STATUTORY RULES OF NORTHERN IRELAND

2013 No. 272

LEGAL AID AND ADVICE

Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*18th November 2013*
Coming into operation -	*16th December 2013*

The Department of Justice makes the following Regulations in exercise of the powers conferred by Articles 14, 22 and 27 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981**(a)**, and now vested in it**(b)**.

In accordance with Article 14(7) of that Order, the Department of Finance and Personnel has concurred with the making of these Regulations.

Citation, commencement and interpretation

1. These Regulations may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 16th December 2013.

2. In these Regulations a reference to a regulation or Schedule by number alone is a reference to the regulation or Schedule so numbered in or to the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981(**c**).

Application

3.—(1) These Regulations apply to any application for legal aid where the period of computation begins on or after 16th December 2013.

(2) The Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981 continue to apply as if these Regulations had not been made in respect of re-determinations under regulation 12, determinations under regulation 13 and amended determinations under regulation 14 where the original period of computation began before 16th December 2013.

Amendments to the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981

4. The Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981 are amended as follows.

5. In regulation 1(2), after the definition of "income-related employment and support allowance", insert—

(**a**) S.I. 1981/228 (N.I. 8)
(**b**) S.I. 1982/159 and S.I. 2010/976
(**c**) S.R 1981 No. 189, to which the most recent amendment was made by S.R. 2008 No. 412

""keep" means the provision of food, heat, electricity and other daily essentials;".

6. In rule 10 of Schedule 1, number the paragraph "(1)".

7. After rule 10(1) of Schedule 1, insert—

"(2) For the purposes of paragraph (1), if the person concerned cannot or does not differentiate between the cost of his living accommodation and the cost of his keep, the assessment officer shall make a deduction of fifty per cent of the cost of his living accommodation or such other percentage as he considers reasonable in the circumstances.".

Sealed with the Official Seal of the Department of Justice on 18th November 2013



David Ford
Minister of Justice

The Department of Finance and Personnel hereby concurs with the foregoing Regulations
Sealed with the Official Seal of the Department of Finance and Personnel on 21st November 2013



John McKibbin
A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981. The effect of the amendments is to provide that, if the person concerned is not a householder, the cost of his keep (defined as meaning the provision of food, heat, electricity and other daily essentials) shall be taken into account by the Legal Aid Assessment Office when determining the financial eligibility of a person applying for legal aid.

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