

1990 No. 104

LEGAL AID AND ADVICE

Legal Advice and Assistance (Amendment) Regulations
(Northern Ireland) 1990

Made 13th March 1990

Coming into operation —

Regulations 1, 2, 3(2) and 4 9th April 1990

Regulation 3(1) 1st June 1990

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Articles 7(2), 14, 22(1) and 27 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1990 and, except for Regulation 3(1), shall come into operation on 9th April 1990.

(2) Regulation 3(1) shall come into operation on 1st June 1990.

(3) In these Regulations “the principal Regulations” means the Legal Advice and Assistance Regulations (Northern Ireland) 1981(c).

Revocation

2. Regulation 4 of the Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1989(d) is hereby revoked.

Amendment to Schedule 1 to the principal Regulations

3.—(1) Schedule 1 to the principal Regulations shall be amended by inserting, after paragraph 1, the following new paragraph —

“1A. The provisions of this Schedule apply to a man and a woman who are living with each other in the same household as husband and wife as they apply to the parties to a marriage.”

(2) Schedule 1 to the principal Regulations shall be further amended by substituting, for paragraph 5, the following new paragraph —

(a) S.I. 1981/228 (N.I.8); Article 27 is an interpretation provision and is recited because of the meanings assigned to the words “prescribed” and “regulations”
 (b) S.I. 1982/159
 (c) S.R. 1981 No. 366; to which the most recent relevant amendment was made by S.R. 1989 No. 90
 (d) S.R. 1989 No. 90

“5. If it appears to the solicitor that the person concerned has, with intent to reduce the amount of his disposable capital or disposable income, whether for the purpose of making himself eligible for advice and assistance, reducing his liability to pay a contribution in respect of the costs of advice and assistance or otherwise —

(a) directly or indirectly deprived himself of any resources; or

(b) converted any part of his resources into resources which are to be left out of account wholly or partly;

the resources of which he has so deprived himself or which he has so converted shall be treated as part of his resources or as not so converted as the case may be.”.

Amendment to Schedule 2 to the principal Regulations

4. For the table set out in Schedule 2 to the principal Regulations, there shall be substituted the following table:—

<i>Disposable Income Range</i>	<i>Maximum Contribution</i>
Exceeding £ 64 but not exceeding £ 72 a week	... £ 5
Exceeding £ 72 but not exceeding £ 78 a week	... £12
Exceeding £ 78 but not exceeding £ 84 a week	... £19
Exceeding £ 84 but not exceeding £ 90 a week	... £25
Exceeding £ 90 but not exceeding £ 96 a week	... £32
Exceeding £ 96 but not exceeding £102 a week	... £38
Exceeding £102 but not exceeding £108 a week	... £45
Exceeding £108 but not exceeding £114 a week	... £51
Exceeding £114 but not exceeding £120 a week	... £58
Exceeding £120 but not exceeding £125 a week	... £64
Exceeding £125 but not exceeding £130 a week	... £70
Exceeding £130 but not exceeding £135 a week	... £75

Dated 13th March 1990

Mackay of Clashfern, C.

We concur,

John Taylor
David Lightbown

Dated 15th March 1990

Two of the Lords Commissioners
of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Legal Advice and Assistance Regulations (Northern Ireland) 1981 so as to —

- (a) provide that the resources of persons living together as husband and wife are to be treated as if those persons were married (Schedule 1, paragraph 1A.); and
- (b) allow account to be taken of resources of which the applicant has deprived himself of for whatever reason (Schedule 1, paragraph 5); and
- (c) substitute a new scale of contributions payable for legal advice and assistance under Article 7(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (Schedule 2).