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. 2003/180.

(**3**) The previous figure specified in section 8 was inserted by S.S.I. 2003/180.

5. For the weekly sum of £81 specified in section 11(2)(a) of the Act(**4**) substitute the weekly sum of £83.

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 £83 but not exceeding £90 a week	£7
2. Exceeding £90 but not exceeding £97 a week	£14
3. Exceeding £97 but not exceeding £104 a week	£21
4. Exceeding £104 but not exceeding £111 a week	£28
5. Exceeding £111 but not exceeding £118 a week	£35
6. Exceeding £118 but not exceeding £125 a week	£42
7. Exceeding £125 but not exceeding £132 a week	£49
8. Exceeding £132 but not exceeding £139 a week	£56
9. Exceeding £139 but not exceeding £146 a week	£63
10. Exceeding £146 but not exceeding £153 a week	£70
11. Exceeding £153 but not exceeding £160 a week	£77
12. Exceeding £160 but not exceeding £167 a week	£84
13. Exceeding £167 but not exceeding £174 a week	£91
14. Exceeding £174 but not exceeding £181 a week	£98
15. Exceeding £181 but not exceeding £188 a week	£105
16. Exceeding £188 but not exceeding £195 a week	£112

(**4**) The previous figure specified in section 11(2)(a) was inserted by S.S.I. 2003/180.
(**5**) The previous maximum amounts were specified in S.S.I. 2003/180.