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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**Access to Justice (Northern Ireland) Order 2003**

**PART II**

**NORTHERN IRELAND LEGAL SERVICES COMMISSION**

*Criminal defence services*

**Representation**

**24.**—(1) The Commission shall fund representation to which an individual has been granted a right in accordance with Articles 25 to 29.

(2) Subject to the following provisions, the Commission may comply with the duty imposed by paragraph (1) by—

- (a) entering into contracts with persons or bodies for the provision of representation by them,
- (b) making payments to persons or bodies in respect of the provision of representation by them,
- (c) making grants or loans to persons or bodies to enable them to provide, or facilitate the provision of, representation,
- (d) establishing and maintaining bodies to provide, or facilitate the provision of, representation,
- (e) making grants to individuals to enable them to obtain representation,
- (f) employing persons to provide representation, or
- (g) doing anything else which it considers appropriate for funding representation.

(3) The Lord Chancellor—

- (a) shall by order make provision about the payments which may be made by the Commission in respect of any representation provided by non-contracted private practitioners, and
- (b) may by order make any other provision requiring the Commission to discharge the function in paragraph (2) in accordance with the order.

(4) For the purposes of paragraph (3)(a) representation is provided by a non-contracted private practitioner if it is provided, otherwise than pursuant to a contract entered into by the Commission, by a person or body which is neither—

- (a) a person or body in receipt of grants or loans made by the Commission under paragraph (2), nor
- (b) the Commission itself or a body established or maintained by the Commission.

(5) The provision which the Lord Chancellor is required to make by order under paragraph (3)(a) includes provision for reviews of, or appeals against, determinations for the purposes of the order.

(6) The Commission may fund representation by different means—

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**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, No. 435

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- (a) in different areas in Northern Ireland, and
- (b) in relation to different descriptions of cases.