

**EXPLANATORY MEMORANDUM TO**  
**The Civil Legal Services (Statutory Charge) Regulations (Northern Ireland)**  
**2015**

**S.R. 2015 No. 200**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 17(7) and (8) of the Access to Justice (Northern Ireland) Order 2003 ("the 2003 Order") and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. Article 17(7) of the 2003 Order provides that, where civil legal services have been funded by the Department for an individual, and sums are expended by the Department in funding those services, a charge ("the statutory charge") arises in favour of the Department. If the individual recovers their costs, in full, from their opponent in the matter or proceedings in question, so that no sums are expended by the Department in funding the matter or proceedings, the charge will not arise.
- 2.2. The statutory charge is applied to any costs which are payable to the individual in respect of the matter in connection with which the services were provided, and on any property (including money) which is recovered or preserved by the individual in connection with that matter.
- 2.3. These Regulations make provision for the operation and enforcement of the statutory charge. They provide for the receipt and application of property and costs recovered on behalf of the funded individual. The Regulations also provide for the calculation of the amount of the statutory charge payable, and for prescribed property which is exempt from the charge.

**3. Background**

- 3.1. With effect from 1 April 2015, civil legal services will be commenced under the 2003 Order. A suite of subordinate legislation is required to implement civil legal services, including this set of Regulations.

**4. Consultation**

- 4.1. The Department held a four week targeted consultation with key stakeholders on these Regulations which closed on 5 January 2015. Responses were received from the Lord Chief Justice, the Attorney General, the Law Society, the Northern Ireland Legal Services Commission and the Legal Aid Assessment Office, which forms part of the Social Security Agency within the Department for Social Development.

## **5. Equality Impact**

5.1. The Regulations have been screened for their equality impact and none was found.

## **6. Regulatory Impact**

6.1. The Regulations largely replicate the current provision made under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, and they will not impose any restriction on business. Consequently, an Impact Assessment is not required.

## **7. Financial Implications**

7.1. There are no financial implications.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1. These Regulations are compliant with section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1. Not applicable.

## **10. Parity or Replicatory Measure**

10.1. Similar provisions apply in Scotland, England and Wales.

## **11. Additional Information**

11.1. Not applicable.