

Subsidiary Legislation made under s.14.

## **Legal Assistance (Assessment of Resources and Scale of Contribution) Rules**

**1960.12.06-1**

	<i>Commencement</i>	<b>1.1.1961</b>
Amending enactments	Relevant current provisions	Commencement date
Rules of 30.12.1968 LN. 1974/080 2018/146 <sup>1</sup>	Schs.1-2 Schs.1-2 rr. 3(a)-(b), 4(3)(a), (c), (e)-(g), 5(3)(d)-(f), 6, Schs.1-2	27.6.2018

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<sup>1</sup> If these Rules are revoked before the expiry of three years from the date of commencement, then the previous provisions which were revoked by these Rules shall be revived thereby reverting to the state of law before these Rules were commenced.

**1960-23**

## Legal Aid and Assistance

**1960.12.06-1**

### Legal Assistance (Assessment of Resources and Scale of Contribution) Rules

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#### ARRANGEMENT OF RULES

Rule

1. Title.
2. Interpretation.
3. Contributions from legally assisted person.
4. Computing capital of person receiving legal assistance.
5. Computing income of person receiving legal assistance.
6. Spouse or civil partner.
7. Minors.
8. Registrar to determine capital and income.

#### SCHEDULES 1 & 2

*Deleted.*

**Title.**

1. These Rules may be cited as the Legal Assistance (Assessment of Resources and Scale of Contribution) Rules.

**Interpretation.**

2. In these Rules, unless the context otherwise requires—

“capital” means capital as assessed in accordance with the provisions of rule 4;

“income” means income as assessed in accordance with the provisions of rule 5.

**Contributions from legally assisted person.**

3. Where costs are awarded against a legally assisted person, the maximum liability of such person to contribute to such costs shall be—

(a) a contribution of 12.5% of the person’s annual income; and

(b) a contribution of 12.5% of the person’s capital.

**Computing capital of person receiving legal assistance.**

4.(1) Subject to the provisions of subrule (3), there shall be included in the computation of the capital of a person seeking or receiving legal assistance the amount or value of every resource ascertained as on the date of application for legal assistance.

(2) So far as any resource does not consist of money, the value shall be taken to be the amount which it would realize on sale in the open market.

(3) There shall not be taken into account in computing the capital of a person seeking or receiving legal assistance—

(a) any amount which he is under any law, bond, covenant, guarantee or other instrument, reasonably likely to have to pay within the twelve months next following the date of application subject to a maximum total amount of £6,000;

(b) the amount of any debt, other than a secured debt, owed to him;

(c) the first £50,000 of the value of his interest in his dwelling house after deduction of encumbrances thereon;

**1960-23**

## Legal Aid and Assistance

**1960.12.06-1**

### Legal Assistance (Assessment of Resources and Scale of Contribution) Rules

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- (d) the value of household furniture and effects, personal clothing, tools and implements of trade;
- (e) the amount of any disablement gratuity payable under the Social Security (Employment Injuries Insurance) Act;
- (f) the amount of any maternity grant or death grant payable under the Social Security (Insurance) Act; and
- (g) *Deleted.*
- (h) any resources which, in the opinion of the Registrar, are not readily realizable or ought not to be taken into consideration.

#### **Computing income of person receiving legal assistance.**

5.(1) Subject to the provisions of subrule (3), there shall be led in the computation of the income of a person seeking or receiving legal assistance the total income from all sources which he may reasonably expect to receive during the period of computation.

(2) The period of computation shall be the period of twelve months next after the date of application for legal assistance, or such other period of twelve months as the Registrar may consider appropriate in the particular circumstances of any case.

(3) There shall not be taken into account in computing the income of a person seeking or receiving legal assistance—

- (a) any disablement pension payable under the Social Security (Employment Injuries Insurance) Act;
- (b) either the first £1 a week of any superannuation or pension payments made in respect of previous service or employment from which the recipient has retired (whether payable by a former employer or not), or the first £1 a week of any widow's benefit or old age pension payable under the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act;
- (c) the amount of any pension payable in respect of wounds, disablements or disability attributable to or aggravated by service in any of Her Majesty's Forces;
- (d) the amount of rent and rates payable in respect of his dwelling house subject to a maximum total amount of £6,000;

- (e) the amount of mortgage repayments and rates payable in respect of his dwelling house subject to a maximum total amount of £6,000;
- (f) the amount of any interest payable by him on any loan subject to a maximum total amount of £2,000; and
- (g) such other amounts as the Registrar may consider ought not to be taken into consideration, having regard to the particular circumstances of the case.

**Spouse or civil partner.**

6. Any resources of a person's spouse or civil partner shall be treated for the purposes of these Rules as that person's resources unless that person is legally separated from his spouse or civil partner.

**Minors.**

7. In the case of a minor, the resources of the father and mother of such person, or, if there is no father or mother, of the guardian or, if there is no such guardian, of the person who maintains the minor, shall be treated, for the purposes of these Rules, as the resources of the minor.

**Registrar to determine capital of income.**

8. The capital and income of a person and the extent of his liability to pay costs in respect of any proceedings shall be determined by the Registrar.

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**SCHEDULES 1 & 2**

*Deleted.*