
DRAFT STATUTORY INSTRUMENTS

2002 No.

NORTHERN IRELAND

Access to Justice (Northern Ireland) Order 2002

*Made - - - -
Coming into operation in accordance with Article
1(2)*

ACCESS TO JUSTICE (NORTHERN IRELAND) ORDER 2002

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. Citation and commencement
2. Interpretation

PART II

NORTHERN IRELAND LEGAL SERVICES COMMISSION

3. Northern Ireland Legal Services Commission
4. Membership of the Commission
5. Power to replace Commission with two bodies
6. Planning
7. Powers of Commission
8. Guidance
9. Northern Ireland law and foreign law

Civil legal services

10. Civil legal services
11. Funding of services
12. Services which may be funded
13. Individuals for whom services may be funded
14. Decisions about provision of funded services
15. Funding code
16. Procedure relating to funding code
17. Terms of provision of funded services
18. Costs orders against assisted parties
19. Costs of successful unassisted parties
20. Regulations about costs in funded cases

Criminal defence services

21. Criminal defence services
22. Criminal defence services: code of conduct
23. Advice and assistance
24. Representation
25. Individuals to whom right to representation may be granted
26. Grant of right to representation by court
27. Grant of right to representation by Commission
28. Appeals
29. Criteria for grant of right to representation
30. Selection of representative
31. Extent of right to representation: review and appeal
32. Terms of provision of funded services

Supplementary

33. Restriction of disclosure of information
34. Misrepresentation etc.
35. Position of service providers and other parties etc.
36. Solicitors and barristers
37. Register of persons providing services

PART III

OTHER FUNDING OF LEGAL SERVICES

Conditional fee and litigation funding agreements

38. Interpretation of Part III
39. Conditional fee agreements
40. Conditional fee agreements: supplementary
41. Litigation funding agreements
42. Litigation funding agreements: costs

Costs

43. Recovery of insurance premiums by way of costs
44. Recovery where body undertakes to meet cost liabilities

PART IV

SUPPLEMENTARY

45. Application to Crown
 46. Orders, regulations and directions
 47. Remuneration orders
 48. Transitional provisions and savings
 49. Minor and consequential amendments and repeals
- Signature

SCHEDULES

SCHEDULE 1 — NORTHERN IRELAND LEGAL SERVICES COMMISSION

Incorporation and status

1. (1) The Commission shall be a body corporate.
2. The Commission shall not be regarded— (a) as the servant...

Tenure of members

3. (1) Subject to paragraphs 4 and 5, any member of...
4. (1) A member of the Commission may resign office by...
5. The Lord Chancellor may terminate the appointment of a member...
6. (1) Subject to sub-paragraphs (2) to (5), the member appointed...

Members' interests

7. (1) Before appointing a person to be a member of...
8. (1) A member of the Commission who is in any...

Remuneration

9. (1) The Commission may— (a) pay to its members such...

Staff

10. (1) The Commission shall appoint a person to be the...
11. (1) The Commission shall make, in respect of such of...

Funding of costs relating to administration etc.

12. (1) The Lord Chancellor shall pay to the Commission such...

Proceedings

13. (1) Subject to anything in any instrument made under this...

Provision of information

14. (1) The Commission shall provide the Lord Chancellor with such...

Annual report

15. (1) The Commission shall provide to the Lord Chancellor, as...

Annual plan

16. (1) The Commission shall, before the beginning of each financial...

Accounts and audit

17. (1) The Commission shall keep accounts and shall prepare in...

Instruments

18. (1) The fixing of the seal of the Commission shall...

SCHEDULE 2 — CIVIL LEGAL SERVICES: EXCLUDED SERVICES

1. The Commission may not fund services consisting of the provision...
2. The Commission may not fund services consisting of representation in...
3. Subject to paragraph 4, the following services may not be...

4. Notwithstanding paragraph 3, the making of a counterclaim for defamation...

SCHEDULE 3 — TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1. —In this Schedule— “the 1981 Order” means the Legal Aid,...

Rights, obligations and property

2. (1) Subject to paragraphs 3, 4 and 6, on the...

The Legal Aid Fund

3. (1) On the appointed day the legal aid fund (“the...

Grants and approvals under the 1981 Order

4. (1) Any grant of legal aid under Part II of...

Chief Executive of the Commission

5. (1) Notwithstanding anything in paragraph 10 of Schedule 1, the...

The Commission: transfers of employment

6. (1) The Commission shall make, not later than such date...
7. (1) Where a person becomes an employee of the Commission...
8. (1) Any dispute as to whether an offer purporting to...

Pensions

9. —Any arrangements made by the Law Society under Article 21...

Assistance with functions

10. (1) The Law Society shall give to the Commission all...

SCHEDULE 4 — MINOR AND CONSEQUENTIAL AMENDMENTS

Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10)

1. (1) The Costs in Criminal Cases Act (Northern Ireland) 1968...

Solicitors (Northern Ireland) Order 1976 (N.I.12)

2. (1) The Solicitors (Northern Ireland) Order 1976 shall be amended...

Sex Discrimination (Northern Ireland) Order 1976 (N.I.15)

3. In Article 75 of the Sex Discrimination (Northern Ireland) Order...

European Communities (Services of Lawyers) Order 1978 (S.I. 1978/1910)

4. In Part 1 of the Schedule to the European Communities...

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

5. (1) The Criminal Appeal (Northern Ireland) Act 1980 shall be...

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (N.I. 8)

6. In Article 37 of the Legal Aid, Advice and Assistance...

Telecommunications Act 1984 (c. 12)

7. In section 52(5) of the Telecommunications Act 1984 (charges to...

Child Abduction and Custody Act 1985 (c. 60)

8. In section 11 of the Child Abduction and Custody Act...

Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (N.I. 16)

9. (1) The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988...

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

10. In section 103(7) of the Social Security Administration (Northern Ireland)...

Race Relations (Northern Ireland) Order 1997 (N.I. 6)

11. In Article 64(6) of the Race Relations (Northern Ireland) Order...

Northern Ireland Act 1998 (c. 47)

12. In Schedule 10 to the Northern Ireland Act 1998 (devolution...

Freedom of Information Act 2000 (c. 36)

13. In Part 7 of Schedule 1 to the Freedom of...

Equality (Disability, etc.) (Northern Ireland) Order 2000 (N.I. 2)

14. In Article 10 of the Equality (Disability, etc.) (Northern Ireland)...

European Communities (Lawyer's Practice) Regulations 2000 (S.I. 2000/1119)

15. In Part 1 of Schedule 3 to the European Communities...

Anti-Terrorism, Crime and Security Act 2001 (c. 24)

16. In Part 2 of Schedule 4 to the Anti-Terrorism, Crime...

SCHEDULE 5 — REPEALS