STATUTORY INSTRUMENTS

1981 No. 228

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

[F1PART II

LEGAL ADVICE AND ASSISTANCE, AND LEGAL AID OTHER THAN FREE LEGAL AID AVAILABLE UNDER PART III

Legal advice and assistance

[F1Persons eligible for advice and assistance

3.—(1) Advice and assistance to which this Article applies shall, subject to and in accordance with the following provisions of this Part, be available for any person if—

(a) his disposable income does not exceed**[**F2£234**]** a week; or

(b) he is (directly or indirectly) in receipt of**[**F3 income support**[**F4, an income-based jobseeker's allowance (payable under the Jobseekers (Northern Ireland) Order 1995) or an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance),**]]**[F5 or

(c) he is in receipt of a guarantee credit under the State Pension Credit Act (Northern Ireland) 2002,**]**

and **[**F6in any case**]** his disposable capital does not exceed**[**F7 £1,000**]**[F8 £3,000**]**.

(2) Regulations may provide that there shall be substituted—

(a) for the weekly sum specified in paragraph (1) such other weekly sum as may be prescribed;

(b) for the capital sum so specified, such other capital sum as may be prescribed.

[F9(3) Regulations made by virtue of paragraph (2)(b) may provide for the substitution of different capital sums in relation to—

(a) advice and assistance other than assistance by way of representation; and

(b) assistance by way of representation.**]]**

F1 Pt. 2 (to the extent that it remains in operation) repealed (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), arts. 1(2), 49(5), **Sch. 5** (with transitional provisions and savings in art. 48, Sch. 3); S.R. 2015/194, art. 2, **Sch.** (with transitional provisions and savings in art. 3)

F2 Words in art. 3(1)(a) substituted (6.4.2009) by Legal Advice and Assistance (Financial Conditions) Regulations (Northern Ireland) 2009 (S.R. 2009/103), **reg. 3**

F3 1986 NI 18

F4 Words in art. 3(1)(b) substituted (27.10.2008) by Employment and Support Allowance (Consequential Provisions No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008/412), **reg. 2(2)**

F5 Art. 3(1)(c) and word inserted (7.1.2013) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 82(2)(a)**, 111(3); S.R. 2012/449, art. 2(a)

F6 Words in art. 3(1) substituted (7.1.2013) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 82(2)(b)**, 111(3); S.R. 2012/449, art. 2(a)

F7 SR 1992/106

F8 in relation to assistance by way of representation, SR 1986/241

F9 1986 NI 12

Changes to legislation:
Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, Section 3 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– art. 3(1)(b) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

– Order power to amend conferred by 2011 c. 24 (N.I.) Sch. 5 para. 5(a)
– Act rev.in pt. by 1996 c. 25 s.79Sch.4 paras.19(2)36

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

– art. 28(7)(c) inserted by 2011 c. 24 (N.I.) s. 83(2)(a)
– art. 29(2A) inserted by 2015 c. 9 (N.I.) Sch. 2 para. 3
– art. 29(2A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 3 by 2022 c. 4 (N.I.) s. 4(9)(c)