1979 No. 189

LEGAL AID AND ADVICE

Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1979

Made . . . . . 29*th May* 1979

Coming into operation . . . . 6*th July* 1979

To be laid before Parliament

The Secretary of State in pursuance of section 4 of the Legal Aid and Advice Act (Northern Ireland) 1965(**a**), 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) 1979, and shall come into operation on 6th July 1979.

(2) In these regulations a schedule referred to by number means a schedule so numbered in the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1965(**b**).

2. In Schedule 1:—

(*a*) rule 4A shall be omitted;

(*b*) for rule 6 there shall be substituted—

"(6) When the income of the person concerned consists, wholly or in part, of a wage or salary from employment there shall be deducted:—

(*a*) the reasonable expenses of travelling to and from his place of employment;

(*b*) the amount of any payments reasonably made for membership of a trade union or professional organisation; and

(*c*) when it would be reasonable to do so, an amount to provide for the care of any dependent child living with the person concerned during the time that person is absent from the home by reason of employment";

(*c*) for sub-paragraphs (*a*) and (*b*) of paragraph 1 of rule 10 there shall be substituted

"(*a*) in the case of a spouse at a rate equivalent to 50 per cent above the amount by which the amount of rate B in sub-paragraph (*a*) of paragraph 7 of Schedule 1 to the Supplementary Benefits (Northern Ireland) Order 1977(**c**) for a husband and wife exceeds the amount of rate B in sub-paragraph (*b*) of that paragraph for a person living alone;

(a) 1965 c. 8 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541) and amended by S.I. 1977/1252 (N.I. 19)

(b) S.R. & O. (N.I.) 1965 No. 218 (p. 937), as amended by S.R. & O. 1966 No. 271 (p. 863), 1969 No. 307 (p. 1373), 1970 No. 246 (p. 1252), 1971 No. 115 (p. 577), 1972 No. 337 (p. 1685), S.R. 1976 No. 125 (I, p. 516), 1978 No. 191 (I, p. 618) and 1978 No. 367 (II, p. 1350)

(c) S.I. 1977/2156 (N.I. 27)

(*b*) in the case of a dependent child or a dependent relative, at a rate equivalent to 50 per cent above the amount in sub-paragraph (*c*) of paragraph 7 of the said Schedule 1 appropriate to the age of the child or relative, rate A being taken in the case of any person aged not less than 18 years."; and

(*d*) for rule 12 there shall be substituted:—

"**12.** Where the person concerned must provide for any other matter the Supplementary Benefits Commission may make an allowance of such amount as they consider to be reasonable in the circumstances of the case."

3. In Schedule 2, rules 14 and 15 shall be omitted.

Humphrey Atkins
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
29th May 1979

John MacGregor
Carol Mather
Two of the Lords Commissioners of Her Majesty's Treasury

We concur

29th May 1979

EXPLANATORY NOTE

(*This note is not part of the regulations but is intended to indicate their general purport.*)

These regulations further amend the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1965 by:—

(i) removing the disregard of £104 of income and making consequential amendments;

(ii) specifying the employment expenses which may be deducted from income;

(iii) increasing the deductions from income for dependants; and

(iv) removing the deductions from capital for dependants and low income.

1979 No. 190

Use of Roads (Newtownards Kart Race) Order (Northern Ireland) 1979

This Order, being of a temporary character, is not printed at length in this volume.