

Legal Services Agency Northern Ireland Circular – LSA/04/17

9 June 2017

Dear Practitioner,

Guidance on treatment of Personal Independence Payment (PIP) and Welfare Supplementary Payments when assessing financial eligibility to receive Advice and Assistance and Representation (Lower Courts)

Practitioners will be aware of the introduction of Personal Independence Payment (PIP) and the implementation of the various Welfare Reform Mitigation Payments emanating from the Evason Report. This circular provides Guidance under regulation 15 of the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 as to how Personal Independence Payment (PIP) and Welfare Supplementary Payments should be treated when practitioners are assessing an applicant's financial eligibility to receive Advice and Assistance and Representation (Lower Courts).

In due course the arrangements set out in this Guidance will be the subject of consultation prior to amendments being made to the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015.

While this Guidance is limited to how practitioners determine an applicant's financial eligibility for Advice and Assistance and Representation (Lower Courts), the Legal Aid Assessment Office will have regard to this approach when assessing the financial eligibility of applicants for Representation (Higher Courts).

When determining an applicant's entitlement to receive Advice and Assistance or Representation (Lower Courts) practitioners should:

- Disregard under Regulation 49 [Disregard of certain welfare and other payments] any Discretionary support payments made under The Discretionary Support Regulations (Northern Ireland) 2016
- Disregard under Regulation 25 [Disregards from income – certain welfare allowances, payments etc.] any PIP mitigation payments made under:
 - The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016
 - The Welfare Supplementary Payment (Loss of Disability - Related Premiums) Regulations (Northern Ireland) 2016
 - The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016
 - The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016

This Guidance has immediate effect.

Yours sincerely,



Paul Andrews
Chief Executive