

2004 No. 168

LEGAL AID AND ADVICE

**Legal Advice and Assistance (Amendment No. 2)
Regulations (Northern Ireland) 2004**

Made - - - - - *24th March 2004*

Coming into operation *17th May 2004*

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), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment No. 2) Regulations (Northern Ireland) 2004 and shall come into operation on 17th May 2004.

Interpretation

2. In these Regulations “the principal regulations” means the Legal Advice and Assistance Regulations (Northern Ireland) 1981(c).

Amendment to the principal regulations

3. In paragraph 1A of Schedule 1 to the principal regulations for the words “a man and a woman who are living with each other in the same household as husband and wife” there shall be substituted “a client and anyone with whom the client normally resides as a couple, including a person of the same sex,”.

(a) S.I. 1981/228 (N.I. 8); Article 27 is an interpretation provision and is recited because of the meaning assigned to the words “prescribed” and “regulations”
(b) S.I. 1982/159
(c) S.R. 1981/366; to which the most recent relevant amendment was made by S.R. 1990 No. 104

Signed by authority of the Lord Chancellor

Lord Filkin

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 24th March 2004

We approve

John Heppell

Jim Murphy

Two of the Lord's Commissioners of Her Majesty's Treasury

Dated 1st April 2004

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend paragraph 1A of Schedule 1 to the Legal Advice and Assistance Regulations (Northern Ireland) 1981 to provide that the resources of an applicant and anyone with whom the applicant normally resides as a couple, including a person of the same sex, are to be treated as the resources of the applicant for the purpose of determining financial eligibility for legal advice and assistance under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

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