
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 196

The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015

PART 2

DETERMINATIONS IN RESPECT OF AN INDIVIDUAL'S FINANCIAL RESOURCES

CHAPTER 1

FINANCIAL ELIGIBILITY LIMITS AND WAIVERS

Determination in respect of an individual's financial resources

3.—(1) This Part applies for the purposes of determining whether an individual qualifies for civil legal services under Part 2 of the Order in accordance with Article 13(1).

(2) Subject to regulations 4 and 5, the assessing authority must determine whether the individual's financial resources are such that the individual is eligible for civil legal services in accordance with these Regulations.

Exceptions from requirement to make a determination in respect of an individual's financial resources

4.—(1) The following services shall be available without reference to the client's financial resources—

- (a) services consisting of such amount of advice and assistance as is authorised under a contract to be provided without reference to the client's financial resources;
- (b) advice and assistance applied for by—
 - (i) a parent of a child, or a person with parental responsibility for a child within the meaning of the 1995 Order, in respect of whom a Health and Social Care Trust has given notice of potential proceedings under Article 50 of that Order, or
 - (ii) in the case of an unborn child in respect of whom a Health and Social Care Trust has given notice of potential proceedings under Article 50 of the 1995 Order, any person who, following birth of the child—
 - (aa) will be the parent of the child, and
 - (bb) will have parental responsibility for the child within the meaning of that Order;

[^{F1}(c) advice and assistance in potential proceedings or representation in proceedings or potential proceedings before the Review Tribunal under—

- (i) the Mental Health (Northern Ireland) Order 1986^{M1}; or

- (ii) sections 45, 47 or 48 of the Mental Capacity Act (Northern Ireland) 2016 in relation to an authorisation of detention amounting to a deprivation of liberty;
- where the client's case or application to the Tribunal is, or is to be, the subject of the proceedings;
- (ca) advice and assistance in potential proceedings or representation in proceedings or potential proceedings before the Review Tribunal under the Mental Capacity Act (Northern Ireland) 2016 under—
 - (i) Section 80 where the client is the person to whom the application relates; and
 - (ii) Section 83(2) where the client's case or application to the Tribunal is, or is to be, subject of the proceedings;]
 - (d) representation in proceedings under the 1995 Order, applied for by or on behalf of—
 - (i) a child in respect of whom an application is made for an order under—
 - (aa) Article 50 (a care or supervision order);
 - (bb) Article 62 (a child assessment order);
 - (cc) Article 63 (an emergency protection order); or
 - (dd) Article 64 (extension or discharge of an emergency protection order);
 - (ii) a parent of such a child, or a person with parental responsibility for such a child within the meaning of the 1995 Order; or
 - (iii) a child who is brought before a court under Article 44 (secure accommodation) who is not, but wishes to be, legally represented before the court;
 - (e) representation in proceedings relating to an appeal against an order made under Article 50 of the 1995 Order, applied for by or on behalf of a person who has been granted representation by virtue of sub-paragraph (d);
 - (f) representation (higher courts) in proceedings under the Adoption (Northern Ireland) Order 1987 ^{M2} applied for by or on behalf of—
 - (i) a child in respect of whom an application is made for an order under—
 - (aa) Article 17 (freeing child for adoption with parental agreement); or
 - (bb) Article 18 (freeing child for adoption without parental agreement); or
 - (ii) a parent of such a child, or a person with parental responsibility for such a child within the meaning of the 1995 Order;
 - (g) representation by a solicitor in Northern Ireland of a person whose application under the Hague Convention or the European Convention has been submitted to the Central Authority in Northern Ireland under section 3(2) or 14(2) of the Child Abduction and Custody Act 1985 ^{M3};
 - (h) representation of a person who—
 - (i) appeals to a magistrates' court against the registration of, or the refusal to register, a maintenance order made in a Hague Convention country under the Maintenance Orders (Reciprocal Enforcement) Act 1972 ^{M4};
 - (ii) applies for the registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 ^{M5};
 - (iii) applies for the registration of a judgment under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; or
 - (iv) applies for either the registration of or the registration and enforcement of a judgment under Council Regulation (EC) No. 2201/2003 of 27th November 2003

