STATUTORY INSTRUMENTS

1970 No. 1994

LEGAL AID AND ADVICE, ENGLAND

The Legal Aid in Criminal Proceedings (Assessment of Resources) (Amendment) Regulations 1970

Made - - -	18*th December* 1970
Laid before Parliament	31*st December* 1970
Coming into Operation	1*st January* 1971

In pursuance of the powers conferred upon me by section 78 of the Criminal Justice Act 1967(**a**), as amended by section 33(1) of, and Schedule 1 to, the Children and Young Persons Act 1969(**b**), I hereby, with the consent of the Treasury, make the following Regulations :—

1. These Regulations may be cited as the Legal Aid in Criminal Proceedings (Assessment of Resources) (Amendment) Regulations 1970 and shall come into operation on 1st January 1971.

2. In Regulation 3(1) of the Legal Aid in Criminal Proceedings (Assessment of Resources) Regulations 1968(**c**) for the words "whether an applicant's means are such that he should be given legal aid under Part IV of the Act, in respect of all or part of the costs which he is likely to incur, or whether he" there shall be substituted the words "whether the means of an applicant or an appropriate contributor are such that the applicant should be given legal aid under Part IV of the Act, in respect of all or part of the costs which he is likely to incur, or whether the applicant or an appropriate contributor".

3.—(1) In Regulation 4(1) of the said Regulations of 1968 after the words "legally assisted person" there shall be inserted the words "or an appropriate contributor".

(2) For Regulation 4(2) of the said Regulations of 1968 there shall be substituted the following paragraph :—

"(2) No legally assisted person shall be required to make a contribution as aforesaid if—

(*a*) he or an appropriate contributor is in receipt of a supplementary pension or allowance payable under the Ministry of Social Security Act 1966(**d**) ; or

(**a**) 1967 c. 80.
(**b**) 1969 c. 54.
(**c**) S.I. 1968/1265 (1968 II, p. 3569).
(**d**) 1966 c. 20.

(*b*) the income from all sources during the period of 12 months prior to the date of assessment of the legally assisted person, an appropriate contributor or any other person referred to in Regulation 2(1)(*b*) of these Regulations whose resources are taken into account by the assessor after deducting income tax and national insurance contributions amounted to £250 or less and the capital at the date of assessment of the legally assisted person, appropriate contributor or other person, as the case may be, is £25 or less :

Provided that in relation to a legally assisted person, appropriate contributor or other person who is married and living with his wife for the reference to his income amounting to £250 or less there shall be substituted a reference to their joint income amounting to £450 or less and for the reference to his capital being £25 or less there shall be substituted a reference to their joint capital being £40 or less.".

4. In Regulation 7 of the said Regulations of 1968 after the words "legally assisted person" there shall be inserted the words "or appropriate contributor".

5. In Regulation 8(1) of the said Regulations of 1968—

(*a*) for the definitions of "applicant" and "application" there shall be substituted the following definitions:—

" "applicant" means in relation to an application made on behalf of a person who has not attained the age of seventeen years by his parent or guardian, that person and in the case of any other application the person making the application ;

"application" is used with reference not only to an application for legal aid but also to an offer of legal aid made by a court without any such application ;" ;

(*b*) in the definition of "date of assessment" for the words "the legally assisted person, or, if before such an assessment is made, the Supplementary Benefits Commission is requested to inquire into the means of such person" there shall be substituted the words "the legally assisted person or an appropriate contributor, or, if before such an assessment is made, the Supplementary Benefits Commission is requested to inquire into the means of the legally assisted person or appropriate contributor" ;

(*c*) in the definition of "statement of means" after the words "legal aid" there shall be inserted the words "or an appropriate contributor".

R. Maudling,
One of Her Majesty's Principal Secretaries of State.

16th December 1970.

We consent,

Bernard Weatherill,
V. H. Goodhew,
Two of the Lords Commissioners of Her Majesty's Treasury.

18th December 1970.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid in Criminal Proceedings (Assessment of Resources) Regulations 1968. Schedule 1 to the Children and Young Persons Act 1969 amends Part IV of the Criminal Justice Act 1967 (legal aid in criminal proceedings). Amongst other things Schedule 1 enables a court to order an appropriate contributor (defined as a parent of an applicant for legal aid who is under the age of sixteen) to pay part or the whole of the costs of legal aid. These Regulations make provision for the assessment of the resources of the appropriate contributor.

SI 1970/1994
ISBN 0-11-001994-6

