STATUTORY RULES OF NORTHERN IRELAND

2015 No. 195

The Civil Legal Services (General) Regulations (Northern Ireland) 2015

PART 6

EXCEPTIONAL FUNDING

Exceptional funding

48.—(1) Where it appears to a supplier that an applicant's case meets the criteria under Article 12A(2) or 12A(4) of the Order, an application may be submitted to the Director for a certificate under this Part.

(2) The Director may issue a certificate under this Part in respect of any proceedings other than those specified in paragraph 2 of Schedule 2 to the Order.

Applications for certificates and authorities

49.—(1) Subject to regulations 6 and 7, an application for a certificate under this Part shall be made by an applicant in person to the supplier from whom the representation is sought.

(2) The applicant shall furnish the supplier with the information and supporting documentary evidence necessary to enable the Director [F1]... to determine—

(a) the nature of the proceedings in relation to which a grant of exceptional funding is sought and the circumstances in which representation is required;

(b) whether the criteria as set out in Article 12A of the Order are satisfied; and

(c) the disposable income, disposable capital and maximum contribution of the applicant.

(3) The applicant shall, if required by the Director [F2]..., attend for an interview or supply such further information or documents as may be required.

(4) Subject to paragraph (5), where the applicant has failed to comply with a requirement under paragraph (3), the Director may treat the application as withdrawn.

(5) An application may not be treated as withdrawn under paragraph (4) unless the Director has notified the applicant and the supplier that the application may be treated as withdrawn unless the applicant complies with a requirement under paragraph (3) within a specified period.

(6) The information required by this regulation shall be furnished on a form or forms approved by the Department, or such other manner as the Director may accept as sufficient in the circumstances of the application.

(7) It shall be a condition of every certificate issued under this Part that the prior authority of the Director shall be required—

(a) to obtain a report or opinion of an expert;

(b) to tender expert evidence;

(c) to obtain a report or an opinion of a person (other than an expert);

(d) to tender such evidence as referred to in sub-paragraph (c); or

(e) to perform an act which is either unusual in its nature or involves unusually large expenditure.

Textual Amendments

F1 Words in reg. 49(2) omitted (4.3.2019) by virtue of The Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/13), regs. 1, **8(a)**

F2 Words in reg. 49(3) omitted (4.3.2019) by virtue of The Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/13), regs. 1, **8(b)**

Determination of financial eligibility and contributions

50.—(1) Unless the Director has previously refused the application (and there has been no change in circumstances), the Director shall [F3]... assess the applicant's disposable income and disposable capital.

(2) Subject to paragraph (3), the supplier shall collect the maximum contribution, if any, payable by the applicant in accordance with the provisions of the Financial Regulations.

(3) The Director may waive (in whole or in part) any requirement that a contribution may be paid in respect of a certificate under this Part.

Textual Amendments

F3 Words in reg. 50(1) omitted (4.3.2019) by virtue of The Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/13), regs. 1, **9**

Determination of applications for certificates

51.—(1) Where the Director makes—

(a) an exceptional case determination under Article 12A(2) of the Order; or

(b) a wider public interest determination under Article 12A(4) of the Order,

the Director shall provide written reasons for the determination.

(2) Notwithstanding regulation 3, a certificate under this Part may, at the discretion of the Director, specify that the certificate is to be treated as having effect from such date as the Director considers appropriate.

Refusal of a certificate or authority

52.—(1) If the Director refuses an application for a certificate under this Part, the Director shall notify the applicant and the supplier and shall state the reasons for such refusal.

(2) If the Director refuses an application for authority to take any step under a certificate under regulation 49, the Director shall notify the supplier and shall state the reasons for such refusal.

(3) Where notification is given under paragraph (1) or (2), the Director shall inform the applicant and the supplier, or supplier only, as applicable, of the right of review under regulation 14.

Notification of issue of certificate

53.—(1) Where a certificate under this Part has been issued and the assisted party is (or becomes) a party to proceedings, the supplier shall, as soon as practicable, notify any other party to the proceedings and the court in which the proceedings are pending.

(2) Where a certificate issued under this Part is suspended, discharged or revoked, the supplier shall notify any other party to the proceedings and the court in which the proceedings are pending.

Changes to legislation:
The Civil Legal Services (General) Regulations (Northern Ireland) 2015, PART 6 is up to date with all changes known to be in force on or before 01 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:
Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg. 31(1A) inserted by 2023 c. 37 s. 56(11)(b)
- reg. 32(2A) inserted by 2023 c. 37 s. 56(12)(b)
- reg. 41(2A) inserted by 2023 c. 37 s. 56(13)(b)
- reg. 43(3) inserted by 2023 c. 37 s. 56(14)(b)