

1991 No. 92

LEGAL AID AND ADVICE

**Legal Aid (Financial Conditions) Regulations
(Northern Ireland) 1991**

Made 14th March 1991

Coming into operation 8th April 1991

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Articles 12(2), 22 and 27 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a) and now vested in him(b), hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1991 and shall come into operation on 8th April 1991.

(2) In these Regulations “the Order” means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

Saving and revocation

2.—(1) These Regulations shall apply to any application for legal aid where the period of computation, as defined in Regulation 1(2) of the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(c), begins on or after 8th April 1991.

(2) Regulation 4 of the Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1990(d) is hereby revoked save in its application to any case to which paragraph (1) does not apply.

Contributions from persons receiving legal aid

4. For the yearly sum of £2,645 specified in Article 12(1) of the Order(e), there shall be substituted the yearly sum of £2,860.

Dated 14th March 1991.

Mackay of Clashfern, C.

(a) S.I. 1981/228 (N.I. 8); Article 27 is an interpretation provision and is recited because of the meaning assigned to the words “prescribed” and “regulations”

(b) S.I. 1982/159

(c) S.R. 1981 No. 189; to which there are amendments not relevant to these Regulations

(d) S.R. 1990 No. 96

(e) Which figure was most recently substituted by S.R. 1990 No. 96

(This note is not part of the Regulations.)

These Regulations increase the financial limit of eligibility for legal aid under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to make legal aid available without payment of a contribution to those with disposable incomes of £2,860 a year or less (instead of £2,645).

The upper limit for disposable capital above which legal aid may be refused if it appears that the applicant could afford to proceed without legal aid remains at £6,310 or, in connection with proceedings involving a personal injury, £8,000.

The lower limit of disposable capital below which no contribution in respect of capital may be required, remains at £3,000