

2005 No. 474

LEGAL AID AND ADVICE

**Legal Aid (General) (Amendment) Regulations
(Northern Ireland) 2005**

Made - - - - - 1st November 2005

Coming into operation 5th December 2005

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Articles 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 Aid (General) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Interpretation

2. In these Regulations “the principal regulations” means the Legal Aid (General) Regulations (Northern Ireland) 1965(c).

Amendment to the principal regulations

3. In regulation 1(2) of the principal regulations after the definition of “certifying committee” there shall be inserted—

““civil partner” has the meaning assigned to it by section 1 of the Civil Partnership Act 2004(d);”

4. In paragraph 6(b) of the Schedule to the principal regulations after the words “any spouse” there shall be inserted the words “or civil partner”.

5. In paragraph 6(b)(i) of the Schedule to the principal regulations after the words “the spouse” there shall be inserted the words “or civil partner”.

6. In paragraph 6(b)(ii) of the Schedule to the principal regulations after the words “his spouse” there shall be inserted the words “or civil partner”.

(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. 1965 No. 217; to which the most recent amendment was made by S.R. 2003 No. 438
(d) 2004 c. 33

7. In paragraph 7(b) of the Schedule to the principal regulations after the words “a spouse” there shall be inserted the words “or civil partner”.

8. In paragraph 8(b)(i) of the Schedule to the principal regulations after each instance of the word “spouse” there shall be inserted the words “or civil partner”.

9. In paragraph 8(b)(ii) of the Schedule to the principal regulations after each instance of the word “spouse” there shall be inserted the words “or civil partner”.

10. In paragraph 8(b)(iii) of the Schedule to the principal regulations after each instance of the word “spouse” there shall be inserted the words “or civil partner”.

Signed by authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 1st November 2005

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Legal Aid (General) Regulations (Northern Ireland) 1965 to insert references to the legal status of civil partners, as created by the provisions of the Civil Partnership Act 2004, to ensure an application for legal aid from any person who is in a civil partnership is determined in a manner consistent with the existing Regulations.

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