

1978 No. 191

LEGAL AID AND ADVICE

**Legal Aid (Assessment of Resources) (Amendment) Regulations
(Northern Ireland) 1978***Made* 19th July 1978*Coming into operation* 1st September 1978*To be laid before Parliament*

The Secretary of State in pursuance of section 4 of the Legal Aid and Advice Act (Northern Ireland) 1965(a) and with the concurrence of the Treasury(b) hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1978, shall come into operation on 1st September 1978 and shall apply to the computation, for the purposes of section 4(1) of the Legal Aid and Advice Act (Northern Ireland) 1965, of the rate of income and the amount of capital of a person applying for legal aid after that date.

(2) In these regulations a regulation or schedule referred to by number means a regulation or schedule so numbered in the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1965(c).

Amendment to the Principal Regulations

2. In regulation 8, for the amounts £52, £26 and £75 there shall be substituted the amounts £156, £78 and £120 respectively.

Amendment to Schedule 1 to the Principal Regulations

3. The following rule shall be added after rule 5 in Schedule 1—

“5A. There shall be disregarded—

(a) attendance allowance paid under the Social Security (Northern Ireland) Act 1975(d);

(b) mobility allowance paid under the Social Security Pensions (Northern Ireland) Order 1975(e).”.

Amendment to Schedule 2 to the Principal Regulations

4.—(1) For rule 9 in Schedule 2 there shall be substituted the following rule:—

“9.—(1) In computing the amount of capital of the person concerned, the value of any interest in the main or only dwelling in which he resides shall be wholly disregarded.

(a) 1965 c. 8 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)

(b) Formerly the Ministry of Finance for Northern Ireland: see S.I. 1973/2163 (1973 III, p. 7541)

(c) S.R. & O. (N.I.) 1965 No. 218 (p. 937), as amended by S.R. & O. (N.I.) 1971 No. 115 (p. 577) and S.R. & O. (N.I.) 1972 No. 337 (p. 1685)

(d) 1975 c. 15

(e) S.I. 1975/1503 (N.I. 15)

(2) Where the person concerned resides in more than one dwelling in which he has an interest, the Commission shall decide which is the main dwelling and shall take into account in respect of the value to him of any interest in a dwelling which is not the main dwelling any sum which might be obtained by borrowing money on the security thereof."

(2) In rule 13 in Schedule 2, after the words "that the debt" there shall be inserted the words "or part of the debt".

(3) In rule 15 in Schedule 2, for the amount £600, in both places where it appears, there shall be substituted the amount £1,200.

Northern Ireland Office
19th July 1978

Roy Mason
One of Her Majesty's Principal
Secretaries of State

We concur
19th July 1978

T. E. Graham
J. Dormond
Two of the Lords Commissioners
of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These Regulations further amend the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1965 by:—

- (i) increasing from £52 to £156 the amount by which an assisted person's income must increase, from £26 to £78 the amount by which his income must decrease, and from £75 to £120 the amount by which his capital must increase, before a redetermination of his resources may be required;
- (ii) excluding attendance allowance and mobility allowance from the assessment of disposable income;
- (iii) excluding the value of any interest in the applicant's main or only dwelling from the assessment of disposable capital;
- (iv) providing that an allowance may be made against capital for part of a debt to be repaid within the following twelve months; and
- (v) increasing from £600 to £1,200 the disposable income below which an allowance is given when computing disposable capital.