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STATUTORY INSTRUMENTS

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**1981 No. 228**

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

**[<sup>F1</sup>PART II**

**LEGAL ADVICE AND ASSISTANCE, AND LEGAL AID OTHER  
THAN FREE LEGAL AID AVAILABLE UNDER PART III**

Legal advice and assistance

**[<sup>F1</sup>Scope and general conditions of advice and assistance**

**4.—(1)** Subject to paragraph (2) and Article 5 and to any prescribed exceptions and conditions, Article 3 applies to any oral or written advice given by a solicitor or, if and so far as may be necessary, counsel—

- (a) on the application of Northern Ireland law to any particular circumstances which have arisen in relation to the person seeking the advice; and
- (b) as to any steps which that person might appropriately take (whether by way of settling any claim, bringing or defending any proceedings, making an agreement, will or other instrument or transaction, obtaining further legal or other advice or assistance, or otherwise) having regard to the application of Northern Ireland law to those circumstances;

and applies to any assistance given by a solicitor or, if and so far as may be necessary, by counsel to any person in taking any such steps as are mentioned in sub-paragraph ( b), whether the assistance is given by taking any such steps on his behalf or by assisting him in taking them on his own behalf.

(2) Notwithstanding anything in paragraph (1), Article 3 does not apply to any advice or assistance given to a person in connection with any proceedings before a court or tribunal—

- (a) at a time when a civil aid certificate issued to him in connection with those proceedings is in force;<sup>F2F3</sup> . . .

[<sup>F3</sup>(aa) at a time when—

- (i) the Commission has informed him that legal aid is available to him in connection with those proceedings under a direction given under Article 10A(1)(a) or an authorisation given under Article 10A(2)(a); or
- (ii) the Lord Chancellor has informed him that legal aid is available to him in connection with those proceedings under an authorisation given under Article 10A(2)(b).

and he has not been informed by the Commission or the Lord Chancellor that such legal aid has ceased to be so available; or.]

- (b) in the case of criminal proceedings, at a time when a criminal aid certificate made in respect of him for the purposes of those proceedings is in force.

(3) Save as expressly provided by this Part or by regulations made thereunder—

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**Changes to legislation:** *Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, Section 4 is up to date with all changes known to be in force on or before 21 April 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*

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- (a) the fact that the services of counsel or a solicitor are given by way of advice or assistance shall not affect the relationship between or rights of counsel, solicitor and client, or any privilege arising out of such relationship; and
- (b) the rights conferred by this Part on a person receiving advice or assistance shall not affect the rights or liabilities of other parties to the proceedings or the principles on which the discretion of any court or tribunal is normally exercised.

(4) In this Article—

“civil aid certificate” means a certificate required in accordance with regulations made under Article 22 to be obtained as a condition of entitlement to legal aid;

“criminal aid certificate” means a certificate under Article 28(1), 29(2) or 30(3).]

**F1** Pt. 2 (to the extent that it remains in operation) repealed (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), arts. 1(2), 49(5), **Sch. 5** (with transitional provisions and savings in art. 48, Sch. 3); S.R. 2015/194, art. 2, **Sch.** (with transitional provisions and savings in art. 3)

**F2** prosp. rep. by 2002 c. 26

**F3** 2005 NI 19

**Changes to legislation:**

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, Section 4 is up to date with all changes known to be in force on or before 21 April 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.

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