SCOTTISH STATUTORY INSTRUMENTS

# 2003 No. 180

# LEGAL AID AND ADVICE

## The Advice and Assistance (Financial Conditions) (Scotland) Regulations 2003

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| *Made - - - -* | *7th March 2003* |
| *Coming into force - -* | *7th April 2003* |

The Scottish Ministers, in exercise of the powers conferred by sections 11(2), 36(1) and (2)(b) and 37(1) 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 2003 and shall come into force on 7th April 2003.

(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 7th April 2003.

### Amendment of the Legal Aid (Scotland) Act 1986

**3.** For the weekly sum of £189 specified in section 8(a) of the Act(**2**) substitute the weekly sum of £192.

**4.** For the capital sum of £1,300 specified in section 8 of the Act(**3**) substitute the capital sum of £1,330.

(**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.2002/144.

(**3**) The previous figure specified in section 8 was inserted by S.S.I. 2002/329.

**5.** For the weekly sum of £80 specified in section 11(2)(a) of the Act(**4**) substitute the weekly sum of £81.

**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 £81 but not exceeding £88 a week | £7 |
| **2.** Exceeding £88 but not exceeding £95 a week | £14 |
| **3.** Exceeding £95 but not exceeding £102 a week | £21 |
| **4.** Exceeding £102 but not exceeding £109 a week | £28 |
| **5.** Exceeding £109 but not exceeding £116 a week | £35 |
| **6.** Exceeding £116 but not exceeding £123 a week | £42 |
| **7.** Exceeding £123 but not exceeding £130 a week | £49 |
| **8.** Exceeding £130 but not exceeding £137 a week | £56 |
| **9.** Exceeding £137 but not exceeding £144 a week | £63 |
| **10.** Exceeding £144 but not exceeding £151 a week | £70 |
| **11.** Exceeding £151 but not exceeding £158 a week | £77 |
| **12.** Exceeding £158 but not exceeding £165 a week | £84 |
| **13.** Exceeding £165 but not exceeding £172 a week | £91 |
| **14.** Exceeding £172 but not exceeding £179 a week | £98 |
| **15.** Exceeding £179 but not exceeding £186 a week | £105 |
| **16.** Exceeding £186 but not exceeding £192 a week | £111 |

(**4**) The previous figure specified in section 11(2)(a) was inserted by S.S.I. 2002/144.
(**5**) The previous maximum amounts were specified in S.S.I. 2002/144.