

## **EXPLANATORY MEMORANDUM TO**

### **The Civil Legal Services (Scope) (No. 2) Regulations (Northern Ireland) 2016**

#### **SR 2016 No.**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 12(6) of the Access to Justice (Northern Ireland) Order 2003 ("the 2003 Order") and is subject to the draft affirmative resolution procedure.

#### **2. Purpose**

- 2.1. This Statutory Rule makes amendments to Schedule 2 to the 2003 Order regarding the proceedings which may be funded as civil legal services.
- 2.2. This Statutory Rules amends the 2003 Order by inserting new provisions to provide that funding for representation for civil legal services is available for the following proceedings in a court of summary jurisdiction: proceedings under paragraph 2, 6 or 7 of Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (in relation to the Slavery and Trafficking Prevention Order – “the STPO”) and proceedings under section 57, 60 or 61 of the Justice Act (Northern Ireland) 2015 (in relation to the Violent Offences Prevention Order – “the VOPO”). It will come into operation on 1 December 2016.

#### **3. Background**

- 3.1. The VOPO is a new civil preventative order aimed at helping to mitigate against the risk of violent re-offending. It will allow the court to place relevant prohibitions or requirements on the behaviour of a qualifying violent offender, and those subject to the Order will also be made automatically subject to notification requirements.
- 3.2. The STPO is also a new civil preventative order aimed at helping to protect the public or specific persons, from the physical or psychological harm posed by an individual who has committed a slavery or trafficking offence. The STPO will allow the court to place prohibitions or requirements on the activities and behaviour of a slavery or human trafficking adult offender (those aged 18 years or over), and those subject to the Order will also be made automatically subject to notification requirements.
- 3.3. These regulations amend Schedule 2 to, the 2003 Order to include the VOPO and the STPO as services which may be funded by way of civil legal services.

#### **4. Consultation**

- 4.1. The Department issued a targeted consultation with the Law Society of Northern Ireland, the General Council of the Bar of Northern Ireland, the Office of the Lord Chief Justice and the Attorney General.
- 4.2. No wider consultation took place on the Rules.

#### **5. Equality Impact**

- 5.1. An equality screening exercise was carried out. This indicated that a full equality impact assessment was not required under section 75 of the Northern Ireland Act 1998.

#### **6. Regulatory Impact**

- 6.1. These Rules were screened for their regulatory impact. The provisions contained in the Rules will impose no additional costs on businesses, charities or the voluntary sector. Accordingly, a full Regulatory Impact Assessment was not considered necessary.

#### **7. Financial Implications**

- 7.1. The Department estimates that the amendments made by this Statutory Rule could cost up to £220,000 per annum.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department considers these Rules to be compatible with section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

- 9.1. Not applicable.

#### **10. Parity or Replicatory Measure**

- 10.1. Not applicable.

#### **11. Additional Information**

- 11.1. Not applicable.