
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 514

LEGAL AID AND ADVICE

The Legal Aid in Criminal Cases (Statement of Means) (Amendment) Rules (Northern Ireland) 2003

Made - - - - 1st December 2003

To be laid before Parliament

Coming into operation 26th December 2003

The Lord Chancellor, in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(1), and now vested in him(2), after consultation with the Lord Chief Justice, the Attorney General and the Magistrates' Courts Rules Committee and with the approval of the Treasury, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Aid in Criminal Cases (Statement of Means) (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 26th December 2003.

Interpretation

2. In these Rules “the principal rules” means the Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1999(3).

3. After rule 2 of the principal rules there shall be inserted the following new rule –

“Interpretation

2A. In these Rules “diversionary youth conference” has the meaning given by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998(4).”.

Statement of means forms

4. For rule 3 of the principal rules there shall be substituted the following new rule –

(1) S.I.1981/228 (N.I. 8)

(2) S.I. 1982/159

(3) S.R. 1999 No. 233

(4) S.I. 1998/1504 (N.I. 9); Article 10A was inserted by section 58 of the Justice (Northern Ireland) Act 2002 (c. 26)

Status: This is the original version (as it was originally made).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

“Statement of means forms

3. Form 1 in the Schedule shall be the prescribed form for the purposes of Article 32(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (statement of means for the purposes of legal aid in criminal proceedings) and Form 2 shall be the prescribed form for the purposes of Article 28A of that Order (statement of means for the purposes of legal aid for diversionary youth conferences).”.

5. The form set out in the Schedule shall be inserted in the Schedule to the principal rules.

Signed by authority of the Lord Chancellor

Department for Constitutional Affairs
Dated 1st December 2003

Lord Filkin
Parliamentary Under-Secretary of State,

We approve

Dated 4th December 2003

Nick Ainger
John Heppell
Two of the Lord’s Commissioners of Her
Majesty’s Treasury

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SCHEDULE

Rule 5

Form 2

Statement of Means of an Applicant under Article 28A of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

DIVERSIONARY YOUTH CONFERENCE

- i) If you wish to obtain legal aid you must first complete this application form which will be used to determine whether you are entitled to legal aid.
- ii) **WARNING** – If, in completing this application form, you knowingly make any false statement or false representation you will be liable to prosecution and if found guilty liable to a fine or imprisonment for up to 3 months or both.
- iii) Any change of financial circumstances **must** be notified **immediately** to the court in which this application is lodged.
- iv) Please use **BLOCK** letters in black ink or type when completing this application form.

Section 1 – To be completed by the Applicant

PART A – The Applicant (i.e. person subject to the youth conference)	For Official Use Only PIN <input type="text"/> Case No <input type="text"/>
1. National Insurance No. <input type="text"/> (if aged 16 or over)	
2. Date of Birth <input type="text"/> Current age <input type="text"/>	
3. Surname _____ Mr/Mrs/Miss/Ms	
4. Forename(s) _____ Male <input type="checkbox"/> Female <input type="checkbox"/>	
5. Permanent Address _____ _____ Post Code <input type="text"/>	
6. If staying at temporary accommodation then please state this address below:- _____ _____ Post Code <input type="text"/>	
7. Marital Status Single <input type="checkbox"/> Single and living with partner <input type="checkbox"/> Married <input type="checkbox"/> Other <input type="checkbox"/> Please Specify	
8. If filling in this application on behalf of the applicant please state the relationship to the applicant (e.g. parent/guardian) <input type="text"/>	

PART B – Case Details			
9. A copy of the letter from the Youth Conference Service must accompany this application. <table><tr><td><u>Offence(s)</u></td><td><u>Date of Offence</u></td><td><u>Date & Venue of Youth Conference</u></td></tr></table>	<u>Offence(s)</u>	<u>Date of Offence</u>	<u>Date & Venue of Youth Conference</u>
<u>Offence(s)</u>	<u>Date of Offence</u>	<u>Date & Venue of Youth Conference</u>	
10. Has an application been submitted for free legal aid under Article 28 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (Free legal aid in the magistrates' court) in respect of the same subject matter? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what was the outcome of the application? Granted <input type="checkbox"/> Refused <input type="checkbox"/>			

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PART C – Employment/Financial Status

11. Employed Unemployed Self-Employed

Total Nett Weekly Income £ Total Weekly Expenditure £

Please give details of expenditure:

PART D – Declaration

Declaration by Applicant:- I am aware that if I have knowingly made a statement which is false, or knowingly withheld information in this application, then I may be prosecuted. Such prosecution could lead to a conviction. The penalty if convicted could be a fine, imprisonment of up to three months or both under Article 32(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

I declare that to the best of my knowledge and belief the information provided in this application is accurate and complete.

I acknowledge that I must inform the court if my financial position alters in any way after submitting this application.

I hereby give my consent to the court taking such steps as it may consider necessary to verify the accuracy of the information contained within this application.

Applicant's Signature Date _____

Section 2 – To be completed by the Applicant's Legal Representative

PART E – Details of Legal Representative

12. Instructing Solicitor's Name Instructing Solicitor's LSC Ref No.

Firm's Name Firm's Code No.

Address _____

Post Code Correspondence ref.

Tel. No. Fax No. e-mail:

Declaration by Solicitor:-

I confirm that I have agreed to act on behalf of the applicant if legal aid is granted.

Signature of Solicitor:- _____

Date:- _____

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Section 3 – To be completed by the Court

PART F - Decision of the Court		
13.		
<input type="checkbox"/>	Granted in the interests of justice	
<input type="checkbox"/>	Refused on the following grounds:-	
Signature _____	Resident Magistrate [or Justice of the Peace]	Date _____
<u>If your application for Legal Aid is refused you can apply in person to a Magistrates' Court</u>		

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1999 to provide a statement of means form for an application for free legal aid for diversionary youth conferences under Article 28A of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.