
STATUTORY INSTRUMENTS

1981 No. 228

**Legal Aid, Advice and Assistance
(Northern Ireland) Order 1981**

PART III

FREE LEGAL AID IN CRIMINAL PROCEEDINGS

[^{F1}Order to recover costs of legal aid

33A.—(1) Where a person has been granted a criminal aid certificate the court may, subject to rules made under Article 36, make an order requiring him to pay some or all of the cost of legal aid incurred to the date of the order unless he is already subject to an action under Article 33(3) to recover that cost.

(2) Rules made under Article 36 may make provision about—

- (a) the descriptions of courts by which, and individuals against whom, an order under paragraph (1) may be made,
- (b) the circumstances in which such an order may be made and the principles to be applied in deciding whether to make such an order and the amount to be paid,
- (c) the persons who may apply to the court for such an order to be made and the circumstances and manner in which that application may be made,
- (d) the determination of the cost of legal aid incurred for the purposes of the making of such an order,
- (e) the manner in which, and persons by whom, an investigation into the means of any person may be carried out for the purposes of making such an order,
- (f) the furnishing of information and evidence to the court or the [^{F2}Director] for the purpose of enabling the court to decide whether to make such an order and (if so) the amount to be paid,
- (g) prohibiting persons who are required to furnish information or evidence from dealing with property until they have furnished the information or evidence or until a decision whether to make an order, or as to the amount to be paid, has been made,
- (h) rights of appeal against such an order,
- (i) the person or body to which, and manner in which, payments required by such an order must be made and what that person or body is to do with them,
- (j) the enforcement of such an order (including provision for the imposition of charges in respect of unpaid amounts), and
- (k) such other matters as the Department of Justice considers necessary or appropriate.]

F1 Art. 33A inserted (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), **ss. 81(2)**, 111(3); [S.R. 2012/142](#), art. 2(b)

Changes to legislation: *Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, Section 33A is up to date with all changes known to be in force on or before 10 February 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. (See end of Document for details) View outstanding changes*

F2 Word in art. 33A(2)(f) substituted (1.4.2015) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014 \(c. 11\), s. 12\(1\), Sch. 2 para. 1\(3\)](#) (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(e)

Changes to legislation:

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[View outstanding changes](#)

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\(9\)\(c\)](#)