1988 No. 85

LEGAL AID AND ADVICE

Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1988

Made	*15th March 1988*
Coming into operation . .	*11th April 1988*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred by Articles 14 and 22(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**a**) and now vested in him(**b**), 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) 1988 and shall come into operation on 11th April 1988.

(2) In these Regulations, a Regulation or Schedule referred to by number means the Regulation or Schedule so numbered in the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(**c**).

Amendment of Regulation 8

2. In paragraph (1) of Regulation 8 for the words from "any person" to "the child is living" there shall be substituted the words "any person who is liable to maintain the child under Article 27(3) of the Social Security (Northern Ireland) Order 1986(**d**) and with whom the child is living."

Amendment of Schedule 1

3. Schedule 1 shall be amended as follows—

(1) After rule 4 there shall be inserted the following new rule—

"5. In computing the disposable income of the person concerned, there shall be disregarded income support paid under the Social Security (Northern Ireland) Order 1986.".

(2) For rule 6 there shall be substituted the following—

"6. There shall be disregarded—

(a) S.I. 1981/228 (N.I. 8)
(b) S.I. 1982/159
(c) S.R. 1981 No. 189 as amended by S.R. 1983 No. 189 and S.R. 1986 No. 46
(d) S.I. 1986/1888 (N.I. 18)

(*a*) attendance allowance paid under the Social Security (Northern Ireland) Acts 1975 to 1980(**a**);

(*b*) mobility allowance paid under the Social Security (Northern Ireland) Act 1975(**b**);

(*c*) constant attendance allowance paid as an increase to a disablement pension under section 61 of the Social Security (Northern Ireland) Act 1975, and

(*d*) any payment made out of the social fund under Article 33 of the Social Security (Northern Ireland) Order 1986.".

(3) For rule 7(*d*) there shall be substituted the following—

"(*d*) the amount of any contribution paid, whether under a legal obligation or not, to an occupational pension scheme within the meaning of the Social Security Pensions (Northern Ireland) Order 1975(**c**) or to a personal pension scheme within the meaning of the Social Security (Northern Ireland) Order 1986.".

(4) For rule 9(4) there shall be substituted the following—

"(4) Where the amount of the rent or rates is met by a rebate under Article 9 of the Housing (Northern Ireland) Order 1976(**d**) or Article 6 of the Housing Finance (Northern Ireland) Order 1977(**e**) or allowance under Article 59 of the Rent (Northern Ireland) Order 1978(**f**) or by a rate rebate or by any housing benefit under the Social Security (Northern Ireland) Order 1986, the amount so met shall be deducted from the rent to be considered under paragraph (1) of this rule.".

(5) For rule 11(1)(*b*) there shall be substituted the following—

"(*b*) in the case of a dependent child or a dependent relative, at a rate equivalent to 25 per cent above the amount specified for the time being in paragraph 2 of Part I of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987(**g**) appropriate to the age of the child or relative.".

Amendment of Schedule 2

4. After rule 6 there shall be inserted the following new rules—

"6A. In computing the amount of capital of the person concerned where that person is in receipt of income support under the Social Security (Northern Ireland) Order 1986, there shall be disregarded any amount which exceeds the sum for the time being specified in Article 9(1)(*a*) of the Order.".

(**a**) As defined in Article 1(2) of the Social Security (Northern Ireland) Order 1980 S.I. 1980/870 (N.I. 8)
(**b**) 1975 C. 15
(**c**) S.I. 1975/1503 (N.I. 15)
(**d**) S.I. 1976/1780 (N.I. 25)
(**e**) S.I. 1977/597 (N.I. 8)
(**f**) S.I. 1978/1050 (N.I. 20)
(**g**) S.R. 1987 No. 459

"6B. In computing the amount of capital of the person concerned, there shall be wholly disregarded any payment which is made out of the social fund under Article 33 of the Social Security (Northern Ireland) Order 1986.".

Dated 15th March 1988 *Mackay of Clashfern, C.*

Dated 16th March 1988 *Peter Lloyd*
Michael Neubert

We concur Two of the Lords 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 in consequence of the provisions of the Social Security (Northern Ireland) Order 1986 in relation to income support, family credit, housing benefit and the social fund.