

## 1983 No. 189

## LEGAL AID AND ADVICE

Legal Aid (Assessment of Resources) (Amendment) Regulations  
(Northern Ireland) 1983

Made . . . . . 12th July 1983

Coming into operation . . . . . 1st September 1983

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Articles 14 and 22(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a) and now vested in him(b), and with the concurrence of the Treasury, hereby makes the following Regulations—

*Citation and commencement*

1. These Regulations may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 1st September 1983.

*Interpretation*

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) 1981(c).

*Resources of an applicant who is a child*

3. In paragraph (1) of regulation 8, for the words

“—

- (i) any person liable to maintain the child under Article 22 of the Supplementary Benefits (Northern Ireland) Order 1977; and
- (ii) any person having care and control of the child, not being a person having such care and control by reason of any contract or for some temporary purpose”

there shall be substituted the words “any person who is liable to maintain the child under Article 22 of the Supplementary Benefits (Northern Ireland) Order 1977 and with whom the child is living”.

*Deprivation or conversion of resources*

4. In regulation 9, for the word “and” there shall be substituted the word “or”.

*Re-determination on change of circumstances*

5. For regulation 12 there shall be substituted the following regulation:—

“12.—(1) Where it appears to the committee that the circumstances upon which the assessment officer has determined the disposable income or disposable capital of the person concerned have altered so that—

(a) S.I. 1981/228 (N.I. 8)

(b) S.I. 1982/159

(c) S.R. 1981 No. 189

- (a) his disposable income may have increased by an amount greater than £500 or decreased by an amount greater than £250; or
- (b) his disposable capital may have increased by an amount greater than £120;

the assessment officer shall, if so required by the committee, re-determine that person's disposable income or disposable capital and maximum contribution as the case may be, unless it appears to him to be unlikely that any significant change in that person's liability to make a contribution will result from such a re-determination.

(2) For the purpose of making a re-determination under paragraph (1) the amount and value of every resource of a capital nature shall be ascertained as on the date of the request by the committee, and rule 1 of Schedule 2 to these regulations shall have effect as if for the references therein to the date of the application for a certificate there were substituted references to the date of the committee's request for a re-determination."

*Rules for computing disposable income*

6. Rule 5 of Schedule 1 shall be deleted.

Dated 28th June 1983.

*Hailsham of St. Marylebone, C.*

We concur,

*Alastair Goodlad*

*D. J. F. Hunt*

Two of the Lords Commissioners  
of Her Majesty's Treasury

Dated 12th July 1983.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981 so as—

- (1) to simplify regulation 8 of the 1981 Regulations, under which a child applicant's resources are aggregated with the resources of all those liable to maintain him, by restricting aggregation to those persons who are responsible for maintaining the child and with whom he lives;
- (2) to increase the amounts by which disposable income must have increased or decreased for a re-determination to be made from £156 and £78 to £500 and £250 respectively;
- (3) to provide that, where the Legal Aid Committee requests a re-determination of a person's disposable capital, its amount and value is to be ascertained as on the date of that request; and
- (4) to abolish rule 5 of Schedule 1 to the 1981 Regulations which requires that the first £4 of an applicant's unearned income be disregarded.

Other minor amendments are also made.