1966. No. 271 [C]

LEGAL AID

Assessment of Resources

REGULATIONS, DATED 21ST NOVEMBER 1966, 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, 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, interpretation and commencement

1. These regulations, which may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1966, shall be construed as one with the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1965(**b**) (hereinafter called "the principal regulations") and shall come into operation on 28th November 1966.

Substitution for Rule 5 in Schedule 1 to the principal regulations

2. For rule 5 in Schedule 1 to the principal regulations (disregard of income) there shall be substituted the following rule:—

"**5.**—(1) There shall be disregarded 40s. a week of the income consisting of any one or more of the following, that is to say—

(*a*) any retired pay or pension to which section 380(1) of the Income Tax Act 1952(**c**) applies, including any payment in respect of dependants' allowance attached thereto;

(*b*) any disablement pension awarded under the Personal Injuries (Emergency Provisions) Act 1939(**d**), including any increase in such a pension in respect of dependants;

(*c*) any weekly payment by way of compensation under any enactment relating to workmen's compensation;

(*d*) any disablement benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**e**);

(*e*) any payment under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966(**f**);

(*f*) 7s. 6d. of any of the payments mentioned in paragraph (6) of this rule;

(*g*) 5s. 6d. of any of the payments mentioned in paragraph (7) of this rule;

(*h*) so much of any of the pensions and allowances mentioned in paragraph (8) of this rule, as exceeds the rate specified in Schedule 3

(**a**) 1965. c. 8 (N.I.).
(**b**) S.R. & O. (N.I.) 1965, No. 218.
(**c**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
(**d**) 2 & 3 Geo. 6. c. 82.
(**e**) 1966. c. 9 (N.I.).
(**f**) 1966. c. 14 (N.I.).

to the National Insurance Act (Northern Ireland) 1966(**a**) for a widow's pension under that Act;

(*i*) any payment or part of a payment analogous to those mentioned in this paragraph.

(2) There shall be disregarded, subject to paragraph (3) of this rule, 20s. a week of the income taken into account except so far as it consists of any earnings or of any of the following, that is to say—

(*a*) any benefit under the National Insurance Acts (Northern Ireland) 1966(**b**);

(*b*) industrial injury benefit under the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966(**c**);

(*c*) allowances under the Family Allowances Act (Northern Ireland) 1966(**d**);

(*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(**e**), is liable to maintain the person concerned;

(*e*) any widow's pension under section 19 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 and any of the pensions and allowances mentioned in paragraph (8)(*b*) of this rule;

(*f*) any payment analogous to those mentioned in this paragraph.

(3) Where any amount is disregarded under paragraph (1) of this rule, then, if that amount equals 40s. a week, no further amount shall be disregarded under paragraph (2), and, if it is less than 40s. a week, the amount disregarded under paragraph (2) shall not, together with that amount, exceed 40s. a week.

(4) Where, under section 4(4) of the Act, the resources of two or more persons are to be aggregated, the preceding provisions of this rule shall apply to the aggregate of the resources of both or all of the said persons.

(5) Any sums payable to any person as holder of the Victoria Cross or of the George Cross shall be wholly disregarded.

(6) The payments referred to in paragraph (1)(*f*) of this rule are:—

(*a*) any increase of widow's allowance or widowed mother's allowance under column 3 or 4 of Schedule 3 to the National Insurance Act (Northern Ireland) 1966;

(*b*) any child's special allowance under column 2 or increase thereof under column 4 of Schedule 3 to the National Insurance Act (Northern Ireland) 1966; and

(*c*) any increase under head (i) or (ii) of paragraph 11(*b*) of Schedule 3 to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 of an allowance payable under section 21(1) of that Act.

(7) The payments referred to in paragraph 1(*g*) of this rule are:—

(**a**) 1966. c. 6 (N.I.).
(**b**) 1966. c. 6 (N.I.). and 1966. c. 16 (N.I.).
(**c**) 1966. c. 9 (N.I.). and 1966. c. 16 (N.I.).
(**d**) 1966. c. 8 (N.I.).
(**e**) 1966. c. 28 (N.I.).