1990 No. 96

LEGAL AID AND ADVICE

Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1990

Made . . . . . *13th March 1990*

Coming into operation . . *9th April 1990*

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Articles 9(2), 12(2), 22 and 27 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**a**) and now vested in him(**b**), hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1990 and shall come into operation on 9th April 1990.

(2) In these Regulations—

(*a*) ''the Order'' means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981;

(*b*) ''personal injuries'' includes any death and any disease or other impairment of a person's physical or mental condition.

Saving and revocation

2.—(1) These Regulations shall apply to any application for legal aid where the period of computation, as defined in Regulation 1(2) of the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(**c**), begins on or after 9th April 1990.

(2) The Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1989(**d**) are hereby revoked save in their application to any case to which paragraph (1) does not apply.

Persons eligible for legal aid

3.—(1) For the yearly sum of £6,035 specified in Article 9(1) of the Order(**e**), there shall be substituted—

(a) S.I. 1981/228 (N.I. 8); Article 27 is an interpretation provision and is recited because of the meanings assigned to the words ''prescribed'' and ''regulations''

(b) S.I. 1982/159

(c) S.R. 1981 No. 189; to which there are amendments not relevant to these Regulations

(d) S.R. 1989 No. 81

(e) Which figure was most recently substituted by S.R. 1989 No. 81

(*a*) where legal aid is sought in connection with taking, defending or being a party to proceedings which include a claim in respect of personal injuries, the yearly sum of £7,000; or

(*b*) in any other case, the yearly sum of £6,350.

(2) For the capital sum of £6,000 specified in Article 9(1) of the Order(**a**), there shall be substituted—

(*a*) where legal aid is sought in connection with taking, defending or being a party to proceedings which include a claim in respect of personal injuries, the capital sum of £8,000; or

(*b*) in any other case, the capital sum of £6,310.

Contributions from persons receiving legal aid

4. For the yearly sum of £2,515 specified in Article 12(1) of the Order(**a**), there shall be substituted the yearly sum of £2,645.

Dated 13th March 1990. *Mackay of Clashfern,* C.

(a) Which figure was most recently substituted by S.R. 1989 No. 81

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations increase certain of the financial limits of eligibility for legal aid under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

The income limits are increased to make legal aid available to those with disposable incomes of not more than £6,350 or, in connection with proceedings involving a personal injury, £7,000 a year (instead of £6,035) and available without payment of a contribution to those with disposable incomes of £2,645 a year or less (instead of £2,515).

The upper limit for disposable capital(£6;000) above which legal aid may be refused if it appears that the applicant could afford to proceed without legal aid is increased to £6,310 or, in connection with proceedings involving a personal injury, £8,000.

The lower limit of disposable capital below which no contribution in respect of capital may be required, remains at £3,000.