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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 200**

The Civil Legal Services (Statutory Charge)  
Regulations (Northern Ireland) 2015

PART 2

OPERATION OF THE STATUTORY CHARGE

**Exemptions from the statutory charge**

4.—(1) The statutory charge does not apply to any of the following property recovered by a client in relevant proceedings, or in any compromise or settlement of a relevant dispute—

- (a) any periodical payment of maintenance, whether recovered under any of the legislative provisions referred to in paragraph (4) or otherwise;
- (b) any sum or sums ordered to be paid under—
  - (i) Articles 27B(4) or 27C of the Matrimonial Causes (Northern Ireland) Order 1978(1);
  - (ii) Article 7 of the Inheritance (Provision for Family and Dependents) (Northern Ireland) Order 1979(2); or
  - (iii) the Family Homes and Domestic Violence (Northern Ireland) Order 1998(3);
- (c) the threshold amount of any money or the value of any property recovered by virtue of an order made or deemed to be made under any of the enactments specified in paragraph (4);
- (d) one-half of any redundancy payment within the meaning of Part 12 of the Employment Rights (Northern Ireland) Order 1996(4); or
- (e) any sum, payment or benefit which, by virtue of any provision of or made under an enactment, cannot be assigned or charged.

(2) In paragraph (1)(a) “maintenance” means money or money’s worth paid towards the support of a spouse or former spouse, civil partner or former civil partner, child or any other person for whose support the payer has previously been responsible or has made payments.

(3) In paragraph (1)(c) “the threshold amount” means—

- (a) the first £2,500 recovered, where the funded services comprised advice and assistance or representation (lower courts);
- (b) the first £3,000 recovered, where the funded services comprised representation (higher courts).

(4) The enactments referred to in paragraph (1)(c) are—

- (a) Articles 25(1)(c) or (f), 25(2), 26, 29(6)(c) or (f), or 37 of the Matrimonial Causes (Northern Ireland) Order 1978;

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(1) S.I. 1978/1045 (N.I. 15)  
(2) S.I. 1979/924 (N.I. 8)  
(3) S.I. 1998/1071 (N.I. 6)  
(4) S.I. 1996/1919 (N.I. 16)

- (b) Articles 4 or 8 of the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979;
  - (c) section 17 of the Married Women’s Property Act 1882<sup>(5)</sup>;
  - (d) Articles 4(1)(b) or (d), 8(1) or (5) or 22(2) of the Domestic Proceedings (Northern Ireland) Order 1980<sup>(6)</sup>; and
  - (e) Article 15(1) of, together with paragraphs 2, 3, 6, 8 and 11 of Schedule 1 to, the Children (Northern Ireland) Order 1995<sup>(7)</sup>.
- (5) The statutory charge does not apply to—
- (a) a client’s personal clothing or household furniture; or
  - (b) the tools or equipment of their trade,

except where the Department considers there are exceptional circumstances, having regard in particular to the value or quantity of the items concerned.

(6) Where, by virtue of regulation 5, the statutory charge is in favour of a supplier, it does not apply to any dwelling of the client.

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<sup>(5)</sup> 1882 c. 75  
<sup>(6)</sup> S.I. 1980/563 (N.I. 5)  
<sup>(7)</sup> S.I. 1995/755 (N.I. 2)