

1974. No. 113

LEGAL ADVICE

Legal Advice (Amendment) Regulations (Northern Ireland) 1974

Made 6th June, 1974

Coming into operation 1st August, 1974

To be laid before Parliament

REGULATIONS, DATED 6TH JUNE, 1974, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 OF THE LEGAL AID AND ADVICE ACT (NORTHERN IRELAND) 1965.

In pursuance of section 7 of the Legal Aid and Advice Act (Northern Ireland) 1965(a), I hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Advice (Amendment) Regulations (Northern Ireland) 1974 and shall come into operation on 1st August 1974.

(2) In these Regulations “the Act” means the Legal Aid and Advice Act (Northern Ireland) 1965 and “the Regulations of 1970” means the Legal Advice Regulations (Northern Ireland) 1970(b).

Financial conditions for legal advice

2. For the purposes of section 7(1) of the Act and subject to the provisions thereof legal advice shall be available for any person who, after allowing for such deductions as may be prescribed, received or became entitled to not more than £15 by way of income during or in respect of the seven days up to and including the date of his application; and accordingly in Regulation 3(1) of the Regulations of 1970 for “£9 10s. 0d.” there shall be substituted “£15.00”.

Fee for legal advice

3. For the purposes of section 7(8) of the Act the fee payable by a person seeking legal advice to a solicitor for an interview shall be 20p; and accordingly in regulation 2(5) of the Regulations of 1970 for “2s. 6d.” there shall be substituted “20p”.

Amendment of Regulations as to assessment of resources of applicant

4. For paragraph (4) of Regulation 3 of the Regulations of 1970 there shall be substituted the following paragraph:—

“(4) The deductions to be made from the income of an applicant shall be—

- (a) £4.50 in respect of any spouse of his if wholly or substantially maintained by him, or where the capital and income of the spouse are treated as his resources;

- (b) in respect of any child wholly or substantially maintained by him, or by any spouse of his where the capital and income of the spouse are treated as his resources—
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| where the child is under five years of age | £2.05 |
| where the child is five or more years of age
but under eleven years of age | £2.45 |
| where the child is eleven or more years of age
but under thirteen years of age | £3.00 |
| where the child is thirteen or more years of age
but under sixteen years of age | £3.70 |
| where the child is sixteen or more years of age
but under eighteen years of age | £4.40 |
- (c) £5.70 in respect of any other person wholly or substantially maintained by him, or by any spouse of his where the capital and income of the spouse are treated as his resources;
- (d) any income tax paid or payable by him or his spouse on income to be taken into account for the purpose of this regulation; and
- (e) any contribution paid or payable by him, or where the capital and income of any spouse of his are treated as his resources, by the spouse, under the provisions of the National Insurance Acts (Northern Ireland) 1966 to 1973(c), the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966 to 1973(c) and the Health Service Contributions Act (Northern Ireland) 1966(d), in the contribution week ended during the seven days up to and including the date of his application."

Northern Ireland Office
6th June, 1974.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations increase the limit of income for the availability of legal advice from £9.50 to £15.00 a week; and increase the fee payable to a solicitor for an interview by a person seeking legal advice from 13p to 20p.

They also amend the Legal Advice Regulations (Northern Ireland) 1970 by increasing the deductions to be made from the income of an applicant in respect of his spouse, dependent child or dependent relative in computing income.