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STATUTORY RULES OF NORTHERN IRELAND

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2001 No. 9

**LEGAL AID AND ADVICE**

**Legal Advice and Assistance (Amendment) Regulations  
(Northern Ireland) 2001**

*Made* . . . . . 15th January 2001

*Coming into operation* . . . . 19th February 2001

*To be laid before Parliament*

The Lord Chancellor, in exercise of the powers conferred by Articles 5(2), 22 and 27 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a) and now vested in him(b), hereby makes the following Regulations—

*Citation and commencement*

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 19th February 2001.

*Amendment of the principal Regulations*

2. For paragraph (1) of regulation 19A of the Legal Advice and Assistance Regulations (Northern Ireland) 1981(c) there shall be substituted the following paragraph—

“(1) The approval of an appropriate authority shall not be required for assistance by way of representation given by a solicitor to a person in respect of whom—

- (a) a complaint has been made under Article 44 (warrants of further detention) or Article 45 (extensions of warrants of further detention) of the Police and Criminal Evidence (Northern Ireland) Order 1989; or
- (b) an application has been made under paragraph 29 (warrants of further detention) or paragraph 36 (extensions of warrants of further detention) of Schedule 8 to the Terrorism Act 2000(d).”.

Dated 15th January 2001

*Irvine of Lairg, C.*

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(a) S.I. 1981/228 (N.I. 8); Article 27 is an interpretation provision and is recited because of the meaning assigned to the words “prescribed” and “regulations”

(b) S.I. 1982/159

(c) S.R. 1981 No. 366; to which the only relevant amendment was made by S.R. 1989 No. 469

(d) 2000 c. 11

## EXPLANATORY NOTE

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

These Regulations amend the Legal Advice and Assistance Regulations (Northern Ireland) 1981 to provide that—

- (a) assistance by way of representation under Article 5 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (“the 1981 Order”) is extended to persons in respect of whom an application for a warrant of further detention or for an extension of such a warrant is made under paragraph 29 or 36 of Schedule 8 to the Terrorism Act 2000;
- (b) the means test and contributions test which would otherwise apply under the 1981 Order are removed in respect of applications for assistance by way of representation in relation to proceedings under paragraph 29 or 36 of Schedule 8 to the Terrorism Act 2000.

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