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STATUTORY INSTRUMENTS

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**2013 No. 480**

**The Civil Legal Aid (Financial Resources  
and Payment for Services) Regulations 2013**

**PART 2**

Determinations in respect of an individual's financial resources

**CHAPTER 3**

Calculation of income

**Payments to be disregarded from calculation of disposable income or gross income**

**24.**—(1) In calculating the disposable income or the gross income of the individual, the following payments must be disregarded—

- (a) disability living allowance paid under section 71 of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> or section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(2)</sup>;
- (b) attendance allowance paid under section 64 of the Social Security Contributions and Benefits Act 1992 or section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (c) constant attendance allowance paid under section 104 of the Social Security Contributions and Benefits Act 1992 as an increase to a disablement pension or section 104 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (d) any payment made out of the social fund under the Social Security Contributions and Benefits Act 1992 or the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (e) carer's allowance paid under section 70 of the Social Security Contributions and Benefits Act 1992<sup>(3)</sup> or section 70 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(4)</sup>;
- (f) council tax benefit paid under section 131 of the Social Security Contributions and Benefits Act 1992<sup>(5)</sup>;
- (g) any direct payments made under regulations made under section 57(1) of the Health and Social Care Act 2001<sup>(6)</sup> (direct payments), section 17A of the Children Act 1989<sup>(7)</sup>

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(1) Section 71 is to be repealed by section 90 of the Welfare Reform Act 2012 at a date to be appointed.

(2) 1992 c. 7.

(3) Section 70 was amended to provide for carer's allowance by articles 2 and 3 of, and paragraphs 1 and 2 of the Schedule to, the Regulatory Reform (Carer's Allowance) Order 2002 (S.I. 2002/1457).

(4) Section 70 was amended to provide for carer's allowance by article 3 of the Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 S.R. (NI) 2002 No 321.

(5) Section 131 is to be repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 at a date to be appointed.

(6) 2001 c. 15. Section 57 was amended by section 146(1) to (7) of the Health and Social Care Act 2008 (c. 14) and in relation to Wales, by section 16 of the Social Care Charges (Wales) Measure 2010.

- (direct payments) or section 8(1) of the Carers and Direct Payments Act (Northern Ireland) 2002**(8)**;
- (h) so much of any back to work bonus received under section 26 of the Jobseekers Act 1995**(9)** as is by virtue of that section to be treated as payable by way of jobseeker's allowance;
- (i) severe disablement allowance paid under section 68 of the Social Security Contributions and Benefits Act 1992**(10)** or section 68 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992**(11)**;
- (j) exceptionally severe disablement allowance paid under the Personal Injuries (Civilians) Scheme 1983**(12)**;
- (k) any pensions paid under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006**(13)**;
- (l) to the extent that it exceeds the relevant figure referred to in regulation 25(2)(b), any financial support paid under any agreement for the care of a foster child;
- (m) any payment made out of the Independent Living Fund 2006; and
- (n) any personal independence payment under Part 4 of the Welfare Reform Act 2012**(14)**.

(2) Where an application is made for legal help or legal representation in relation to a matter described in paragraph 44 (cross-border disputes) of Part 1 of Schedule 1, in calculating the disposable income or the gross income of the individual, a payment by another EU Member State that is equivalent to a payment listed in paragraph (1) must be disregarded.

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- (7) 1989 c. 41. Section 17A was substituted by section 58 of the Health and Social Care Act 2001 (c. 15); amended by section 39 of, and paragraph 1 and 3 of Schedule 3 to, the Children and Young Persons Act 2008 (c. 23); section 160 of, and paragraph 1 of Schedule 14 to, the Health and Social Care Act 2008 (c. 14); section 60 of, and Schedule 6 to, the Tax Credits Act 2002 (c. 21); section 47 of, and paragraphs 15 and 17 of Schedule 3 to, the Tax Credits Act 2002; and section 28(1) of, and paragraph 6(1) and (3) of Schedule 3 to, the Welfare Reform Act 2007 (c. 5).
- (8) 2002 c. 6.
- (9) 1995 c. 18. Section 26 is to be repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 at a date to be appointed.
- (10) Section 68 was repealed by section 65 of, and Part IV of Schedule 13 to, the Welfare Reform and Pensions Act 1999, but is subject to the savings provision specified in article 4 of the Welfare Reform and Pensions Act 1999 (Commencement No. 9, and Transitional and Savings Provisions) Order 2000 (S.I. 2000/2958).
- (11) Section 68 was repealed by article 62 of, and paragraph 25 of Schedule 8 and Part IV of Schedule 10 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999, but is subject to the savings provision specified in article 4 of the Welfare Reform and Pensions (1999 Order) (Commencement No. 6 and Transitional and Savings Provisions) Order (Northern Ireland) 2000 (S.I. 2000/332 (C. 14)).
- (12) S.I. 1983/686. Article 15 of the Scheme, under which exceptionally severe disablement allowance is payable, was amended by paragraph 4 of Schedule 1 to the Personal Injuries (Civilians) Amendment Scheme 2001 (S.I. 2001/420). Paragraph 4 of Schedule 3 to the Scheme, which sets out the rate at which exceptionally severe disablement allowance is payable was substituted by paragraph 1 of Schedule 1 to the Personal Injuries (Civilians) Scheme (Amendment) Order 2010 (S.I. 2010/283).
- (13) S.I. 2006/606, to which there are amendments not relevant to these Regulations.
- (14) 2012 c. 5.