- on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility,
- and who benefited from complete or partial assistance with, or exemption from, costs or expenses in the country in which the maintenance order was made or the judgment was given;
- (i) such services as are funded through grants under Article 12(2)(c) of the Order, except where the terms of the grant provide otherwise;
- (j) civil legal services to the extent that the services consist of—
- (i) advice and assistance or representation for an individual who is the subject of an application for permission under section 6 of the 2011 Act, in respect of such an application;
- (ii) advice and assistance in connection with a TPIM notice for an individual who is subject to that notice;
- (iii) advice and assistance for an individual who is subject to a TPIM notice, in respect of an application—
- (aa) to vary measures specified in that notice under section 12(2) of the 2011 Act;
- (bb) for revocation of that notice in accordance with section 13(3) of the 2011 Act;
- (cc) for permission under Schedule 1 to the 2011 Act; or
- (iv) representation in respect of TPIM proceedings for an individual who is subject to a TPIM notice;
- [^{F2}(ja) civil legal services to the extent that the services consist of—
- (i) advice and assistance or representation for an individual who is the subject of an application for permission under section 42 of the National Security Act 2023, in respect of such an application;
- (ii) advice and assistance in connection with a notice under section 39(1) of that Act (a “Part 2 notice”) for an individual who is subject to that notice;
- (iii) advice and assistance for an individual who is subject to a Part 2 notice, in respect of an application—
- (aa) to vary measures specified in that notice under section 48(4) of that Act;
- (bb) for revocation of that notice in accordance with section 49(3) of that Act;
- (cc) for permission under Part 2 of Schedule 7 to that Act; or
- (dd) representation in respect of relevant proceedings for an individual who is subject to a Part 2 notice;]
- (k) advice and assistance in the circumstances provided for in paragraph (2) [^{F3};
- [^{F4}(l) representation of a client who is the subject of proceedings under Article 44 or 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989;
- (m) representation of a client who is the subject of proceedings under paragraph 29 or 36 of Schedule 8 to the Terrorism 2000 Act.]
- [^{F5}(p) representation of a client who is the subject of proceedings under paragraph 37 or 44 of Schedule 6 to the National Security Act 2023.]
- (2) Funded services may be provided where a client—
- (a) is arrested and held in custody at a police station or other premises;

[^{F6}(aa) is detained under Schedule 7 to the Terrorism Act 2000 or under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;]

(b) is being interviewed in connection with a serious service offence; or

(c) is a volunteer,

and seeks advice and assistance from a solicitor.

(3) In this regulation—

“the 1995 Order” means the Children (Northern Ireland) Order 1995 ^{M6};

“the 2011 Act” means the Terrorism Prevention and Investigation Measures Act 2011 ^{M7};

“Central Authority” has the same meaning as in sections 3 and 14 of the Child Abduction and Custody Act 1985;

“European Convention” means the convention defined in section 12(1) of the Child Abduction and Custody Act 1985;

“Hague Convention” means the convention defined in section 1(1) of the Child Abduction and Custody Act 1985;

“Hague Convention country” has the same meaning as in the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 ^{M8};

“the Maintenance Orders (Reciprocal Enforcement) Act 1972” means that Act as applied with such exceptions, adaptations and modifications as are specified in the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993;

[^{F7}“relevant proceedings” are the proceedings listed at paragraphs (b) to (g) of the definition of “relevant proceedings” given in section 62(1) of the National Security Act 2023;]

“serious service offence” means any offence under the Army Act 1955 ^{M9}, the Air Force Act 1955 ^{M10} or the Naval Discipline Act 1957 ^{M11} which cannot be dealt with summarily or which appears to an interviewing service policeman to be serious;

“a TPIM notice” means a notice under section 2(1) of the 2011 Act;

“TPIM proceedings” are the proceedings listed at (b) to (g) of the definition of “TPIM proceedings” given in section 30(1) of the 2011 Act;

“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.

Textual Amendments

- F1** Reg. 4(1)(c)(ca) substituted for reg. 4(1)(c) (2.12.2019) by [The Civil Legal Services \(Financial\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2019](#) (S.R. 2019/203), regs. 1, **3**
- F2** Reg. 4(1)(ja) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Subordinate Legislation\) Regulations 2023](#) (S.I. 2023/1267), reg. 1(2), **Sch. para. 58(2)(a)**
- F3** Word in reg. 4(1)(k) substituted (11.10.2016) by [The Civil Legal Services \(Financial\) \(Amendment\) Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/338), regs. 1, **3**
- F4** Reg. 4(1)(l)(m) inserted (11.10.2016) by [The Civil Legal Services \(Financial\) \(Amendment\) Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/338), regs. 1, **4**
- F5** Reg. 4(1)(p) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Subordinate Legislation\) Regulations 2023](#) (S.I. 2023/1267), reg. 1(2), **Sch. para. 58(2)(b)**
- F6** Reg. 4(2)(aa) inserted (13.8.2020) by [Counter-Terrorism and Border Security Act 2019](#) (c. 3), s. 27(2) (d), **Sch. 4 para. 31(1)** (with Sch. 4 para. 31(2)); S.I. 2020/792, reg. 2(i)

