1993 No. 124

LEGAL AID AND ADVICE

Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1993

Made . . . . . *11th March 1993*

Coming into operation . . *12th April 1993*

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Articles 7(2), 14, 22 and 27 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 Advice and Assistance (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 12th April 1993.

(2) In these Regulations, a Regulation or Schedule referred to by number means the Regulation or Schedule so numbered in the Legal Advice and Assistance Regulations (Northern Ireland) 1981(**c**).

Saving and revocation

2.—(1) Regulation 4 of the Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1992(**d**), is hereby revoked save in its application to any case to which the Regulations do not apply.

(2) These Regulations shall not apply to applications for advice and assistance made before 12th April 1993.

Amendment to Regulation 3

3. Regulation 3 shall be amended as follows—

(*a*) in the definition of ''disability working allowance'' for the words ''section 37ZA of the Social Security (Northern Ireland) Act 1975''(**e**)

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

(**b**) S.I. 1982/159

(**c**) S.R. 1981 No. 366; as amended by S.R. 1983 No. 29, S.R. 1984 No. 82, S.R. 1986 No. 47, S.R. 1988 No. 87, S.R. 1989 No. 90, S.R. 1989 No. 469, S.R. 1990 No. 104, S.R. 1991 No. 90, S.R. 1992 No. 105

(**d**) S.R. 1992 No. 105

(**e**) 1975 c. 15 section 37ZA was inserted by S.I. 1991/1712 (N.I. 17)

there shall be substituted the words "the Social Security Contributions and Benefits (Northern Ireland) Act 1992"(**a**).

(*b*) in the definition of "family credit" for the words "Social Security (Northern Ireland) Order 1986"(**b**) there shall be substituted the words "Social Security Contributions and Benefits (Northern Ireland) Act 1992";

(*c*) in the definition of "income support" for the words "Social Security (Northern Ireland) Order 1986" there shall be substituted the words "Social Security Contributions and Benefits (Northern Ireland) Act 1992".

Amendment to Schedule 1

4. Schedule 1 shall be amended as follows—

(*a*) in paragraph 4 for the words "Article 27(3) of the Social Security (Northern Ireland) Order 1986" there shall be substituted the words "the Social Security Administration (Northern Ireland) Act 1992"(**c**);

(*b*) in paragraph 8(*b*)—

(i) in head (i) for the words from "25 per cent" to the end there shall be substituted the words

"the difference between the income support allowance for a couple where both members are aged not less than 18 (which is specified in column 2 of paragraph 1(3)(*c*) of Part I of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987(**d**)) and the allowance for a single person aged not less than 25 (which is specified in column 2 of paragraph 1(1)(*e*) of that Part of that Schedule);";

(ii) in head (ii) the words "25 per cent above" shall be deleted;

(*c*) after paragraph 8(*b*) there shall be inserted the following sub-paragraph—

"(*c*) there shall be disregarded—

(i) payments made under section 64 of or paragraph 4(2) of Schedule 8 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in respect of attendance allowance;

(ii) payments made under section 104 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in respect of constant attendance allowance paid as an increase to a disablement pension;

(**a**) 1992 c. 7; the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9) makes provision for the continuation in effect of provisions consolidated by the Social Security Contributions and Benefits (Northern Ireland) Act 1992

(**b**) S.I. 1986/1888 (N.I. 8)

(**c**) 1992 c. 8

(**d**) S.R. 1987 No. 459; to which the most recent relevant amendment was made by S.R. 1992 No. 18