

2010 No. 93

LEGAL AID AND ADVICE

**Legal Aid (General) (Amendment) Regulations (Northern
Ireland) 2010**

Made - - - - - *10th March 2010*

Coming into operation - *1st April 2010*

To be laid before Parliament

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by Articles 12(5), 22 and 27 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a), and now vested in him(b).

Citation and commencement

1. These Regulations may be cited as the Legal Aid (General) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 1st April 2010.

Interpretation

2. In these Regulations, “the Commission” means the Northern Ireland Legal Services Commission established under Article 3 of the Access to Justice (Northern Ireland) Order 2003(c).

Application

3. These Regulations apply to cases in which the Commission grants a certificate on or after 1st April 2010.

4. The Legal Aid (General) Regulations (Northern Ireland) 1965(d) continue to apply as if these Regulations had not been made in respect of cases in which the Commission grants a certificate before 1st April 2010.

Amendments to the Legal Aid (General) Regulations (Northern Ireland) 1965

5. The Legal Aid (General) Regulations (Northern Ireland) 1965 are amended as follows.

6.—(1) For regulation 17(9)(a), substitute—

“(a) payments of money under the provisions of –

(a) S.I. 1981/228 (N.I. 8); Article 27 is an interpretation provision and is recited because of the meaning assigned to the word “regulations”

(b) S.I. 1982/159

(c) S.I. 2003/435 (N.I. 10)

(d) S.R. & O. (N.I.) 1965 No. 217

- (i) Articles 4 and 8 of the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979(a); or
 - (ii) Articles 24, 25(1) and (2), 26A, 29(6), 33(1), 33(2)(a) to (dd), 33(2)(f) and 33(3) of the Matrimonial Causes (Northern Ireland) Order 1978(b); or
 - (iii) Articles 4(1)(b) and (d), 8(1) and (5) and 22(2) of the Domestic Proceedings (Northern Ireland) Order 1980(c); or
 - (iv) Article 15 of, together with paragraphs 2, 8 and 11 of Schedule 1 to, the Children (Northern Ireland) Order 1995(d);”.
- (2) For regulation 17(9)(f), substitute—
- “or (f) income support and housing benefit paid under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(e); or
- (g) working tax credit and child tax credit paid under the Tax Credits Act 2002(f);”.

Signed by authority of the Lord Chancellor

Michael Wills
Minister of State
Ministry of Justice

Dated 10th March 2010

(a) S.I. 1979/924 (N.I. 8)
(b) S.I. 1978/1045 (N.I. 15)
(c) S.I. 1980/563 (N.I. 5)
(d) S.I. 1995/755 (N.I. 2)
(e) 1992 c. 7
(f) 2002 c. 21

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (General) Regulations (Northern Ireland) 1965 in respect of the provisions regarding exemptions to the statutory charge for civil legal aid.

The effect of the amendments is to re-state the exemptions which currently apply by operation of the provision in section 29 (effect of substituting provisions) of the Interpretation Act (Northern Ireland) 1954.