

---

STATUTORY INSTRUMENTS

---

**2003 No. 435**

**Access to Justice (Northern Ireland) Order 2003**

[<sup>F1</sup>PART 2

CIVIL LEGAL SERVICES AND CRIMINAL DEFENCE SERVICES]

*Criminal defence services*

**Criminal defence services**

- 21.**—(1) The Commission shall establish and maintain a fund from which it shall fund—
- (a) advice and assistance in accordance with Article 23, and
  - (b) representation in accordance with Articles 24 and 30,
- and in this Order services which can be so funded are referred to as “criminal defence services”.
- (2) The Lord Chancellor shall pay to the Commission such sums as are required to meet the costs of any criminal defence services funded by the Commission.
- (3) The Lord Chancellor may—
- (a) determine the manner in which and times at which the sums referred to in paragraph (2) shall be paid to the Commission, and
  - (b) impose conditions on the payment of the sums.
- (4) In funding criminal defence services the Commission shall aim to obtain the best possible value for money.
- (5) 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 an order by a court under Article 31,
  - (c) sums received by the Commission by virtue of an order by a court under section 4 or 6 of the Costs in Criminal Cases Act (Northern Ireland) 1968<sup>F1</sup>, and
  - (d) such other receipts of the Commission as the Lord Chancellor may, with the concurrence of the Treasury, determine.
- (6) 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.

---

**Changes to legislation:** *Access to Justice (Northern Ireland) Order 2003, Section 21 is up to date with all changes known to be in force on or before 13 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*

---

**Modifications etc. (not altering text)**

- C1** Art. 21(5)(d) functions transferred from the Treasury or the Minister for the Civil Service to the Department of Finance and Personnel (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010](#) (S.I. 2010/976), arts. 1(2), **15(4)(j)** (with arts. 15(6), 28-31); S.I. 2010/977, **art. 1(2)**

**Commencement Information**

- II** Art. 21(1)(b)(2) in operation at 1.5.2015 by [S.R. 2015/237](#), art. 2, **Sch. 1** (with arts. 2(2), 3)

**Changes to legislation:**

Access to Justice (Northern Ireland) Order 2003, Section 21 is up to date with all changes known to be in force on or before 13 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- [art. 21 substituted by 2014 c. 11 \(N.I.\) Sch. 2 para. 6\(23\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch. 2 para. 2\(ic\)\(id\) inserted by 2023 c. 37 s. 56\(8\)](#)
- [Sch. 4 para. 10\(b\)\(c\) coming into force by S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- [art. 14\(2AA\) inserted by 2023 c. 37 s. 56\(7\)](#)
- [art. 27A inserted by 2011 c. 24 \(N.I.\) s. 84\(2\)](#)
- [art. 27A\(1\)\(2\) word substituted by 2014 c. 11 \(N.I.\) Sch. 2 para. 6\(28\)](#)
- [art. 46\(5A\) inserted by 2011 c. 24 \(N.I.\) s. 84\(4\)](#)