

1978 No. 200

LEGAL AID AND ADVICE**Legal Aid in Criminal Cases (Statement of Means) Rules
(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 sections 24(1) and 27(3) of the Legal Aid and Advice Act (Northern Ireland) 1965(a), after consultation with the Lord Chief Justice, the Attorney General, the County Court Rules Committee and the Magistrates' Courts Rules Committee and with the approval of the Treasury(b), hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1978 and shall come into operation on 1st September 1978.

Revocation

2. The Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1966(c) are hereby revoked.

Form of statement of means

3. The form set out in the schedule shall be the prescribed form for the purposes of section 24(1) of the Legal Aid and Advice Act (Northern Ireland) 1965 (statement of means for purposes of legal aid in criminal proceedings).

Northern Ireland Office
19th July 1978

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

We approve
19th July 1978

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

(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.) 1966 No. 55 (p. 225)

SCHEDULE

STATEMENT OF MEANS OF AN APPLICANT FOR LEGAL AID IN A CRIMINAL CASE UNDER PART II OF THE LEGAL AID AND ADVICE ACT (NORTHERN IRELAND) 1965

If you wish to obtain legal aid in a criminal case you must first complete this form which will be used to determine whether you are entitled to legal aid.

Warning: IF, IN COMPLETING THIS STATEMENT, YOU KNOWINGLY MAKE ANY FALSE STATEMENT OR FALSE REPRESENTATION YOU WILL BE LIABLE TO PROSECUTION AND IF FOUND GUILTY COULD BE FINED £100 OR IMPRISONED FOR UP TO 3 MONTHS OR BOTH.

PLEASE COMPLETE IN BLOCK CAPITALS

- 1. Surname (Mr./Mrs./Miss/Ms.)
- 2. Other names
- 3. (a) Date of Birth (b) National Insurance No. (if known)
- 4. Permanent address
- 5. If staying at temporary accommodation state address
- 6. Name and address of solicitor requested (if known)
- 7. State whether married/married, living apart/single/widowed/divorced (delete as appropriate)
- 8. Are you currently receiving—
 - (a) Supplementary benefit? (Yes/No)
 - (b) Family Income Supplement? (Yes/No)

Note—

IF YOU ARE RECEIVING SUPPLEMENTARY BENEFIT OR FAMILY INCOME SUPPLEMENT YOU NEED NOT ANSWER ANY FURTHER QUESTIONS ON THIS FORM. YOU MUST, HOWEVER, READ AND SIGN THE DECLARATION AT THE END

- 9. State occupation or profession
- 10. State whether you are employed/self-employed/unemployed
(delete as appropriate)
- 11. If you are employed state:
 - (a) Whether full-time or part-time and
 - (b) Name and address of your employer
 - (a)
 - (b)
- 12. What is your average weekly take-home pay (i.e., earnings after deductions of Income Tax and National Insurance? £.....
- 13. If self-employed state annual net income £.....
- 14. Is your spouse employed? (Yes/No) or self-employed? (Yes/No)
If either answer is Yes state his/her
 - (a) Occupation
 - (b) Name and address of employer
 - (c) Approximate weekly earnings
- 15. Do you or your spouse have any other income? (e.g. interest from investments or rents received) (Yes/No)
If the answer is Yes give details and amounts (including names of banks, Building Societies, etc. from which interest is received, and state type of benefits, pensions, etc. received.
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- 16. Do you or your spouse have any savings, money, property or other goods of value? (Yes/No)
If Yes give details

17. Have you any dependants? (Yes/No)

If Yes give details (including names, ages and addresses if different from your own)

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18. State the amount you pay per week for :

- (a) Rent £.....
- (b) Rates £.....
- (c) Mortgage £.....
- (d) Board and lodging charge or contribution for keep £.....

19. Do you have any other exceptional expenses which you feel should be taken into account? (Yes/No)

If the answer is Yes give details

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20. If you are under 18 state the name and address of your parent or guardian

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21. If you are under 18 are your parents willing to assist you financially in providing you with legal aid? (Yes/No)

DECLARATION

I declare that to the best of my knowledge and belief the above particulars are true and I understand that the Court may require the Supplementary Benefits Commission to enquire into my means before or after the granting of a Criminal Aid Certificate.

Signature

Date

EXPLANATORY NOTE

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

These rules revoke the Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1966 and provide a new form of statement of means which, in criminal proceedings, an applicant for legal aid under any of the provisions mentioned in section 23 of the Legal Aid and Advice Act (Northern Ireland) 1965 may be required to furnish under section 24 of that Act.