



STATUTORY INSTRUMENTS.

**S.I. No. 346 of 2013**



CIVIL LEGAL AID REGULATIONS 2013

## CIVIL LEGAL AID REGULATIONS 2013

I, ALAN SHATTER, Minister for Justice and Equality, 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 and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 138 of 2011), hereby make the following Regulations:

1. (1) These Regulations may be cited as the Civil Legal Aid Regulations 2013.

(2) The Civil Legal Aid Regulations 1996, 2002 and 2006, and these Regulations may be cited together as the Civil Legal Aid Regulations 1996 to 2013, and shall be construed together as one.

(3) These Regulations shall come into operation on 16 September 2013.

2. In these Regulations:

(a) “Regulations of 2002” means the Civil Legal Aid Regulations 2002 (S.I. No. 8 of 2002).

(b) “Regulations of 2006” means the Civil Legal Aid Regulations 2006 (S.I. No. 460 of 2006).

3. The Civil Legal Aid Regulations 1996 (S.I. No. 273 of 1996), are hereby amended—

(a) In Regulation 13, by substituting the following paragraph for paragraph (4):

“(4) An applicant whose disposable capital exceeds €100,000 shall not be eligible to obtain legal aid or advice”,

(b) In Regulation 14, by substituting the following paragraph for paragraph (2)(a):

“(a) the Department of Social Protection,”

(c) In Regulation 16 (inserted by Regulation 3(g) of the Regulations of 2002 and as amended by Regulation 3(d) of the Regulations of 2006)—

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

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th September, 2013.*

“(1) Disposable income shall consist of income as assessed in accordance with these Regulations, less such adjustment as is permitted by this Regulation:

- (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, per annum;
- (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, per annum;
- (g) amounts received, per annum, in respect of Child Benefit, Carer’s Benefit, Carer’s Allowance, Domiciliary Care Allowance, Foster Care Allowance or Guardians Payment;
- (h) Universal Social Charge payable on foot of Section 531 of the Taxes (Consolidation) Act 1997;
- (i) deductions from salary made on foot of Section 2 of the Financial Emergency Measures in the Public Interest Act 2009.
- (j) deductions from salary made on foot of Section 2 of the Financial Emergency Measures in the Public Interest Act 2013.”,

(ii) by substituting the following paragraph for paragraph (3):

“(3) “Dependants” for the purpose of paragraph (1)(b) shall include:

- (a) the applicant’s children or step-children who are under eighteen years of age (and who are supported by the applicant);
  - (b) the applicant’s children or step-children who are above that age who are pursuing a full-time course of education (and who are supported by the applicant);
- and

(c) dependant relatives or other persons permanently residing with the applicant, who are supported by the applicant and who do not have available to them independent means of support.”,

(d) by substituting the following Regulation for Regulation 17 (inserted by Regulation 3(h) of the Regulations of 2002 and amended by Regulation 3(e) of the Regulations of 2006):

“17. (1) If the applicant’s disposable income is €11,500 per annum or less, the maximum income contribution which he or she will be required to pay shall be—

(a) if legal advice only is obtained, €30,

(b) if legal aid is obtained, €130

(2) Subject to paragraph (10) of Regulation 21, if the applicant’s disposable income is over €11,500 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 is obtained, one-tenth of this difference between his or her disposable income and €11,500, subject to a minimum contribution of €30 and a maximum contribution of €150,

(b) if legal aid is obtained, €130 plus one-quarter of the difference between his or her disposable income and €11,500.

(3) All contributions shall be rounded up to the nearest €1.”,

(e) in Regulation 21—

(i) in paragraph (10) (as amended by Regulation 3(u) of the Regulations of 2002 and amended by Regulation 3(i)(ii) of the Regulations of 2006), by substituting “€130” for “€50” and “€30” for “€10”.

(f) by the insertion of the following as Regulation 21(11):

“(11) No contribution shall be payable by an applicant where the subject matter of the application relates solely to the defence of proceedings brought by the Health Service Executive under Part IV or Part IV A of the Child Care Act 1991.”,

and

(g) by the insertion of the following as Regulation 21(12):

“(12) A contribution of €10 only shall be payable by an applicant where the applicant is an asylum seeker, and the subject matter of the application relates to:

- (a) his or her application for asylum to the Refugee Applications Commissioner;
- (b) any appeal to the Refugee Appeals Tribunal;
- (c) any application notification received or application made on foot of Section 3 of the Immigration Act 1999;
- (d) any application for subsidiary protection, or advice in relation to any Deportation Order that may have issued in respect of the applicant.”.



GIVEN under my Official Seal,  
11 September 2013.

ALAN SHATTER,  
Minister for Justice and Equality.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation thereof).*

These Regulations amend the Civil Legal Aid Regulations 1996-2006 by making reductions in the disposable capital threshold, and also increasing the income contributions for legal advice and legal aid. Amendments are also made to the definition of “dependant” and the list of allowances considered exempt from consideration as disposable income.

These Regulations should be taken together with the Civil Legal Aid Regulations 1996-2006.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
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