

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 2.—(1) The Solicitors (Northern Ireland) Order 1976 shall be amended as follows.
- (2) In Article 3(2) (interpretation) after the definition of “client” insert—
- ““the Commission” means the Northern Ireland Legal Services Commission (and references to civil legal services and criminal defence services funded by the Commission shall be construed in accordance with the Access to Justice (Northern Ireland) Order 2003);”.
- (3) In Article 44(1) (applications and complaints to Solicitors Disciplinary Tribunal)—
- (a) in sub-paragraph (d) (application by solicitor excluded from legal aid work)—
- (i) for “excluded from legal aid work” substitute “prohibited from providing civil legal services or criminal defence services funded by the Commission”; and
- (ii) for “terminating his exclusion” substitute “lifting the prohibition on his providing such services”; and
- (b) in sub-paragraph (g) (complaints in connection with legal aid work) for paragraphs (i) and (ii) substitute “the provision of civil legal services or criminal defence services funded by the Commission; or”.
- (4) In Article 51(1) (orders of Solicitors Disciplinary Tribunal on inquiry) for sub-paragraph (i) (order terminating solicitor’s exclusion from legal aid work) substitute—
- “(i) the lifting of a prohibition on the solicitor providing civil legal services or criminal defence services funded by the Commission;”.
- (5) In Article 51B(1) (power of Solicitors Disciplinary Tribunal to make order excluding solicitor from legal aid work)—
- (a) for sub-paragraphs (a) and (b) substitute—
- “(a) make an order prohibiting the solicitor (either permanently or for a specified period) from providing civil legal services or criminal defence services funded by the Commission;
- (b) order that any costs otherwise payable in connection with such services provided by the solicitor—
- (i) under Article 17(1) of the Access to Justice (Northern Ireland) Order 2003, or
- (ii) in accordance with an order made by a court under Article 31(2) of that Order,
- shall be reduced or cancelled;” and
- (b) at the end insert “and the power of the Tribunal under this Article is without prejudice to any powers of the Commission under any regulations made under Article 36 of the Access

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to Justice (Northern Ireland) Order 2003 (register of persons providing civil legal services and criminal defence services under that Order).”.

(6) In Article 51B(2) (no order to be made unless good reason arising out of conduct of solicitor) for sub-paragraphs (a) and (b) substitute—

“(a) the conduct of the solicitor in connection with the provision for any person of civil legal services or criminal defence services funded by the Commission (including the provision of any such services in the capacity of agent for that person’s solicitor); or”.

(7) In Article 51B(3) (power to order that other members of firm be excluded from legal aid work) for the words from “shall be excluded” to the end substitute “shall be prohibited (either permanently or for a specified period) from providing civil legal services or criminal defence services funded by the Commission”.

(8) In Article 51B(4) (which makes provision about orders under paragraph (3)) for “excluding any person from legal aid work” substitute “prohibiting any person from providing civil legal services or criminal defence services funded by the Commission”.

(9) In Article 51B(5) (certain provisions of Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to have effect subject to an order under Article 51B(1)(b)) for “any of Articles 7, 8, 13(1) and 36(1) of the Order of 1981” substitute “Article 17 or 31 of the Access to Justice (Northern Ireland) Order 2003”.

(10) In paragraph 23(1) of Schedule 1A (power to make orders with respect to incorporated practices), for the words “excluded (either permanently or for a specified period) from legal aid work” substitute “prohibited from providing (either permanently or for a specified period) civil legal services or criminal defence services funded by the Commission”.