Changes to legislation: The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, CHAPTER 1 is up to date with all changes known to be in force on or before 26 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F7** Words in [reg. 4\(3\)](#) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Subordinate Legislation\) Regulations 2023 \(S.I. 2023/1267\)](#), [reg. 1\(2\)](#), **Sch. para. 58(3)**

Marginal Citations

- M1** [S.I. 1986/595 \(N.I. 4\)](#)
M2 [S.I. 1987/2203 \(N.I. 22\)](#)
M3 1985 c. 60
M4 1972 c. 18
M5 1982 c. 27
M6 [S.I. 1995/755 \(N.I. 2\)](#)
M7 2011 c. 23
M8 [S.I. 1993/593](#)
M9 1955 c. 18
M10 1955 c. 19
M11 1957 c. 53

Individuals in receipt of certain benefits, allowances etc.

5.—(1) Where the assessing authority is satisfied that the client is in receipt, directly or indirectly, of—

- (a) income support paid under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 ^{M12};
- (b) income-based jobseeker's allowance paid under Part 2 of the Jobseekers (Northern Ireland) Order 1995 ^{M13};
- (c) income-related employment and support allowance paid under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 ^{M14}, ^{F8} ...
- (d) the guarantee credit element of state pension credit paid under section 1(3)(a) of the State Pension Credit Act (Northern Ireland) 2002 ^{M15}, [^{F9}or]

[^{F10}(e) or universal credit paid under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.]

the client shall, subject to paragraph (2), be eligible for all forms of civil legal services without making (where applicable) any contribution.

(2) In respect of capital, the client's eligibility for advice and assistance is subject to regulation 6(2), and for representation (lower courts) it is subject to regulation 6(3).

Textual Amendments

- F8** Word in [reg. 5\(1\)\(c\)](#) omitted (coming into force in accordance with [reg. 1\(1\)](#) of the amending Rule) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), [regs. 1\(1\)](#), **61(2)(a)**
- F9** Word in [reg. 5\(1\)\(d\)](#) inserted (coming into force in accordance with [reg. 1\(1\)](#) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), [regs. 1\(1\)](#), **61(2)(b)**
- F10** [Reg. 5\(1\)\(e\)](#) inserted (coming into force in accordance with [reg. 1\(1\)](#) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), [regs. 1\(1\)](#), **61(2)(c)**

Marginal Citations

- M12** 1992 c. 7

M13 [S.I. 1995/2705 \(N.I. 15\)](#)

M14 [2007 c. 2 \(N.I.\)](#)

M15 [2002 c. 14 \(N.I.\)](#)

Financial eligibility limits – disposable income and disposable capital

6.—(1) This regulation has effect subject to regulations 4 and 5.

(2) Where a client's weekly disposable income does not exceed £234 and their disposable capital does not exceed £1,000, they shall be eligible for advice and assistance.

(3) Where a client's weekly disposable income does not exceed £234 and their disposable capital does not exceed £3,000, they shall be eligible for representation (lower courts).

(4) Subject to paragraph (5), a client shall be eligible for representation (higher courts) where their yearly disposable income does not exceed—

- (a) £10,955, if the representation is sought in connection with taking, defending or being a party to proceedings which include a claim in respect of personal injuries; or
- (b) £9,937, in any other case.

(5) The client shall be refused representation (higher courts) where—

- (a) their disposable capital exceeds—
 - (i) £8,560, if the representation is sought in connection with taking, defending or being a party to proceedings which include a claim in respect of personal injuries; or
 - (ii) £6,750, in any other case; and
- (b) it appears they can afford to proceed without representation (higher courts) in accordance with regulation 13(2).

Waiver of eligibility limits and contributions in multi-party actions of significant wider public interest

7.—(1) Where an application is made for representation in a multi-party action which the Director considers has a significant wider public interest, the Director may, if the Director considers it equitable to do so, do one or both of the following—

- (a) disapply the eligibility limits in regulation 6 in respect of those services in relation to specific issues within the multi-party action; and
- (b) waive all or part of any contribution payable under Part 3.

