

---

STATUTORY INSTRUMENTS

---

**2013 No. 471**

**The Criminal Legal Aid (Financial Resources) Regulations 2013**

**PART 3**

**Representation**

**Assessment of resources: gross annual income**

**20.**—(1) Subject to regulations 23 and 24, the gross annual income of an individual under this Part is that individual's total income from all sources during the period of calculation after the Director has deducted any amount in accordance with paragraph (2).

(2) The Director must deduct the following amounts if they are paid to the individual during the period of calculation—

- (a) any financial support paid under an agreement for the care of a foster child;
- (b) any payments paid out of—
  - (i) the Independent Living Fund(1);
  - (ii) the Independent Living (Extension) Fund(2);
  - (iii) the Independent Living (1993) Fund(3); or
  - (iv) the Independent Living Fund (2006)(4);
- (c) any exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983(5);
- (d) any of the following payments—
  - (i) attendance allowance paid under section 64 of the 1992 Act or section 64 of the 1992 (Northern Ireland) Act;
  - (ii) severe disablement allowance paid under section 68 of the 1992 Act(6) or section 68 of the 1992 (Northern Ireland) Act 1992(7);

- 
- (1) The Independent Living Fund is a discretionary trust established by deed and funded by grants made by the Secretary of State, whose trustees have power to make payments to assist certain severely disabled people to live independently.
  - (2) The Independent Living (Extension) Fund is a Trust established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part.
  - (3) The Independent Living (1993) Fund is a Trust established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part.
  - (4) The Independent Living Fund (2006) is a Trust established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part.
  - (5) *S.I. 1983/686*. Article 15 of the Scheme, under which exceptionally severe disablement allowance is payable, was amended by paragraph 4 of Schedule 1 to the Personal Injuries (Civilians) Amendment Scheme 2001 (*S.I. 2001/420*). Paragraph 4 of Schedule 3 to the Scheme, which sets out the rate at which exceptionally severe disablement allowance is payable was substituted by paragraph 1 of Schedule 1 to the Personal Injuries (Civilians) Scheme (Amendment) Order 2010 (*S.I. 2010/283*).
  - (6) Section 68 was repealed by section 65 of, and Part IV of Schedule 13 to, the Welfare Reform and Pensions Act 1999 (*c.30*), but is subject to the savings provision specified in article 4 of the Welfare Reform and Pensions Act 1999 (Commencement No. 9, and Transitional and Savings Provisions) Order 2000 (*S.I. 2000/2958*).
  - (7) Section 68 was repealed by article 62 of, and paragraph 25 of Schedule 8 and Part IV of Schedule 10 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999, but is subject to the savings provision specified in article 4 of the Welfare Reform

- (iii) carer's allowance paid under section 70 of the 1992 Act<sup>(8)</sup> or section 70 of the 1992 (Northern Ireland) Act <sup>(9)</sup>;
  - (iv) disability living allowance paid under section 71 of the 1992 Act<sup>(10)</sup> or section 71 of the 1992 (Northern Ireland) Act;
  - (v) constant attendance allowance paid under section 104 of the 1992 Act as an increase to a disablement pension or section 104 of the 1992 (Northern Ireland) Act;
  - (vi) housing benefit paid under section 130 of the 1992 Act<sup>(11)</sup> or section 129 of the 1992 (Northern Ireland) Act;
  - (vii) council tax benefit paid under section 131 of the 1992 Act<sup>(12)</sup>;
  - (viii) any payment made out of the social fund under the 1992 Act or the 1992 (Northern Ireland) Act;
  - (e) any direct payments made under regulations made under section 57(1) of the 2001 Act, section 17A of the 1989 Act or section 8(1) of the 2002 (Northern Ireland) Direct Payments Act;
  - (f) any reasonable living expenses provided for as an exception to a restraint order under section 41 of the Proceeds of Crime Act 2002;
  - (g) any pensions paid under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006<sup>(13)</sup>; and
  - (h) any personal independence payment paid under Part 4 of the 2012 Act.
- (3) Where an individual making an application for a determination by the Director under section 16 of the Act, has a partner, or a child of the individual, living as a member of their household, paragraph 2 of the Schedule to these Regulations has effect.

---

and Pensions (1999 Order)(Commencement No. 6 and Transitional and Savings Provisions) Order (Northern Ireland) 2000 (S.I. 2000/332 (C. 14)).

- (8) Section 70 was amended to provide for carer's allowance by articles 2 and 3 of, and paragraphs 1 and 2 of the Schedule to, the Regulatory Reform (Carer's Allowance) Order 2002 (S.I. 2002/1457).
- (9) Section 70 was amended to provide for carer's allowance by article 3 of the Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 S.R. (N.I.) 2002 No 321.
- (10) Section 71 is to be repealed by section 90 of the Welfare Reform Act 2012 at a date to be appointed.
- (11) Section 130 is to be repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 at a date to be appointed.
- (12) Section 131 is to be repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 at a date to be appointed.
- (13) S.I. 2006/606, to which there are amendments not relevant to these Regulations.