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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 89**

**LEGAL AID AND ADVICE**

**Legal Aid (Assessment of Resources)  
(Amendment) Regulations (Northern Ireland) 1998**

*Made - - - - 4th March 1998*

*To be laid before Parliament*

*Coming into operation 6th April 1998*

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) 1998 and shall come into operation on 6th April 1998.

(2) In these Regulations—

- (a) a Regulation, Schedule or rule referred to by a number means the Regulation, Schedule or rule so numbered in the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(3);
- (b) “the period of computation” means the period of computation as defined in Regulation 1(2).

**Transitional provisions**

2.—(1) These Regulations shall apply to any application for legal aid where the period of computation begins on or after 6th April 1998.

(2) These Regulations shall not apply to re-determinations under Regulation 12, determinations under Regulation 13 and amended determinations under Regulation 14 in respect of applications where the period of computation began before 6th April 1998.

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(1) 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”  
(2) S.I. 1982/159  
(3) S.R. 1981 No. 189; as amended by S.R. 1983 No. 189, S.R. 1986 No. 46, S.R. 1988 No. 85, S.R. 1990 No. 105, S.R. 1992 No. 108, S.R. 1993 No. 122 and S.R. 1996 No. 410 and S.R. 1997 No. 343. There are other amendments not relevant to these Regulations

**Amendment of Schedule 1**

3.—(1) In rule 11(1)(b) of Schedule 1, after the first occurrence of the word “relative”, there shall be inserted the words “aged 18 or under”.

(2) At the end of rule 11(1)(b) of Schedule 1, there shall be inserted the following—

“(c) in the case of a dependent child or a dependent relative aged 19 or over, at a rate equivalent to the amount which would have been specified in accordance with rule 11(1)(b) immediately before he attained the age of 19.”.

**Amendment of Schedule 2**

4. Rule 13A(2) of Schedule 2 shall be amended by substituting in sub-paragraph (a) “60” for “65”.

Dated 4th March 1998

*Irvine of Lairg, C.*

We concur

Dated 10th March 1998

*John McFall*  
*Graham Allen*  
Two of the Lord’s Commissioners of Her  
Majesty’s Treasury

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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—

- (a) make further provision for a deduction to be made for a dependent child or a dependent relative aged 19 or over when computing the income of a person during the assessment of his resources in respect of an application for legal aid;
- (b) change the definition of pensionable age for a man from 65 to 60 in Schedule 2. This will align the age at which men and women can have capital disregarded during the computation of their capital for a legal aid application.