

2005 No. 502

LEGAL AID AND ADVICE

**Legal Advice and Assistance (Amendment No. 2)
Regulations (Northern Ireland) 2005**

Made - - - - - *9th November 2005*

Coming into operation *5th December 2005*

To be laid before Parliament

The Lord Chancellor, 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 him(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment No. 2) Regulations (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Interpretation

2. In these Regulations “the principal regulations” means the Legal Advice and Assistance Regulations (Northern Ireland) 1981(c).

Amendment to the principal regulations

3. In regulation 3 of the principal regulations after the definition of “child” there shall be inserted—

““civil partner” has the meaning assigned to it by section 1 of the Civil Partnership Act 2004(d);”

4. In regulation 8(2)(b) of the principal regulations after the words “his spouse” there shall be inserted the words “or civil partner”.

5. In regulation 11 of the principal regulations after the words “his spouse” there shall be inserted the words “or civil partner”.

6. In paragraph 1A of Schedule 1 to the principal regulations after the words “as a couple” there shall inserted the words “or civil partners”.

(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. 1981 No. 366; to which the most recent relevant amendment was made by S.R. 2004 No. 168
(d) 2004 c. 33

7. In paragraphs 6(b), 6(b)(i) and 6(b)(ii) of Schedule 1 to the principal regulations after each instance of the word “spouse” there shall be inserted the words “or civil partner”.

8. In paragraph 7(c) of Schedule 1 to the principal regulations after the words “a spouse” there shall be inserted the words “or civil partner”.

9. In paragraph 8(b) of Schedule 1 to the principal regulations for the words “spouse of the person concerned, if the spouses” there shall be substituted the words “spouse or civil partner of the person concerned, if the spouses or civil partners”.

10. In paragraph 8(b)(i) of Schedule 1 to the principal regulations after the word “spouse” there shall be inserted the words “or civil partner”.

11. In paragraph 9 of Schedule 1 to the principal regulations for the words “a spouse who is living apart, of a former spouse” there shall be substituted the words “a spouse or civil partner who is living apart, of a former spouse or former civil partner”.

12. In paragraph (a) of Schedule 4 to the principal regulations for the words “a spouse, former spouse” there shall be substituted the words “a spouse or civil partner, former spouse or former civil partner”.

Signed by authority of the Lord Chancellor

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

Dated 1st November 2005

We approve

Gillian Merron
Tom Watson
Two of the Lord’s Commissioners of Her Majesty’s Treasury

Dated 9th November 2005

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Legal Advice and Assistance Regulations (Northern Ireland) 1981 to insert references to the legal status of civil partners, as created by the provisions of the Civil Partnership Act 2004, to ensure an application for legal advice and assistance from any person who is in a civil partnership is determined in a manner consistent with the existing Regulations.