
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 195

**The Civil Legal Services (General)
Regulations (Northern Ireland) 2015**

PART 3

ADVICE AND ASSISTANCE

Applications for advice and assistance

31.—(1) Subject to regulations 6, 7 and 34, an application for advice and assistance shall be made by an applicant in person to the supplier from whom the advice and assistance is sought.

(2) Where more than one separate matter is involved each matter shall be the subject of a separate application for advice and assistance except where—

- (a) the matters are connected with or arising from proceedings for divorce or judicial separation, whether actual or prospective between the applicant and the applicant's spouse or civil partner; or
- (b) the Director considers that two or more matters are so closely related that they should be covered under one application.

(3) The applicant shall, except where regulation 34 or an exemption under regulation 4 of the Financial Regulations applies, furnish the supplier with the information necessary to enable the supplier to determine—

- (a) the applicant's disposable capital;
- (b) where appropriate, whether the applicant is in receipt of any benefit or allowance referred to in regulation 5 of the Financial Regulations; and
- (c) the applicant's disposable income.

(4) The information required by this regulation shall be furnished on a form or forms approved by the Department or such other manner as the Director may accept as sufficient in the circumstances of the application.

(5) Where, prior to receiving advice and assistance, an assisted party has wilfully failed to comply with the provisions of these Regulations as to the information to be furnished or, in furnishing such information, has knowingly made a false statement or false representation, the Director may declare that the advice so given was not given under the Order and these Regulations.

(6) Where the Director makes a declaration under paragraph (5), the Director shall notify the assisted party and the supplier.

(7) Where the Director makes a declaration under paragraph (5) and complies with the requirements of paragraph (6), the Department shall be entitled to recover from the assisted party any sums paid by the Department in respect of the advice and assistance given.

Extensions

32.—(1) Subject to paragraph (2), where it appears to the supplier that the cost of giving advice and assistance is likely to exceed £88.00, the supplier shall apply to the Director for an extension and shall furnish such information as may enable the Director to consider and determine that application.

(2) No extension shall be required under paragraph (1) if the advice and assistance relates to matters of such a kind, and its cost will not exceed such an amount, as may be specified in any notice given by the Director, granting a general authority to suppliers to exceed the said limit in the classes of case mentioned in the notice.

(3) The Director shall approve an extension under paragraph (1) if satisfied that—

- (a) it is reasonable for the advice and assistance to be given; and
- (b) the estimated amount of the costs to be incurred in giving advice and assistance is fair and reasonable.

(4) If the Director approves an extension under paragraph (1) the Director—

- (a) shall notify the supplier and prescribe such higher limit as the Director considers appropriate; and
- (b) may limit the advice and assistance to such subject matter as the Director considers appropriate.

(5) In this regulation, “an extension” means the grant of prior authority to exceed the limit applicable under paragraph (1).

Determination of financial eligibility to receive advice and assistance and contribution payable

33.—(1) Unless an exemption applies under regulation 4 of the Financial Regulations, the supplier to whom an application for advice and assistance is made shall—

- (a) assess the disposable income and disposable capital of the applicant and, where appropriate, of any person whose financial resources may be treated as those of the applicant, in accordance with the provisions of Part 2 of the Financial Regulations; and
- (b) determine and collect the maximum contribution, if any, payable by the applicant in accordance with the provisions of the Financial Regulations.

(2) Unless an exemption applies under these Regulations or regulation 4 of the Financial Regulations, a supplier shall not give advice and assistance to any individual until either the form referred to in regulation 31(4) has been signed by the applicant or, where appropriate, the form referred to, in regulation 6(2) has been signed on behalf of the applicant and in any case until the supplier has determined the matters referred to in paragraph (1).

Provision of advice and assistance at police stations

34.—(1) An application for advice and assistance may be made to a supplier by telephone, by an individual who is—

- (a) arrested and held in custody at a police station or other premises;
- (b) being interviewed in connection with a serious service offence; or
- (c) a volunteer.

(2) In this regulation “serious service offence” means any offence under the Army Act 1955(1), the Air Force Act 1955(2) or the Naval Discipline Act 1957(3) which cannot be dealt with summarily or which appears to an interviewing service police officer to be serious.

(3) In this regulation, “volunteer” means an individual who, for the purpose of assisting with an investigation, attends voluntarily at a police station or at any other place where a constable is present or accompanies a constable to a police station or any such other place without having been arrested.