
DRAFT STATUTORY INSTRUMENTS

2002 No.

Access to Justice (Northern Ireland) Order 2002

PART II

NORTHERN IRELAND LEGAL SERVICES COMMISSION

Civil legal services

Decisions about provision of funded services

14.—(1) The services which the Commission may fund as civil legal services are those which the Commission considers appropriate (subject to Article 12(5) and the priorities set under Article 12(1)).

(2) Any decision as to whether to fund civil legal services for an individual shall—

(a) in the case of representation, be taken—

(i) by the Commission, or

(ii) in prescribed circumstances, by such person as may be prescribed;

(b) in the case of advice and assistance, be taken by the person from whom the advice or assistance is sought.

(3) The Commission may fund representation for an individual for a limited period, for the purposes of specified proceedings only, or for the purposes of limited aspects of proceedings, and may amend, withdraw or revoke the representation, or vary or remove any limitation imposed on the representation.

(4) Without prejudice to the generality of paragraph (3), the grant of representation may be limited under that paragraph as regards the persons who may represent the individual to representation only in pursuance of a contract made with the Commission.

(5) Regulations may—

(a) prohibit the giving of advice or assistance without the approval of the Commission to the extent that the costs of giving it exceed such limit as may be prescribed;

(b) prohibit the funding of advice or assistance by the Commission except where it is provided by a person in pursuance of a contract made with the Commission.

(6) Advice and assistance in connection with any proceedings shall not be funded for an individual as civil legal services at a time when he has been granted a right to representation in respect of those proceedings under any provision of this Part.