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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 410**

**LEGAL AID AND ADVICE**

**Legal Aid (Assessment of Resources)  
(Amendment) Regulations (Northern Ireland) 1996**

*Made - - - - 23rd August 1996*

*To be laid before Parliament*

*Coming into operation 7th October 1996*

The Lord Chancellor, in exercise of the powers conferred by Articles 14, 22 and 27 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(1) and now vested in him(2), 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 Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

(2) In these Regulations, the “principal Regulations” means the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(3) and a Regulation or Schedule referred to by number means the Regulation or Schedule so numbered in the principal Regulations.

**Amendment to the principal Regulations**

3. The principal Regulations shall be amended as follows—

(a) in Regulation 1(2), after the definition of “income” there shall be inserted the following definition—

““income-based jobseeker’s allowance” has the meaning given by Article 3(4) of the Jobseekers (Northern Ireland) Order 1995(4), but excludes any sum treated as payable by way of a jobseeker’s allowance by virtue of Article 28 of that Order;”;

(b) for rule 5 of Schedule 1 there shall be substituted the following new rule—

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(1) S.I. 1981/228 (N.I. 8): Article 14 was amended by the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15) Schedule 2, paragraph 2(4). Article 27 is an interpretation provision and is recited because of the meaning assigned to the words “prescribed” and “regulations”

(2) S.I. 1982/159

(3) S.R. 1981 No. 189; as amended by S.R. 1988 No. 85, S.R. 1990 No. 105, S.R. 1992 No. 108 and S.R. 1993 No. 122. There are other amendments not relevant to these Regulations

(4) S.I. 1995/2705 (N.I. 15)

“5. Where the person concerned or his spouse is in receipt of income support paid under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(5), or of income based jobseeker’s allowance, the person concerned shall, for the period during which income support or income based jobseeker’s allowance is received, be deemed to have a disposable income which does not exceed the figure for the time being specified in Article 12(1)(a) of the Order.”;

(c) in rule 6 of Schedule 1 after sub-paragraph (c), there shall be inserted the following sub-paragraph—

“(d) so much of any back to work bonus received under Article 28 of the Jobseekers (Northern Ireland) Order 1995 as is by virtue of that Article to be treated as payable by way of a jobseeker’s allowance.”;

(d) in rule 6A of Schedule 2, after the words “Social Security Contributions and Benefits (Northern Ireland) Act 1992” there shall be inserted the words “or income based jobseeker’s allowance.”;

(e) for rule 6B of Schedule 2, there shall be substituted the following new rule—

“6B. In computing the amount of capital of the person concerned, there shall be disregarded—

(a) so much of any back to work bonus received under Article 28 of the Jobseekers (Northern Ireland) Order 1995 as is by virtue of that Article to be treated as payable by way of a jobseeker’s allowance; and

(b) the whole of any payment out of the social fund under the Social Security Contributions and Benefits (Northern Ireland) Act 1992.”.

Dated 23rd August 1996

*Mackay of Clashfern, C.*

We concur

*Bowen Wells*

*Roger Knapman*

Two of the Lords Commissioners of Her Majesty’s Treasury

Dated 2nd September 1996

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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 to provide that—

- (a) the income and capital of a person in receipt of income-based jobseeker's allowance are to be taken not to exceed the contribution limit prescribed for the time being;
- (b) any back to work bonus treated as payable by way of a jobseeker's allowance is excluded from the computations of income and capital.