
DRAFT STATUTORY INSTRUMENTS

2003 No.

Access to Justice (Northern Ireland) Order 2003

PART II

NORTHERN IRELAND LEGAL SERVICES COMMISSION

Civil legal services

Funding code

15.—(1) The Commission shall prepare a code setting out the criteria according to which any decision is to be taken as to—

- (a) whether to fund (or continue to fund) civil legal services for an individual for whom they may be funded by the Commission, and
- (b) if so, what services are to be funded for him.

(2) In settling the criteria to be set out in the code the Commission shall consider the extent to which they ought to reflect the following factors—

- (a) the likely cost of funding the services and the benefit which may be obtained by their being provided,
- (b) the availability of sums in the fund established under Article 11(1) for funding civil legal services and (having regard to present and likely future demands on that fund) the appropriateness of applying them to fund the services,
- (c) the importance of the matters in relation to which the services would be provided for the individual,
- (d) the availability to the individual of services not funded by the Commission and the likelihood of his being able to avail himself of them,
- (e) if the services are sought by the individual in relation to a dispute, the prospects of his success in the dispute,
- (f) the conduct of the individual in connection with civil legal services funded by the Commission (or an application for funding) or in, or in connection with, any proceedings,
- (g) the public interest, and
- (h) such other factors as the Lord Chancellor may by order require the Commission to consider.

(3) The code shall seek to secure that, where more than one description of service is available, the service funded is that which (in all the circumstances) is the most appropriate having regard to the criteria set out in the code.

(4) The code shall also specify procedures for the making of decisions about the funding of civil legal services by the Commission, including—

- (a) provision about the form and content of applications for funding,

- (b) provision imposing conditions which must be satisfied by an individual applying for funding,
 - (c) provision requiring applicants to be informed of the reasons for any decision to refuse an application,
 - (d) provision for the giving of information to individuals whose applications are refused about alternative ways of obtaining or funding services, and
 - (e) provision establishing procedures for reviews of decisions about funding and for the giving of information about those procedures.
- (5) The Commission may from time to time prepare a revised version of the code.
- (6) Before preparing the code the Commission shall undertake such consultation as appears to it to be appropriate; and before revising the code the Commission shall undertake such consultation as appears to it to be appropriate unless it considers that it is desirable for the revised version to come into force without delay.
- (7) The Lord Chancellor may by order require the Commission to discharge its functions relating to the code in accordance with the order.