

SCHEDULES

SCHEDULE 1

PROCEEDINGS FOR WHICH LEGAL AID MAY BE GIVEN UNDER^{F1}[^{F1} ARTICLE 9]

F1 prosp. subst. by 2002 c. 26
F1 2005 NI 19

PART I

DESCRIPTION OF PROCEEDINGS

1. Proceedings in any of the following courts—

- (a) the^{F1} House of Lords in the exercise of its jurisdiction in relation to any appeal from Northern Ireland;
- ^{F2}(b) the Judicial Committee of the Privy Council in the exercise of its jurisdiction in relation to any appeal or reference from Northern Ireland;
- (c) the High Court and the Court of Appeal;
- (d) any county court.

F1 prosp. subst. by 2005 c. 4
F2 prosp. rep. by 2005 c. 4

2. Proceedings before any person to whom a case is referred in whole or in part by any of the courts mentioned in paragraph 1.

^{F3}**2A.**—(1) The following proceedings in the Crown Court under the Proceeds of Crime Act 2002—

- (a) proceedings which relate to a direction under section 202(3) ^{F4}. . . as to the distribution of funds in the hands of a receiver;
- (b) applications under section 210 relating to action taken or proposed to be taken by a receiver;
- (c) applications under section 211 to vary or discharge an order under any of sections 196 [^{F5}to 199] for the appointment of or conferring powers on a receiver;
[proceedings which relate to a direction under section 215D;]
- ^{F6}(ca)
- (d) applications under section 220 or 221 for the payment of compensation;
- (e) applications under sections 351(3), 362(3), 369(3) or 375(2) to vary or discharge certain orders made under Part 8.

(2) But sub-paragraph (1) does not apply in relation to a defendant (within the meaning of Part 4 of that Act) in the following proceedings—

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- (a) proceedings mentioned in ^{F7}head (a)] of that sub-paragraph;
- (b) an application under section 221 for the payment of compensation if the confiscation order was varied under section 179.]

F3	2002 c. 29
F4	Words in Sch. 1 Pt. I para. 2A(1)(a) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), ss. 74(2), 92, 94(1), Sch. 8 para. 148(2), Sch. 14; S.I. 2008/755, art. 2(1)(a)(d)(iv) (subject to transitional and transitory and savings provisions in arts. 3-14)
F5	Words in Sch. 1 Pt. I para. 2A(1)(c) substituted (1.4.2008) by Serious Crime Act 2007 (c. 27), ss. 74(2), 94(1), Sch. 8 para. 148(3); S.I. 2008/755, art. 2(1)(a) (subject to transitional and transitory and savings provisions in arts. 3-14)
F6	Sch. 1 para. 2A(1)(ca) inserted (1.3.2016) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 45(2); S.I. 2016/147, art. 3(i)
F7	Words in Sch. 1 Pt. I para. 2A(2)(a) substituted (8.6.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(3)(a), 85(2)

^{F8}**2B.** Proceedings in the Crown Court for the variation or discharge of an order under Article 7 or 7A of the Protection from Harassment (Northern Ireland) Order 1997.]

F8	Sch. 1 Pt. I para. 2B inserted (15.2.2010) by Legal Aid (Scope) Regulations (Northern Ireland) 2010 (S.R. 2010/9), reg. 3(a)
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3. The following proceedings in a court of summary jurisdiction, namely—
Sub.#para.(a) rep. by 1995 NI 2

- (b) proceedings for or relating to an order under the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945 ^{F9}. . . the Domestic Proceedings (Northern Ireland) Order 1980 [^{F9}or the Family Homes and Domestic Violence (Northern Ireland) Order 1998^{F10} or Schedule 16 to the Civil Partnership Act 2004];
- (c) proceedings under section 22 of the Maintenance Orders Act 1950 and section 13 of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 ;
- (d) proceedings under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 relating to a maintenance order made by a court of a country outside the United Kingdom, and any such proceedings as are referred to in sub-paragraph ^{F11}. . . (b) brought by virtue of Part II of the said Act of 1972;
- (e) debt or ejection proceedings within the meaning of [^{F12}Part VI of the Magistrates' Courts (Northern Ireland) Order 1981], other than proceedings under^{F12} Article 62(2) of that Order];
- ^{F11}(f) proceedings under ^{F13}. . . the Children (Northern Ireland) Order 1995;]
- (g) proceedings under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972 and [^{F14}section 101 of the Social Security Administration (Northern Ireland) Act 1992].
- ^{F15}(h) appeals under Article 22 of the Child Support (Northern Ireland) Order 1991, so far as such appeals are to be made to a court of summary jurisdiction by virtue of Article 2 of the Child Support Appeals (Jurisdiction of Courts) Order (Northern Ireland) 1993, and proceedings under Article 28 of the Child Support (Northern Ireland) Order 1991]
- ^{F16}(i) proceedings under paragraphs 3, 5, 6, 9 and 10 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001.]

