1972. No. 337 **[C]**

LEGAL AID

Assessment of Resources

REGULATIONS, DATED 4TH DECEMBER 1972, MADE BY THE MINISTRY OF HOME AFFAIRS, WITH THE CONCURRENCE OF THE MINISTRY OF FINANCE, UNDER SECTIONS 4 AND 14 OF THE LEGAL AID AND ADVICE ACT (NORTHERN IRELAND) 1965.

The Ministry of Home Affairs, with the concurrence of the Ministry of Finance, on behalf of the Secretary of State, in exercise of the powers conferred by sections 4 and 14 of the Legal Aid and Advice Act (Northern Ireland) 1965(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1972 and shall come into operation on 18th December 1972.

Interpretation

2. In these regulations a regulation referred to by number means a regulation so numbered in the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1965(b) and a rule referred to by number means a rule so numbered in the schedules to those regulations.

Amendment of Principal Regulations

3.—(1) In regulation 1 (which relates, among other things, to the interpretation of expressions used in the regulations) in the definition of "income" for the words "does not include" there shall be substituted the words "includes any sum payable for the purpose of the maintenance of an infant including" and for the words "for the purpose of the maintenance of an infant" there shall be substituted the words "for that purpose".

(2) In regulation 3 (which relates to the resources of a spouse) sub-paragraph (2)(iii) and the word "or" in sub-paragraph (2)(ii) shall be omitted.

(3) The following paragraph shall be substituted for paragraph (1) of regulation 4 (which relates to resources of an infant applicant):—

"(1) Where an application for a certificate is made by or on behalf of an infant who is under the upper limit of compulsory school age, there shall, save in exceptional circumstances, in addition to the resources of the infant, be taken into account the resources of any person liable to maintain the infant under section 23 of the Supplementary Benefits &c. Act (Northern Ireland) 1966(c) and any person having care and control of the infant, not being a person having such care and control by reason of any contract or for some temporary purpose."

(a) 1965. c. 8 (N.I.).
(b) S.R. & O. (N.I.) 1965, No. 218.
(c) 1966. c. 28 (N.I.).

Amendment of Schedule 1 to the Principal Regulations

4. In rule 8 of Schedule 1 (which relates to deductions for rent) after the word "rent" in the first place where it occurs there shall be inserted the words "of the main or only dwelling"; after the word "circumstances" there shall be added the words "and the Supplementary Benefits Commission shall decide which is the main dwelling where the person concerned resides in more than one dwelling in which he has an interest"; and after paragraph (3) there shall be added the following paragraph:—

"(4) Where any amount of the rent or rates is met under any statutory provision by a rebate or allowance the amount so met shall be deducted from the rent to be considered under paragraph (1) of this rule."

Amendment of Schedule 2 to the Principal Regulations

5.—(1) Schedule 2 shall be amended in accordance with the following provisions.

(2) In rule 9 (which relates to the value of a dwelling) in paragraph (1) after the words "any interest in the" there shall be inserted the words "main or only" and after the words "security thereof" there shall be added the words "and the Supplementary Benefits Commission shall decide which is the main dwelling where the person concerned resides in more than one dwelling in which he has an interest"; in paragraph (2) after the words "value of the", in both places where they occur, there shall be inserted the words "main or only" and for the expression "£5,000" there shall be substituted the expression "£6,000" and after paragraph (2) there shall be inserted the following paragraph:—

"(3) Where the person concerned resides in more than one dwelling in which he has an interest, there shall be taken into account in respect of the value to him of any interest in a dwelling which is not the main dwelling any sum which might be obtained by borrowing money on the security thereof."

(3) In rule 11 (which relates to the value of life assurance) the proviso shall be omitted.

(4) The following rule shall be substituted for rule 13:—

"13. An allowance may be made in respect of any debt owing by the person concerned (other than a debt secured on the dwelling or dwellings in which he resides) to the extent to which the Commission consider reasonable, provided that the person concerned produces evidence to the satisfaction of the Commission that the debt will be discharged within the twelve months immediately following the date of application for a certificate."

(5) In rule 14 (which relates to dependants' allowances) for the expressions "£75", "£50" and "£25" there shall be substituted respectively the expressions "£125", "£80" and "£40".

(6) In rule 15 (which relates to an allowance where there is low income) for the expression "£375" there shall be substituted the expression "£600".

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 4th day of December 1972.

(L.S.) *W. A. Willis,*
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby concurs with the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 4th day of December 1972.

(L.S.) *C. F. Darling,*
Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations amend the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1965.

The principal changes are as follows:—

(*a*) sums payable to the person concerned for maintaining an infant shall be included as part of that person's income;

(*b*) save in exceptional circumstances, where an infant is an applicant for legal aid the resources of his parents or other persons liable to maintain him shall be included with his resources;

(*c*) £6,000 (formerly £5,000) of the value of a main dwelling shall be left out of account; where the person concerned resides and has an interest in more than one dwelling the Supplementary Benefits Commission shall decide which dwelling qualifies for the disregard; in respect of a dwelling which is not the main dwelling the Commission will take into account any sum which could be borrowed on the security of the dwelling;

(*d*) the capital allowances for dependants shall be £125 for the first, £80 for the second and £40 for any further dependant instead of £75, £50 and £25 respectively;

(*e*) the maximum capital allowance on account of low income shall be £600 instead of £375.