1992 No. 107

LEGAL AID AND ADVICE

Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1992

Made . . . . . *11th March 1992*

Coming into operation . . *6th April 1992*

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) 1992 and shall come into operation on 6th April 1992.

(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 April 1992.

(2) The Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1990(**d**) and the Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1991(**e**) 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 sums specified in Article 9(1) of the Order(**f**), 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. 1990 No. 96

(**e**) S.R. 1991 No. 92

(**f**) Which figure was most recently substituted by S.R. 1990 No. 96

(*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, for the yearly sum of "£7,000" the yearly sum of "£7,500"; and

(*b*) in any other case, for the yearly sum of "£6,350" the yearly sum of "£6,800".

(2) For the capital sums 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, for the capital sum of "£8,000" the capital sum of "£8,560"; and

(*b*) in any other case, for the capital sum of "£6,310" the capital sum of "£6,750".

Contributions from persons receiving legal aid

4. For the yearly sum of "£2,860" specified in Article 12(1)(*a*) of the Order(**b**), there shall be substituted the yearly sum of "£3,060".

Dated 11th March 1992. *Mackay of Clashfern*, C.

(**a**) Which figure was most recently substituted by S.R. 1990 No. 96
(**b**) Which figure was most recently substituted by S.R. 1991 No. 92

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 £6,800 (instead of £6,350) or, in connection with proceedings involving a personal injury, £7,500 a year (instead of £7,000) and available without payment of a contribution to those with disposable incomes of £3,060 a year or less (instead of £2,860).

The upper limit for disposable capital above which legal aid may be refused if it appears that the applicant could afford to proceed without legal aid is increased to £6,750 (instead of £6,310) or, in connection with proceedings involving a personal injury, £8,560 (instead of £8,000).

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