

2006 No. 79

LEGAL AID AND ADVICE

**Legal Aid (General) (Amendment) Regulations (Northern
Ireland) 2006**

Made - - - - - *18th February 2006*

Coming into operation - *27th March 2006*

To be laid before Parliament

The Lord Chancellor makes the following Regulations 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):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 27th March 2006.

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

Amendment to the principal regulations

2. In regulation 3B(1) of the principal regulations after the words “judgments in civil and commercial matters” there shall be inserted the following words – “or who applies for either the registration of or the registration and enforcement of a judgment under Council Regulation (EC) No. 2201/2003 of 27 November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility”.

3.—(1) In each of the provisions in the principal regulations listed in paragraph (2), for “Department of Health and Social Services” substitute “Department for Social Development”.

(2) The provisions referred to in paragraph (1) are regulations 1(2), 3(4)(b), 3(6), 4(6), 5(2), 5(4), 5(5)(b), 5(8), 6(3), 6(4), 6(5)(a), 6(5)(b), 6(6), 6(10)(b)(i), 7(b), 7(c), 9(1)(d), 10(1)(a), 11(1), 12(3)(a), 13(6), 13(7) and 18(2)(a).

Signed by authority of the Lord Chancellor

Dated 18th February 2006

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

(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; regulation 3B was inserted by S.R. 1986 No. 346 and amended by S.I. 2001/3929

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (General) Regulations (Northern Ireland) 1965 in order to provide that the means and merits test and the contribution conditions, which would otherwise apply under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, are disapplied in respect of persons who make applications under Council Regulation (EC) No. 2201/2003. This will only apply if the person benefited from complete or partial legal aid or exemption from costs or expenses in the country in which the maintenance order was made or judgment given.

These Regulations also amend the 1965 Regulations, as a consequence of the Departments (Northern Ireland) Order 1999, to substitute the Department for Social Development for the references made to the Department of Health and Social Services.

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