



STATUTORY INSTRUMENTS.

S.I. No. 272 of 2016



CIVIL LEGAL AID REGULATIONS 2016

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I, FRANCES FITZGERALD, 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 2016.

(2) The Civil Legal Aid Regulations 1996, 2002, 2006, 2013, and these Regulations may be cited together as the Civil Legal Aid Regulations 1996 to 2016, and shall be construed together as one.

2. These Regulations shall come into operation on 23rd May 2016.

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

(a) by the insertion of the following as Regulation 13(9):

“(9) The Board may provide legal advice to an applicant without reference to his or her financial resources, if the applicant—

(a) is unable to pay his or her debts in full as they fall due;

(b) is in arrears on a loan secured on the home in which he or she normally resides;

(c) has been served with proceedings for possession of the home in which he or she normally resides, or the person is at risk of losing that home (i.e. the applicant has received from the mortgage lender, repossession proceedings, a letter indicating that such proceedings will issue, a letter indicating that the applicant is deemed non-cooperating, or an invitation to consider sale, surrender or other loss of all or part of the home).”

(b) by the insertion of the following as Regulation 13(10):

“(10) The Board may provide legal aid to an applicant without reference to his or her financial resources, if—

(a) the applicant—

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 24th May, 2016.

- (i) is unable to pay his or her debts in full as they fall due,
 - (ii) has made a proposal for a Personal Insolvency Arrangement (within the meaning of the Personal Insolvency Act 2012) which includes the home in which he or she normally resides and which has been rejected by his or her creditors;
- (b) a personal insolvency practitioner has certified that there are reasonable grounds for the making of an application for an order under section 115A(9) of the Personal Insolvency Act 2012 (inserted by section 21 of the Personal Insolvency (Amendment) Act 2015); and
- (c) the legal aid to be provided relates to an application under section 115A(9) of the Personal Insolvency Act 2012 (inserted by section 21 of the Personal Insolvency (Amendment) Act 2015).”
- (c) by the insertion of the following as Regulation 21(13):

“(13) No contribution shall be payable by an applicant who has been granted legal advice or legal aid without reference to his or her financial resources.”



GIVEN under my Official Seal,
18 May 2016.

FRANCES FITZGERALD,
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 1996-2016 by providing for legal advice and legal aid to be granted without reference to an applicant's financial resources in certain circumstances.

These Regulations should be taken together with the Civil Legal Aid Regulations 1996-2016.

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)
nó trí aon díoltóir leabhar.

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