

2016 No. 202

ACCESS TO JUSTICE

**The Civil Legal Services (Scope) Regulations (Northern Ireland)
2016**

Laid before the Assembly in draft

Made - - - - 24th March 2016

Coming into operation - 1st October 2016

The Department of Justice makes the following Regulations in exercise of the powers conferred by Article 12(6) of the Access to Justice (Northern Ireland) Order 2003(a) and now vested in it(b).

In accordance with Article 46(5) of that Order, a draft of this rule has been laid before and approved by a resolution of the Assembly.

Citation and commencement

1. These Regulations may be cited as the Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 and shall come into operation on 1st October 2016.

Amendments to the Access to Justice (Northern Ireland) Order 2003

2. Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 is amended as follows.

3. In paragraph 2(d), after paragraph (xxi) insert –

“(xxii) under Article 44 or 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989(c);

(xxiii) under paragraph 29 or 36 of Schedule 8 to the Terrorism Act 2000(d);

(xxiv) under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(e);”.

4. In paragraph 2, after sub-paragraph (j) insert –

“(ja)proceedings before the Parole Commissioners for Northern Ireland;

(a) S.I. 2003/435 (N.I. 10). Schedule 2 to the 2003 Order has been amended by Articles 1(3)(b), 102(2) and Schedule 6 Part 2 of the Criminal Justice (Northern Ireland) Order 2008 S.I. 2008/1216 (N.I. 1), regulation 5 of the Civil Jurisdiction and Judgments (Protection Measures) Regulations 2014 S.R. 2014 No. 3298 and section 1(3) of the Counter-Terrorism and Security Act 2015 c. 6. There have also been other amendments made to Schedule 2, none of which are relevant for the purposes of these Regulations.

(b) S.I. 2010/976

(c) S.I. 1989/1341 (N.I. 12)

(d) 2000 c. 11

(e) S.I. 1989/677 (N.I. 4)

(jb) proceedings before the Care Tribunal under Article 11, 12, 42 or 43 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(a) or regulation 10 of the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007(b);

(jc) proceedings under Part 13A of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995(c).”.

5. In paragraph 4, for “(j)” substitute “(jc)”.

6. After paragraph 5 insert –

“6. The Department may not fund services consisting of the provision of advice, assistance or representation to any guardian ad litem for the purposes of any proceedings under the Children (Northern Ireland) Order 1995(d).”.

Sealed with the Official Seal of the Department of Justice on 24th March 2016



David Ford
Minister of Justice

(a) S.I. 2003/417 (N.I. 4)
(b) S.R. 2007 No. 288
(c) S.R. 1995 No. 8
(d) S.I. 1995/755 (N.I. 2)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 regarding the scope of civil legal services.

The effect of these amendments is to bring within scope the following proceedings in a court of summary jurisdiction: applications for warrants of further detention and applications for extensions of warrants of further detention, together with proceedings relating to declarations of parentage. Proceedings before the Parole Commissioners for Northern Ireland, certain proceedings before the Care Tribunal and proceedings under Part 13A of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995 are also brought within scope.

Further, the Regulations provide that the Department of Justice may not fund civil legal services to any guardian ad litem for the purposes of any proceedings under the Children (Northern Ireland) Order 1995.

The Regulations come into operation on 1st October 2016.

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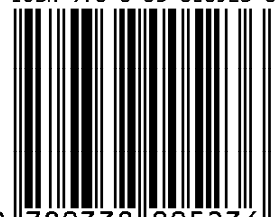
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