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- [^{F17}(j) proceedings under sections [^{F18}195M,] 295, 297, [^{F19}297E, 297F,] 298, 301 and 302 of the Proceeds of Crime Act 2002]
- [^{F20}(ja) proceedings for the discharge or variation of an order under section 195M of the Proceeds of Crime Act 2002;
- (jb) proceedings which relate to a direction under section 215D of the Proceeds of Crime Act 2002;]
- [^{F21}(k) proceedings for, or relating to, an anti-social behaviour order under Article 3 or 4 of the Anti-social Behaviour (Northern Ireland) Order 2004;]
- [^{F22}(l) proceedings for the variation or discharge of an order under Article 7 or 7A of the Protection from Harassment (Northern Ireland) Order 1997.]

F9	1998 NI 6
F10	2004 c. 33
F11	1995 NI 2
F12	1981 NI 26
F13	1998 NI 9
F14	1992 c. 9
F15	SR 1993/137
F16	2001 c. 24
F17	2002 c. 29
F18	Word in Sch. 1 para. 3(j) inserted (1.3.2016) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 45(3)(a) ; S.I. 2016/147, art. 3(i)
F19	Words in Sch. 1 para. 3(j) inserted (1.3.2016) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 97 ; S.I. 2016/147, art. 3(j)
F20	Sch. 1 para. 3(ja)(jb) inserted (1.3.2016) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 45(3)(b) ; S.I. 2016/147, art. 3(i)
F21	2004 NI 12
F22	Sch. 1 Pt. I para. 3(l) inserted (15.2.2010) by Legal Aid (Scope) Regulations (Northern Ireland) 2010 (S.R. 2010/9), reg. 3(b)

4. Proceedings in the Restrictive Practices Court under Part III of the Fair Trading Act 1973 , and any proceedings in that court in consequence of an order made or undertaking given to the Court, under that Part of the Act.

Para. 5 rep. by 2002 c. 26

6. Proceedings in the Lands Tribunal for Northern Ireland.

- [^{F23}**6A.** Proceedings before the First-tier Tribunal under—
 - (i) Schedule 2 to the Immigration Act 1971;
 - (ii) section 40A of the British Nationality Act 1971;
 - (iii) Part 5 of the Nationality, Immigration and Asylum Act 2002;
 - (iv) regulation 26 of the Immigration (European Economic Area) Regulations 2006.]

F23	Sch. 1 Pt. I para. 6A substituted (15.2.2010) by Legal Aid (Scope) Regulations (Northern Ireland) 2010 (S.R. 2010/9), reg. 3(c)
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- [^{F24}**6B.** Proceedings before the Upper Tribunal arising out of proceedings within paragraph 6A.

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F24 Sch. 1 Pt. I paras. 6B, 6C inserted (15.2.2010) by [Legal Aid \(Scope\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/9\)](#), **reg. 3(d)**

6C. Proceedings before the Special Immigration Appeals Commission.]

F24 Sch. 1 Pt. I paras. 6B, 6C inserted (15.2.2010) by [Legal Aid \(Scope\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/9\)](#), **reg. 3(d)**

7. Proceedings in the Enforcement of Judgments Office in connection with any proceedings mentioned in the foregoing paragraphs.

[^{F25}**8.** Proceedings brought by an individual before a Proscribed Organisations Appeal Commission.]

F25 2000 c. 11

Changes to legislation:

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order power to amend conferred by [2011 c. 24 \(N.I.\) Sch. 5 para. 5\(a\)](#)
- Act rev.in pt. by [1996 c. 25 s.79Sch.4 paras.19\(2\)36](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 28(7)(c) inserted by [2011 c. 24 \(N.I.\) s. 83\(2\)\(a\)](#)
- art. 29(2A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 3](#)
- art. 29(2A) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 3](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(c\)](#)