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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 482**

**LEGAL AID AND ADVICE**

**Legal Aid, Advice and Assistance  
(Amendment) Order (Northern Ireland) 1996**

*Made - - - - 8th October 1996*

*To be laid before Parliament*

*Coming into operation 4th November 1996*

The Lord Chancellor, in exercise of the powers conferred on him by Article 172(4) of the Children (Northern Ireland) Order 1995<sup>(1)</sup> hereby makes the following Order—

**Citation and commencement**

1. This Order may be cited as the Legal Aid, Advice and Assistance (Amendment) Order (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

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

2. In Article 10 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981<sup>(2)</sup> there shall be inserted after paragraph (5E) the following paragraphs—

“(5F) Paragraphs (5B), (5C) and (5E) shall not apply to a person where the proceedings mentioned are before a court of summary jurisdiction and in respect of which that person has been granted assistance by way of representation.

(5G) Subject to paragraphs (4) and (5) but regardless of Articles 9 and 12 legal aid must be granted to cover proceedings relating to an appeal against an order made under Article 50 of the Children (Northern Ireland) Order 1995 to a person who has been granted assistance by way of representation by virtue of regulations made under Article 5(4A)”.

Dated 8th October 1996

*Mackay of Clashfern, C.*

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(1) S.I.1995/755 (N.I. 2)  
(2) S.I. 1981/228 (N.I. 8)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order amends the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981:—

(a) to provide that

- Article 10(5B) (which provides that legal aid must be granted irrespective of the means and merits tests where a child is brought before a court under Article 44 of the Children (Northern Ireland) Order 1995 (secure accommodation));
- Article 10(5C) (which provides that legal aid must be granted irrespective of the means and merits tests to a child, his parents and anyone with parental responsibility for him in relation to proceedings under Articles 50, 62, 63 or 64 of the Children (Northern Ireland) Order 1995 (orders relating to the care, supervision, assessment or emergency protection of children)); and
- Article 10(5E) (which provides that legal aid must be granted irrespective of the merits test to any person joined or who has applied to be joined as party to the proceedings mentioned in Article 10(5C))

do not apply where the proceedings are before a court of summary jurisdiction and where assistance by way of representation has been granted;

(b) provide that legal aid must be granted irrespective of the means test for an appeal against an order under Article 50 of the Children (Northern Ireland) Order 1995 where assistance by way of representation has been granted without regard to the means and merits tests (by virtue of regulations made under Article 5(4A) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981) for the proceedings in which the order was made.