1988 No. 87

LEGAL AID AND ADVICE

Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1988

Made	*15th March 1988*
Coming into operation . .	*11th April 1988*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred by Articles 5(3), 8(3), 14(1), (2), (5) and (6) and 22 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) 1988 and shall come into operation on 11th April 1988.

(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**).

Amendment of Regulation 3

2. Regulation 3 shall be amended as follows—

(1) for the definition of "family income supplement" there shall be substituted the following definition—

> " "family credit" means family credit under the Social Security (Northern Ireland) Order 1986(**d**);".

(2) After the definition of "the fund" there shall be inserted the following definition—

> " "income support" means income support under the Social Security (Northern Ireland) Order 1986 and for the purposes of these Regulations and Articles 3 and 7 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 shall also be taken to include supplementary benefit;".

(a) S.I. 1981/228 (N.I. 8)
(b) S.I. 1982/159
(c) S.R. 1981 No. 366 as amended by S.R. 1983 No. 29, S.R. 1984 No. 82 and S.R. 1986 No. 47
(d) S.I. 1986/1888 (N.I. 18)

Amendment of Regulation 5

3. For paragraph (2) of Regulation 5 there shall be substituted the following paragraph—

"(2) The client shall furnish the solicitor with the information necessary to enable the solicitor to determine:—

(*a*) his disposable capital;

(*b*) where appropriate, whether he is in receipt of income support or family credit; and

(*c*) his disposable income.".

Amendment of Regulation 6

4. For paragraph (2) of Regulation 6 there shall be substituted the following paragraph—

"(2) The person so authorised shall furnish the solicitor with the information necessary to enable the solicitor to determine—

(*a*) the client's disposable capital;

(*b*) where appropriate, whether the client is in receipt of income support or family credit, and

(*c*) the client's disposable income.".

Amendment of Regulation 7

5. For paragraph (2) of Regulation 7 there shall be substituted the following paragraph—

"(2) Where the solicitor is satisfied that any of the persons whose disposable incomes are to be determined under paragraph (1) is in receipt of income support or family credit, he shall not determine that person's disposable income.".

Amendment of Schedule 1

6. Schedule 1 shall be amended as follows—

(1) In paragraph (4) for the words "Article 22 of the Supplementary Benefits (Northern Ireland) Order 1977"(**a**) there shall be substituted the words "Article 27(3) of the Social Security (Northern Ireland) Order 1986".

(2) After paragraph 7 there shall be inserted the following new paragraph—

"7A. In computing the capital of the person concerned where that person is (directly or indirectly) in receipt of income support, and assistance by way of representation is to be given, there shall also be left out of account any sum which for the time being exceeds the sum specified in Article 3(1) of the Order in relation to assistance by way of representation."(**b**).

(**a**) S.I. 1977/2156 (N.I. 27)
(**b**) S.R. 1986 No. 241