1993 No. 122

LEGAL AID AND ADVICE

Legal Aid (Assessment of Resources) (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 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 Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 12th April 1993.

(2) In these Regulations—

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

(*b*) ''the period of computation'' means the period of computation as defined in Regulation 1(2).

Transitional provisions

2.—(1) These Regulations shall apply to any application for legal aid where the period of computation begins on or after 12th April 1993.

(2) These Regulations shall not apply to re-determinations under Regulation 12, determinations under Regulation 13 and amended determinations under Regulation 14 in respect of applications where the period of computation began before 12th April 1993.

(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. 189; as amended by S.R. 1983 No. 189, S.R. 1986 No. 46, S.R. 1988 No. 85, S.R. 1989 No. 89, S.R. 1990 No. 105 and S.R. 1992 No. 108

Amendment of Schedule 1

3. Schedule 1 shall be amended as follows:—

(*a*) in rule 5, for the words "Social Security (Northern Ireland) Order 1986"(**a**) there shall be substituted the words "Social Security Contributions and Benefits (Northern Ireland) Act 1992"(**b**)

(*b*) for rule 6 there shall be substituted the following rule—

"6. There shall be disregarded—

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

(*b*) 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;

(*c*) payments made under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in respect of:

(i) disability living allowance;

(ii) any payment made out of the social fund.".

(*c*) in rule 9(4) for the words "Social Security (Northern Ireland) Order 1986" there shall be substituted the words "Social Security Contributions and Benefits (Northern Ireland) Act 1992".

(*d*) in Rule 11(1)—

(i) in sub-paragraph (*a*) for the words "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(**c**)) 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 sub-paragraph (*b*) the words "25 per cent above" shall be deleted.

Amendment of Schedule 2

4. Schedule 2 shall be amended as follows:—

(*a*) in rule 6A for the words "Social Security (Northern Ireland) Order 1986" there shall be substituted the words "Social Security Contributions and Benefits (Northern Ireland) Act 1992".

(**a**) S.I. 1986/1988 (N.I. 8)

(**b**) 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

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