

1979 No. 248

LEGAL AID

**Legal Aid (General) (Amendment) Regulations
(Northern Ireland) 1979**

Made 3rd July 1979
Coming into operation 10th August 1979
To be laid before Parliament

The Secretary of State, in pursuance of section 14 of the Legal Aid and Advice Act (Northern Ireland) 1965(a) hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Legal Aid (General) (Amendment) Regulations (Northern Ireland) 1979 and shall come into operation on 10th August 1979.

Amendment of regulation 5 of the 1965 regulations

2. For paragraph (5) of regulation 5 of the Legal Aid (General) Regulations (Northern Ireland) 1965(b) there shall be substituted the following paragraph:—

“(5) Subject to the provisions of regulation 11—

- (a) an application for a certificate in respect of proceedings shall be considered by the secretary to the appropriate committee who, after having regard to the determination made by the Commission of the applicant's disposable income and disposable capital, and the maximum contribution payable by him or the terms of any undertaking lodged by him under regulation 6(12) may (save in the circumstances mentioned in paragraph (8)) approve the application on behalf of the committee; and in every case in which the secretary does not approve the application he shall refer the application to the appropriate committee for their consideration and approval or refusal;
- (b) an application for a certificate in respect of proceedings which has been referred to the appropriate committee by the secretary shall be considered by the committee, and they may approve or refuse it after having regard to the determination by the Commission of the disposable income and disposable capital of the applicant and the maximum contribution payable by him and, in the case of an application for a certificate in respect of authorised summary proceedings, the terms of any undertaking lodged by him under the provisions of regulation 6(12).”

Humphrey Atkins

Northern Ireland Office
3rd July 1979

One of Her Majesty's Principal
Secretaries of State

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

(b) S.R. & O. (N.I.) 1965 No. 217 (p. 902) as amended by S.R. & O. (N.I.) 1969 No. 132 (p. 499) and S.R. 1974 No. 126 (I, p. 432)

EXPLANATORY NOTE

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

These regulations amend regulation 5 of the Legal Aid (General) Regulations (Northern Ireland) 1965 so as to authorise the secretary to the Legal Aid Committee or a certifying committee to approve on behalf of the committee an application for a civil aid certificate in respect of any proceedings instead of as hitherto only in respect of authorised summary proceedings. Where the application is not approved it must be referred to the appropriate committee for consideration.