1976 No. 125

LEGAL AID AND ADVICE

Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1976

Made . . . . . *8th April* 1976

Coming into operation . . . . *1st May* 1976

To be laid before Parliament

The Secretary of State in pursuance of section 4 of the Legal Aid and Advice Act (Northern Ireland) 1965(a) and with the concurrence of the Treasury(b) 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) 1976, shall come into operation on 1st May 1976 and shall apply to the computation of disposable income where an application for a certificate is made on or after that date.

(2) In these regulations—

"the principal Regulations" means the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1965(c);

"the Regulations of 1966" means the Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1966(d).

Amendment to the principal Regulations

2. For rule 5 in Schedule 1 to the principal Regulations as substituted by regulation 2 of the Regulations of 1966 there shall be substituted the following rule:

"**5.**—(1) Subject to the provisions of this rule, there shall be disregarded £4 a week of the income taken into account except so far as it consists of earnings.

(2) This rule does not apply to income so far as it consists of—

(*a*) allowances under the Family Allowances Act (Northern Ireland) 1966(e);

(*b*) any family income supplement under the Family Income Supplements Act (Northern Ireland) 1971(f);

(*c*) any graduated retirement benefit under section 35 of the National Insurance Act (Northern Ireland) 1966(g); or

---

(a) 1965 c. 8 (N.I.)
(b) Formerly the Ministry of Finance for Northern Ireland: *see* S.I. 1973/2163
(c) S.R. & O. (N.I.) 1965 No. 218 (p. 937)
(d) S.R. & O. (N.I.) 1966 No. 271 (p. 863)
(e) 1966 c. 8 (N.I.)
(f) 1971 c. 8 (N.I.)
(g) 1966 c. 6 (N.I.)

(*d*) any payment for the maintenance of the person concerned being a payment made under the order of a court or a payment made by a person who for the purposes of the Supplementary Benefits &c. Act (Northern Ireland) 1966(**h**), is liable to maintain the person concerned.

(3) This rule does not apply to income so far as it consists of any benefit under Chapters I to III of Part II of the Social Security (Northern Ireland) Act 1975(**i**) except—

(*a*) £0.38 of—

(i) any increase of widow's allowance or widowed mother's allowance, being an increase in respect of an only, or the elder or eldest, qualifying child or a second qualifying child; or

(ii) any child's special allowance or any increase thereof in respect of a second qualifying child;

(*b*) £0.28 of—

(i) any increase of a widow's allowance or widowed mother's allowance, being an increase in respect of any additional qualifying child beyond the first two; or

(ii) any increase of a child's special allowance in respect of any additional qualifying child beyond the second.

(4) This rule does not apply to income so far as it consists of injury benefit under Part II of the Social Security (Northern Ireland) Act 1975 or of industrial death benefit under that Part of that Act except—

(*a*) so much of—

(i) any widow's pension payable at the higher permanent rate under section 68 of that Act, or

(ii) any widower's pension under section 69 of that Act as exceeds the rate specified in Part I of Schedule 4 to that Act for a widow's pension under section 26 of that Act;

(*b*) £0.38 of any allowance under section 70 of that Act in respect of—

(i) an only, or the elder or eldest, qualifying child, or

(ii) a second qualifying child;

(*c*) £0.28 of any allowance under that section in respect of any additional qualifying child beyond the first 2;

(*d*) any parent's pension under section 71 of that Act;

(*e*) any relative's pension under section 72 of that Act.

(5) This rule does not apply to income so far as it consists of any pension or allowance for a widow or widower or in respect of children granted in respect of a death due to service or war injury under powers conferred by or under any of the Acts mentioned in sub-paragraph (*a*) of paragraph (6) of this rule or under any such scheme as is mentioned in sub-paragraph (*b*) of that paragraph except—

(*a*) so much of any pension or allowance for a widow or widower as exceeds the rate specified in Part I of Schedule 4 to the Social Security (Northern Ireland) Act 1975 for a widow's pension under that Act;

(*b*) £0.38 of any allowance in respect of an only, or the elder or eldest, child or a second child;

(**h**) 1966 c. 28 (N.I.)

(**i**) 1975 c. 15