

2004 No. 86

LEGAL AID AND ADVICE

**Legal Aid (Financial Conditions) Regulations
(Northern Ireland) 2004**

Made - - - - - *2nd March 2004*

Coming into operation *12th April 2004*

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Articles 9(2), 12(2), 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid (Financial Conditions) Regulations (Northern Ireland) 2004 and shall come into operation on 12th April 2004.

(2) In these Regulations –

- (a) “the Order” means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981;
- (b) “personal injuries” includes any death and any disease or other impairment of a person’s physical or mental condition.

Saving and revocation

2.—(1) These Regulations shall apply to any application for legal aid where the period of computation, as defined in Regulation 1(2) of the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(c), begins on or after 12th April 2004.

(2) The Legal Aid (Financial Conditions) Regulations (Northern Ireland) 2003(d) are hereby revoked save in their application to any case to which paragraph (1) does not apply.

Persons eligible for legal aid

3. For the yearly sums specified in Article 9(1) of the Order(e) there shall be substituted –

- (a) where legal aid is sought in connection with taking, defending or being a party to proceedings which include a claim in respect of personal injuries, for the yearly sum of “£9,307”, the yearly sum of “£9,475”; and
- (b) in any other case, for the yearly sum of “£8,443”, the yearly sum of “£8,595”.

(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 No. 189
(d) S.R. 2003 No. 88
(e) Which sums were most recently substituted by S.R. 2003 No. 88

Contributions from persons receiving legal aid

4. For the yearly sum of “£2,851” specified in Article 12(1)(a) of the Order^(a) there shall be substituted the yearly sum of “£2,902”.

Signed by authority of the Lord Chancellor

Lord Filkin

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 2nd March 2004

^(a) Which figure was most recently substituted by S.R. 2003 No. 88

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 so as to:

- (a) increase the upper income limit to make legal aid available to those with disposable incomes of not more than £8,595 (instead of £8,443), or in connection with proceedings involving a personal injury £9,475 (instead of £9,307) (Regulation 3);
- (b) increase the lower income limit below which legal aid is available without payment of a contribution to £2,902 (instead of £2,851) (Regulation 4).

No changes are made to the capital limits.

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