(2) In this regulation—

“multi-party action” means any action or actions, in which a number of clients have causes of action, which involve common issues of fact or law arising out of the same cause or event;

“wider public interest” means the potential of proceedings to produce real benefits for individuals other than the client (other than any general benefits which normally flow from proceedings of the type in question).

Waiver of eligibility limits and contributions in certain inquests

8.—(1) Where an application is made for a relevant determination, the Director may, if the Director considers it equitable to do so, do one or both of the following—

- (a) disapply the eligibility limits in regulation 6 in respect of the application; and
- (b) waive all or part of any contribution payable under Part 3.

(2) In considering whether to disapply the eligibility limits under paragraph (1), the Director must have regard in particular to any applicable rights under Article 2 of the Human Rights Convention.

(3) In this regulation—

“the Human Rights Convention” has the meaning given to “the Convention” by section 21(1) of the Human Rights Act 1998 ^{M16}; and

“relevant determination” is a determination under—

- (a) Article 12A(2)(a) of the Order; or
- (b) Article 12A(4)(c) of the Order, to the extent that it relates to services consisting of representation in proceedings at an inquest under the Coroners (Northern Ireland) Act 1959 ^{M17} into the death of a member of the family of the individual who has made the application.

Marginal Citations

M16 1998 c. 42

M17 1959 c. 15 (N.I.)

Waiver of eligibility limits and contributions in cross-border disputes

^{F11}9.

Textual Amendments

F11 Reg. 9 omitted (31.12.2020) by virtue of The Civil Legal Aid (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/505), regs. 1(1), 7 (with regs. 8, 9) (as amended by S.I. 2020/1493, regs. 1(1), 7(2)-(4)); 2020 c. 1, Sch. 5 para. 1(1)

Waiver of eligibility limits in proceedings relating to domestic violence or forced marriage

10.—(1) This regulation applies to an application by a client for the funding of—

- (a) representation (lower courts) in proceedings for, or in relation to, a non-molestation order under Article 20 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 ^{M18} made by the individual applying for the order or on whose application the order is made; and
- (b) advice and assistance or representation (higher courts) in proceedings for a forced marriage protection order under the Forced Marriage (Civil Protection) Act 2007 ^{M19}.

[^{F12}(1A) This regulation applies to an application by a client for the funding of representation in proceedings for an order that is an Article 8 order within the meaning of the Children (Northern Ireland) Order 1995 if—

- (a) the client is the respondent in the proceedings, and
- (b) the Director is satisfied that—
 - (i) the client is or appears to be the victim of abusive behaviour perpetrated or apparently perpetrated by the applicant seeking the order, and
 - (ii) the applicant seeking the order is someone to whom the client is personally connected.]

Changes to legislation: The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, CHAPTER 1 is up to date with all changes known to be in force on or before 26 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(2) Where this regulation applies the Director may, if the Director considers it equitable to do so, disapply the eligibility limits in regulation 6.

(3) In such applications—

- (a) where the weekly disposable income of the client exceeds £234, the contribution payable shall be the excess plus £134; and
- (b) where the disposable capital of the client exceeds £3,000, the contribution payable shall be £100.

(4) The contribution payable by a client under paragraph (3) may be in respect of disposable income or disposable capital, or in respect of both.

[^{F13}(5) The following apply for the purposes of paragraph (1A) as they apply for the purposes of Chapter 1 of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (to give meanings to certain expressions)—

- (a) section 2 (as read with section 3(2)) of that Act,
- (b) sections 4 and 5 of that Act.]

Textual Amendments

F12 Reg. 10(1A) inserted (22.2.2022) by [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(c. 2\)](#), **s. 28(1)(a)**; S.R. 2022/59, art. 2(a)

F13 Reg. 10(5) inserted (22.2.2022) by [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(c. 2\)](#), **s. 28(1)(b)**; S.R. 2022/59, art. 2(a)

Marginal Citations

M18 [S.I. 1998/1071 \(N.I. 6\)](#)

M19 [2007 c. 20](#)

Changes to legislation:

The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, CHAPTER 1 is up to date with all changes known to be in force on or before 26 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg. 4(1)(n)(o) inserted by [2023 c. 37 s. 56\(15\)\(a\)](#)