

EXPLANATORY MEMORANDUM TO

The Civil Legal Services (Scope) (No. 2) Regulations (Northern Ireland) 2016

SR 2016 No. 416

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 12(6) of the Access to Justice (Northern Ireland) Order 2003 ("the 2003 Order") and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1. This Statutory Rule makes amendments to Schedule 2 to the 2003 Order regarding the proceedings which may be funded as civil legal services.
- 2.2. This Statutory Rules amends the 2003 Order by inserting new provisions to provide that funding for representation for civil legal services is available for the following proceedings in a court of summary jurisdiction: proceedings under paragraph 2, 6 or 7 of Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (in relation to the Slavery and Trafficking Prevention Order – “the STPO”) and proceedings under section 57, 60 or 61 of the Justice Act (Northern Ireland) 2015 (in relation to the Violent Offences Prevention Order – “the VOPO”). It will come into operation on 1 December 2016.

3. Background

- 3.1. The VOPO is a new civil preventative order aimed at helping to mitigate against the risk of violent re-offending. It will allow the court to place relevant prohibitions or requirements on the behaviour of a qualifying violent offender, and those subject to the Order will also be made automatically subject to notification requirements.
- 3.2. The STPO is also a new civil preventative order aimed at helping to protect the public or specific persons, from the physical or psychological harm posed by an individual who has committed a slavery or trafficking offence. The STPO will allow the court to place prohibitions or requirements on the activities and behaviour of a slavery or human trafficking adult offender (those aged 18 years or over), and those subject to the Order will also be made automatically subject to notification requirements.
- 3.3. These regulations amend Schedule 2 to, the 2003 Order to include the VOPO and the STPO as services which may be funded by way of civil legal services.

4. Consultation

- 4.1. The Department issued a targeted consultation with the Law Society of Northern Ireland, the General Council of the Bar of Northern Ireland, the Office of the Lord Chief Justice and the Attorney General.
- 4.2. No wider consultation took place on the Rules.

5. Equality Impact

- 5.1. An equality screening exercise was carried out. This indicated that a full equality impact assessment was not required under section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. These Rules were screened for their regulatory impact. The provisions contained in the Rules will impose no additional costs on businesses, charities or the voluntary sector. Accordingly, a full Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

- 7.1. The Department estimates that the amendments made by this Statutory Rule could cost up to £220,000 per annum.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department considers these Rules to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable.