
STATUTORY INSTRUMENTS

2003 No. 435

Access to Justice (Northern Ireland) Order 2003

PART II

NORTHERN IRELAND LEGAL SERVICES COMMISSION

Civil legal services

Funding of services

11.—(1) The Commission shall establish and maintain a fund from which it shall fund civil legal services.

(2) The Lord Chancellor—

- (a) shall pay to the Commission the sums which he determines are appropriate for the funding of civil legal services by the Commission, and
- (b) may determine the manner in which and times at which the sums are to be paid to the Commission and may impose conditions on the payment of the sums.

(3) In making any determination under paragraph (2) the Lord Chancellor shall take into account (in addition to such other factors as he considers relevant) the need for civil legal services as notified to him by the Commission under Article 6(4).

(4) The Lord Chancellor shall lay before each House of Parliament a copy of every determination under paragraph (2)(a).

(5) In funding civil legal services the Commission shall aim to obtain the best possible value for money.

(6) Subject to regulations, the Commission shall pay into the fund established under paragraph (1)

- (a) sums received from the Lord Chancellor under paragraph (2),
- (b) sums received by the Commission by virtue of regulations under Articles 17 and 20,
- (c) sums received by the Commission by virtue of an order by a court under Article 19(7), and
- (d) such other receipts of the Commission as the Lord Chancellor may, with the concurrence of the Treasury, determine.

(7) The Commission shall pay out of the fund established under paragraph (1) any costs payable under a court order under Article 19(2) or under regulations under Article 20(2)(d).

(8) Where the Commission considers that the amount in the fund established under paragraph (1) significantly exceeds the amount which will be paid out before the next payment by the Lord Chancellor under paragraph (2), it shall—

- (a) inform the Lord Chancellor, and
- (b) if he so directs, pay to the Lord Chancellor so much of the excess as is specified in the direction.

(9) The Lord Chancellor—

- (a) may by direction impose requirements on the Commission as to the descriptions of services to be funded from any specified amount paid into the fund established under paragraph (1);
- (b) may by order require the Commission to establish and maintain two funds in place of the fund established under paragraph (1), being—
 - (i) a fund from which the Commission shall fund civil legal services in connection with any such matter as is specified in the order, and
 - (ii) a fund from which the Commission shall fund other civil legal services.

(10) An order under paragraph (9)(b) may make such amendments to this Order as the Lord Chancellor considers appropriate in consequence of the establishment of two funds in place of the fund established under paragraph (1).