

1977 No. 309

LEGAL AID AND ADVICE**Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1977***Made* 19th October 1977*Coming into operation* 28th November 1977*To be laid before Parliament*

The Secretary of State(a) in pursuance of sections 2 and 3 of the Legal Aid and Advice Act (Northern Ireland) 1965(b) hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Legal Aid (Financial Conditions) Regulations (Northern Ireland) 1977 and shall come into operation on 28th November 1977.

(2) In these regulations—

“the Act” means the Legal Aid and Advice Act (Northern Ireland) 1965.

Disposable income for the purposes of, and limit of disposable capital under, section 2 of the Act

2.—(1) Subject to the provisions of section 2(1) of the Act, legal aid shall be available to any person whose disposable income does not exceed £2,400 a year, instead of the amount prescribed under that subsection by regulation 2 of the Legal Aid (Financial Conditions No. 2) Regulations (Northern Ireland) 1976(c).

(2) For the purposes of section 2(1) of the Act, a person may be refused legal aid if he has a disposable capital of more than £1,600 instead of the amount prescribed by regulation 2 of the Legal Aid (Financial Conditions No. 3) Regulations (Northern Ireland) 1976(d).

Contribution to the Legal Aid Fund

3.—(1) A person's contribution to the Legal Aid Fund in respect of any proceedings may include a contribution in respect of income not greater than one-third of the amount (if any) by which his disposable income exceeds £760 a year instead of the amount prescribed under section 3(1)(a) of the Act by regulation 3 of the Legal Aid (Financial Conditions No. 2) Regulations (Northern Ireland) 1976.

(a) Formerly the Ministry of Home Affairs for Northern Ireland: *see* S.I. 1973/2163 (1973 III, p. 7541)

(b) 1965 c. 8 (N.I.)

(c) S.R. 1976 No. 345 (II, p. 1697)

(d) S.R. 1976 No. 346 (II, p. 1699)

(2) For the purposes of section 3(1)(b) of the Act a person's contribution to the Legal Aid Fund may include a contribution in respect of capital not greater than the amount (if any) by which his disposable capital exceeds £340 instead of the amount prescribed by regulation 3 of the Legal Aid (Financial Conditions No. 3) Regulations (Northern Ireland) 1976.

Northern Ireland Office
19th October 1977

Roy Mason
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 financial limits for legal aid.

The income limits are increased to make legal aid available to those with incomes (after certain deductions) of not more than £2,400 a year (instead of £2,085) and available without payment of a contribution to those with incomes (after deductions) of £760 a year (instead of £665).

The capital limits are increased to make the upper limit of disposable capital, above which a person may be refused legal aid, £1,600 (instead of £1,400) and the lower limit of disposable capital, below which no contribution in respect of capital may be required, £340 (instead of £300).