
Status: Point in time view as at 10/04/2006.

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STATUTORY INSTRUMENTS

1981 No. 228 (NI 8)

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

18th February 1981

F1

F2

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LEGAL AID, ADVICE AND ASSISTANCE (NORTHERN IRELAND) ORDER 1981

PART I

INTRODUCTORY

1. Title and commencement
2. Interpretation

PART II

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

Legal advice and assistance

3. Persons eligible for advice and assistance
4. Scope and general conditions of advice and assistance
5. Representation in proceedings
6. Financial limit on prospective cost of advice and assistance
7. Contributions from persons receiving advice or assistance
8. Payment of charges or fees otherwise than through client's contribution

Legal aid

9. Persons eligible for legal aid
10. Scope and general conditions of legal aid
- 10A. Exceptional legal aid
11. Financial conditions of legal aid
12. Contributions from persons receiving legal aid and charge on property recovered

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13. Remuneration of persons giving legal aid

Assessment of resources etc.

14. Assessment of disposable capital and income and of maximum contribution

Solicitors and counsel

- 15. Solicitors and counsel
- 15A. Legal aid not to affect normal rules

Costs of successful unassisted parties

- 16. Power to award costs out of the legal aid fund
- 17. Provisions supplementary to Article 16

Administration and finance

- 18. Functions of Law Society
Art. 19 rep. by 2003 NI 10
- 20. Accounts and audit
- 21. Pension rights of employees

Miscellaneous and supplementary

- 22. Regulations
- 23. Advisory committees
- 24. Secrecy
- 25. Proceedings for misrepresentation etc.
- 26. Adaptation for purposes of Part II of rights to indemnity
- 27. Interpretation of Part II and Schedules 1 and 2

PART III

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- 28. Free legal aid in the magistrates' court
- 28A. Free legal aid for diversionary youth conferences
- 29. Free legal aid in the Crown Court
- 30. Free legal aid on appeal to the county court
- 31. Resolution of doubts under Articles 28 to 30
- 32. Statements for purposes of free legal aid
- 33. Report on means of applicant for free legal aid
- 34. Free legal aid for children and young persons
- 35. Further provisions as to issue of certificates
- 35A. Court-ordered youth conferences
- 36. Expenses of free legal aid and making of rules
- 36A. Assignment of solicitor excluded from legal aid work
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38. Adaptation for purposes of Part III of rights to indemnity
39. Interpretation of Part III

PART IV

MISCELLANEOUS

40. Exemption from stamp duty
41. Applications to Crown
42. Amendments, repeals and revocations

SCHEDULES

SCHEDULE 1 — PROCEEDINGS FOR WHICH LEGAL AID MAY BE GIVEN UNDER ARTICLE 9

PART I — DESCRIPTION OF PROCEEDINGS

1. Proceedings in any of the following courts— (a) the House of Lords in the exercise...
2. Proceedings before any person to whom a case is referred in whole or in part...
This div-1 has a number but no title; creating a P1 group with an empty Title
- 2B Proceedings in the Crown Court for the variation or discharge of an order under Article...
This div-1 has a number but no title; creating a P1 group with an empty Title
4. Proceedings in the Restrictive Practices Court under Part III of the Fair Trading Act 1973...
Para. 5 rep. by 2002 c. 26
6. Proceedings in the Lands Tribunal for Northern Ireland.
This div-1 has a number but no title; creating a P1 group with an empty Title
- 6B Proceedings before the Upper Tribunal arising out of proceedings within paragraph 6A.
- 6C Proceedings before the Special Immigration Appeals Commission.
7. Proceedings in the Enforcement of Judgments Office in connection with any proceedings mentioned in the...
8. Proceedings brought by an individual before a Proscribed Organisations Appeal Commission.

PART II — EXCEPTED PROCEEDINGS

1. Proceedings in respect of which free legal aid may be given under Part III of...
2. Proceedings wholly or partly in respect of— Sub#para. (a) rep. by 1984 NI 14 (b)...
3. Proceedings wholly or partly in respect of defamation; but the making of a counterclaim for...
4. Relator actions.
5. Election petitions under the Representation of the People Act 1983 or the Electoral Law Act...
6. Proceedings (other than proceedings referred to in paragraph 7 of Part I) for the recovery...
7. Proceedings incidental to any proceedings to which the foregoing paragraphs apply.
This div-1 has a number but no title; creating a P1 group with an empty Title

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SCHEDULE 2 — REMUNERATION OF PERSONS GIVING LEGAL AID UNDER
PART II OF THIS ORDER

1. (1) The sums allowed to counsel in connection with proceedings in the House of Lords,...
2. (1) The sums allowed to a solicitor in connection with proceedings in the House of...
3. For the purpose of sub-paragraphs (1) and (2)(a) of paragraph 1, counsel's fees...
4. Subject to paragraph 3, and to any statutory provision to the contrary, costs shall be...
5. Regulations may provide that for the purposes of this Schedule, instead of costs being taxed...
6. The Lord Chancellor in exercising any power under this Schedule to make an order as...
This div-1 has a number but no title; creating a P1 group with an empty Title

— Schedule 3—Amendments

— Schedule 4—Repeals

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