

2015 No. 193 (C. 12)

LEGAL AID AND CORONERS' COURTS

**The Legal Aid and Coroners' Courts (2014 Act)
(Commencement No. 1) Order (Northern Ireland) 2015**

Made - - - - *26th March 2015*

Coming into operation - *1st April 2015*

The Department of Justice makes the following Order in exercise of the powers conferred by section 12(1) of the Legal Aid and Coroners' Court Act (Northern Ireland) 2014^(a).

Citation and interpretation

1.—(1) This Order may be cited as the Legal Aid and Coroners' Courts (2014 Act) (Commencement No. 1) Order (Northern Ireland) 2015.

(2) In this Order, "the 2014 Act" means the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014.

Appointed Days

2. Except as provided by Article 3, the day appointed for the coming into operation of the following provisions of the 2014 Act is 1st April 2015—

- (a) section 1 (dissolution of the Northern Ireland Legal Services Commission);
- (b) sections 2 to 5 (the Director of Legal Aid Casework);
- (c) section 11 (repeals), in so far as it relates to Schedule 3, Part 1;
- (d) Schedule 1 (transfer of assets, liabilities and staff of Commission);
- (e) in Schedule 2 (amendments)—
 - (i) paragraphs 1 to 5;
 - (ii) paragraph 6(2) to (8);
 - (iii) paragraph 6(32) to (34);
 - (iv) paragraph 6(37)(a) and (b);
 - (v) paragraph 6(39) to (41);
 - (vi) paragraph 6(42), in so far as it was not commenced by section 12(2)(d)(vi) of the 2014 Act;
 - (vii) paragraph 6(44)(d);
 - (viii) paragraph 6(45);
 - (ix) paragraphs 7 to 11;

(a) 2014 c.11 (N.I.)

(and section 6 so far as relating to those provisions); and
(f) Schedule 3, Part 1 (legal aid).

3. The day appointed for the coming into operation of section 2(2) of the 2014 Act is 2nd April 2015.

Sealed with the Official Seal of the Department of Justice on 26th March 2015



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation certain provisions of the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 ("the 2014 Act").

The provisions set out in sections 1 and 3 to 5 of the 2014 Act, together with Schedule 1, Schedule 2 and section 6, and Part 1 of Schedule 3 and section 11, in so far as those sections relate to specified provisions of those Schedules to the Act, come into operation on 1st April 2015. Section 2 of the Act also comes into operation on 1st April 2015, with the exception of section 2(2) which comes into operation on 2nd April 2015.

Section 1 and Schedule 1 dissolve the Northern Ireland Legal Services Commission and transfer its assets, liabilities and staff to the Department of Justice ("the Department"). On transfer an Executive Agency, the Legal Services Agency Northern Ireland, will be created within the Department to administer the delivery of legal aid services in Northern Ireland.

Section 2 makes provision for the appointment of a Director of Legal Aid Casework ("the Director"). The Director's function will be to make decisions on the grant of civil legal aid in individual cases. Subsection (2) provides that the selection of the person to be designated by the Department as Director must be on the basis of merit through fair and open public competition.

Section 3 includes a number of safeguards to guarantee and protect the independence of the Director and the Director's decisions on the grant of civil legal aid in individual cases. Section 4 makes provision about the delegation of the Director's functions. Section 5 concerns the production of an annual report by the Director.

Section 6 introduces Schedule 2 which contains a large number of amendments to other legal aid legislation. Amendments are made to Part 3 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 in relation to representation in criminal proceedings, and to the Access to Justice (Northern Ireland) Order 2003 in relation to civil legal services and criminal defence services.

Section 11 introduces Schedule 3. Part 1 of Schedule 3 makes consequential repeals to the Access to Justice (Northern Ireland) Order 2003 and other legislation.

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STATUTORY RULES OF NORTHERN IRELAND

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