

STATUTORY INSTRUMENT

S.I. No. 460 of 2006

Civil Legal Aid Regulations, 2006

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CIVIL LEGAL AID REGULATIONS, 2006

I, Michael McDowell, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 37 of the Civil Legal Aid Act 1995 (No. 32 of 1995) as adapted by the Justice (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 298 of 1997) make the following regulations:

1. (1) These Regulations may be cited as the Civil Legal Aid Regulations 2006.

(2) The Civil Legal Aid Regulations 1996 and 2002 and these Regulations may be cited together as the Civil Legal Aid Regulations 1996 to 2006, and shall be construed together as one.

(3) These Regulations come into operation on 1 September 2006.
2. In these Regulations “Regulations of 2002” means the Civil Legal Aid Regulations 2002 (S.I. No. 8 of 2002).
3. The Civil Legal Aid Regulations 1996 (S.I. No. 273 of 1996) are amended -

- (a) in Regulation 13, by substituting the following paragraph for paragraph (3):

“(3) An applicant whose disposable income exceeds €18,000 per annum shall not be eligible to obtain legal aid or advice.”,

- (b) in Regulation 14, by deleting paragraph (3),

- (c) in Regulation 15 (3) (as amended by Regulation 3(e) of the Regulations of 2002), by substituting “paragraph (1) of Regulation 16” for “paragraph (1)(d) of Regulation 16”,

- (d) in Regulation 16 (inserted by Regulation 3(g) of the Regulations of 2002) -

- (i) by substituting the following paragraph for paragraph (1):

“(1) Disposable income shall consist of income as assessed in accordance with these Regulations, less the following allowances:

- (a) subject to paragraph (2), €3,500 per annum in respect of the applicant's spouse;
 - (b) subject to paragraph (3), €1,600 per annum in respect of each of the applicant's dependants;
 - (c) subject to paragraph (4), actual expenses not exceeding €8,000 per annum incurred in respect of accommodation costs;
 - (d) subject to paragraph (5), income tax payments;
 - (e) social insurance contributions;
 - (f) actual expenses incurred on child care facilities to enable an applicant to pursue employment, subject to a maximum allowance of €6,000 per child.”
- (ii) in paragraph (6) (inserted by Regulation 3(g) of the Regulations of 2002) by substituting “€8,000 per annum” for “€4,900” per annum.

(e) by substituting the following Regulation for Regulation 17 (inserted by Regulation 3(h) of the Regulations of 2002):

“17. (1) If the applicant’s disposable income is €1,500 per annum or less, the maximum income contribution which he or she will be required to pay shall be -

(a) if legal advice only was obtained, €10,

(b) if legal aid was obtained, €50.

(2) Subject to paragraph (10) of Regulation 21, if the applicant’s disposable income is over €1,500 per annum and not more than €18,000 per annum, the maximum income contribution which he or she will be required to pay shall be -

(a) if legal advice only was obtained, one-tenth of the difference between his or her disposable income and €1,500, subject to a minimum contribution of €10 and a maximum contribution of €150,

(b) if legal aid was obtained, €50 plus one-quarter of the difference between his or her disposable income and €1,500.

(3) All contributions shall be rounded up to the nearest €.”,

(f) by substituting the following Regulation for Regulation 18:

“18. (1) Subject to paragraphs (3) and (4), the applicant’s capital shall be the value of every resource of a capital nature.

(2) The value of any of the applicant’s capital resources, other than money, shall be based on the market value of the capital resource.

(3) The value of the applicant’s home (being his or her ordinary place of residence) and of its normal household chattels shall be excluded in making an assessment of the value of his or her capital resources.

(4) The value of any tools of the applicant's trade shall be excluded in assessing capital resources.”,

(g) in Regulation 19, by deleting paragraph (2),

(h) by substituting the following Regulation for Regulation 20:

“20. (1) No capital contribution shall be payable in respect of that portion of the applicant's disposable capital which is less than €4,000.

(2) The maximum capital contribution which an applicant will be required to pay shall be -

(a) where the amount of his or her disposable capital is €4,000 or less, 2.5 per cent of the amount by which the disposable capital, exceeds €4,000,

(b) where the amount of his or her disposable capital is over €4,000, the contribution will be the sum specified at subparagraph (a) plus 5 per

cent of the amount by which the disposable capital exceeds €4,000.”,

(i) in Regulation 21 –

(i) in paragraph (9) (as amended by Regulation 3(t) of the Regulations of 2002), by substituting “€50” for “€35” and “€100” for “€75”,

(ii) in paragraph (10) (as amended by Regulation 3(a) of the Regulations of 2002), by substituting “€50” for “€35” and “€10” for “€”.

GIVEN under my Official Seal,

28 August, 2006.

L.S.

Michael McDowell T.D.

Minister for Justice,

Equality and Law Reform.