

## 1992 No. 108

## LEGAL AID AND ADVICE

**Legal Aid (Assessment of Resources) (Amendment)  
Regulations (Northern Ireland) 1992**

*Made* . . . . . 11th March 1992

*Coming into operation* . . . . . 6th April 1992

*To be laid before Parliament*

The Lord Chancellor, in exercise of the powers conferred by Articles 14, 22 and 27 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 Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation on 6th April 1992.

(2) In these Regulations, a regulation or Schedule referred to by number means the Regulation or Schedule so numbered in the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(c).

*Amendment of Schedule 1*

2. Schedule 1 shall be amended as follows:—

(a) by substituting for rule 5 the following rule:—

“5. Where the person concerned or his spouse is in receipt of income support paid under the Social Security (Northern Ireland) Order 1986, the person concerned shall, for the period during which income support is received, be deemed to have a disposable income which does not exceed the figure for the time being specified in Article 12(1)(a) of the Order”; and

(b) by substituting for paragraph (b) of Rule 6 the following paragraph—

“(b) disability living allowance paid under section 37ZA of the Social Security (Northern Ireland) Act 1975(d)”.

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(a) S.I. 1981/228 (N.I. 8) Article 27 is an interpretation provision and is recited because of the meanings assigned to the words “prescribed” and “regulations”  
 (b) S.I. 1982/159  
 (c) S.R. 1981 No. 189 to which the most recent amendment was made by S.R. 1990 No. 105  
 (d) 1975 c. 15 Section 37ZA was inserted by S.I. 1991/1712 (N.I. 17)

*Amendment of Schedule 2*

3. Schedule 2 shall be amended as follows:—

(a) by substituting in Rule 6A for the words “Article 9(1)(a) of the Order” the words “Article 12(1)(b) of the Order”; and

(b) by substituting in rule 13A(1) for the table the following table:—

<i>Annual disposable income (excluding net income derived from capital)</i>	<i>Amount of capital disregarded</i>
Up to £350	£35,000
Exceeding £351 but not exceeding £800	£30,000
Exceeding £801 but not exceeding £1,200	£25,000
Exceeding £1,201 but not exceeding £1,600	£20,000
Exceeding £1,601 but not exceeding £2,050	£15,000
Exceeding £2,051 but not exceeding £2,450	£10,000
Exceeding £2,451 and above	£ 5,000

Dated 11th March 1992.

*Mackay of Clashfern, C.*

Dated 12th March 1992.

*Gregory Knight  
Nicholas Baker*

We concur

Two of the Lords Commissioners  
of Her Majesty's Treasury

### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981 so as to:

- (a) take account of a new benefit (disability living allowance) introduced by the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991;
- (b) amend rule 5 of Schedule 1 to provide that during the time a person is in receipt of income support his disposable income is deemed to be less than the lower income limit prescribed by Article 12(1)(a) of the 1981 Order;
- (c) correct an error in rule 6A of Schedule 2; and
- (d) increase the sliding scale of the amount of capital to be disregarded in respect of persons of pensionable age.