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## STATUTORY RULES OF NORTHERN IRELAND

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### 2015 No. 195

## The Civil Legal Services (General) Regulations (Northern Ireland) 2015

### PART 1

#### GENERAL

#### Citation, commencement and revocations

1.—(1) These Regulations may be cited as the Civil Legal Services (General) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

(2) Subject to paragraph (3), the instruments set out in the Schedule to these Regulations shall be revoked to the extent shown in that Schedule.

(3) Nothing in the provisions revoked by these Regulations shall take effect in relation to any of the circumstances to which Article 3(1)(a) to (d) of the Access to Justice (2003 Order) (Commencement No. 7, Transitional Provisions and Savings) Order (Northern Ireland) 2015 <sup>M1</sup>.

#### Marginal Citations

M1 S.R. 2015 No. 194 (C. 13)

#### Interpretation

2. In these Regulations, unless the context otherwise requires—

“advice”, “assistance” and “representation” have the respective meanings given by Article 2(2) of the Order;

“the Appeal Regulations” means the Civil Legal Services (Appeal) Regulations (Northern Ireland) 2015 <sup>M2</sup>;

“applicant” means an individual who applies for civil legal services;

“application” means an application to receive funded services made by or on behalf of an individual in accordance with these Regulations;

[<sup>F1</sup>“assessing authority” means—

(a) in respect of advice and assistance and representation (lower courts), the supplier,

(b) in respect of representation (higher courts) and exceptional funding, the Director;]

“assisted party” means an individual in receipt of advice and assistance, or in respect of whom a certificate, or emergency certificate, is in force;

“certificate” means a certificate issued under regulation 16 certifying a decision to fund representation for an individual, and “emergency certificate” means a certificate issued under

regulation 17 certifying a decision to fund representation for an individual in a case of emergency;

“civil legal services” has the meaning given by Article 10 of the Order;

“civil partner” has the meaning given by section 1 of the Civil Partnership Act 2004 <sup>M3</sup>;

“child” has the meaning given by Article 2(2) of the Order;

“contribution” means the amount of an individual's contribution under the Financial Regulations;

“costs” means, in the case of a solicitor, the remuneration and disbursements payable under the Remuneration Order and, in the case of counsel, the remuneration payable under that provision;

“the Costs Regulations” means the Civil Legal Services (Costs) Regulations (Northern Ireland) 2015 <sup>M4</sup>;

“the court” includes the Supreme Court of the United Kingdom, the Court of Judicature, the county court, the magistrates' court and any tribunal in Northern Ireland;

“counsel” means a barrister called to the Bar of Northern Ireland, holding a current practising certificate;

“the Department” means the Department of Justice;

“the Director” means the Director of Legal Aid Casework designated by the Department under section 2 of the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 <sup>M5</sup>;

“the Financial Regulations” means the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 <sup>M6</sup>;

“in writing” includes a reference to an electronic communication;

“the Mental Health Review Tribunal” means the Mental Health Review Tribunal for Northern Ireland constituted under Article 70 of, and Schedule 3 to, the Mental Health (Northern Ireland) Order 1986 <sup>M7</sup>;

“next friend” and “guardian ad litem” have the respective meanings given by—

- (a) Part 2 of Order 3 of the County Court Rules (Northern Ireland) 1981 <sup>M8</sup>, in relation to proceedings brought in the county court, and
- (b) Order 80 of the Court of Judicature Rules (Northern Ireland) 1980 <sup>M9</sup>, in relation to proceedings brought in the High Court;

“the Order” means the Access to Justice (Northern Ireland) Order 2003 <sup>M10</sup>;

“patient” has the meaning given by Article 2 of the Mental Health (Northern Ireland) Order 1986;

“the Remuneration Order” means the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 <sup>M11</sup>;

“representation (higher courts)” means representation in proceedings—

- (a) in the county court, the High Court, the Court of Appeal or the Supreme Court;
- (b) before any person to whom a case is referred (in whole or in part) in any proceedings within paragraph (a);
- (c) in the Crown Court to the extent specified in paragraph 2(ba), (bb) or (c) of Schedule 2 to the Order;
- (d) before the Proscribed Organisations Appeal Commission, the Lands Tribunal for Northern Ireland or the Special Immigration Appeals Commission;

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**Changes to legislation:** *The Civil Legal Services (General) Regulations (Northern Ireland) 2015, PART 1 is up to date with all changes known to be in force on or before 25 March 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*

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- (e) before the First-Tier Tribunal to the extent specified in paragraph 2(ia) of Schedule 2 to the Order;
- (f) before the Upper Tribunal to the extent specified in paragraph 2(ib) of Schedule 2 to the Order; or
- (g) in the Enforcement of Judgments Office to the extent specified in paragraph 2(j) of Schedule 2 to the Order;

“representation (lower courts)” means representation in proceedings—

- (a) in a court of summary jurisdiction to the extent specified in paragraph 2(d) and (hh) of Schedule 2 to the Order; or
- (b) before the Mental Health Review Tribunal;

“the Statutory Charge Regulations” means the Civil Legal Services (Statutory Charge) Regulations (Northern Ireland) 2015 <sup>M12</sup>;

“supplier” means the solicitor or counsel, where applicable, being requested to provide funded services to an individual;

“vexatious litigant” means an individual in respect of whom an order has been made by the Court of Judicature under section 32 of the Judicature (Northern Ireland) Act 1978 <sup>M13</sup>.

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#### Textual Amendments

- F1** Words in [reg. 2](#) substituted (4.3.2019) by [The Civil Legal Services \(General\) \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/13\)](#), regs. 1, [3](#)
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#### Marginal Citations

- M2** [S.R. 2015 No. 197](#)  
**M3** [2004 c. 33](#)  
**M4** [S.R. 2015 No. 198](#)  
**M5** [2014.c. 11 \(N.I.\)](#)  
**M6** [S.R. 2015 No. 196](#)  
**M7** [S.I. 1986/595 \(N.I. 1\)](#)  
**M8** [S.R. 1981 No. 225](#)  
**M9** [S.R. 1980 No. 346](#)  
**M10** [S.I. 2003/344 \(N.I. 10\)](#)  
**M11** [S.R. 2015 No. 201](#)  
**M12** [S.R. 2015 No. 200](#)  
**M13** [1978 c. 23](#)

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

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

- reg. 31(1A) inserted by [2023 c. 37 s. 56\(11\)\(b\)](#)
- reg. 32(2A) inserted by [2023 c. 37 s. 56\(12\)\(b\)](#)
- reg. 41(2A) inserted by [2023 c. 37 s. 56\(13\)\(b\)](#)
- reg. 43(3) inserted by [2023 c. 37 s. 56\(14\)\(b\)](#)