
STATUTORY INSTRUMENTS

1998 No. 1859

**The Northern Ireland (Sentences) Act 1998
(Sentence Review Commissioners) Rules 1998**

PART VII

MISCELLANEOUS

Legal aid

24.—(1) This rule applies to any person who:

- (a) is the person concerned in relation to a case;
- (b) wishes to become the person concerned in relation to a case by making an application under section 3(1) of the Act; or
- (c) wishes to seek advice on becoming the person concerned in relation to a case by making an application under section 3(1) of the Act.

(2) Any person to whom this rule applies, may apply to the Commissioner by way of ancillary application for a direction, referred to in these Rules as a “legal aid direction”, that he be awarded money to pay for legal advice or representation in connection with his being, becoming or seeking advice on becoming the person concerned in relation to a case.

(3) The Commissioners shall have power to give legal aid directions and when doing so they shall specify the extent to which and the terms and conditions on which money is being made available thereby.

(4) Legal aid directions shall have effect to award money which shall be paid, in accordance with the terms of the legal aid direction, by the Secretary of State as provided by paragraph 9(2) of Schedule 2 to the Act.

(5) Where a person to whom paragraph (1)(b) or (1)(c) applies, has applied for a legal aid direction, he shall, for the purposes of appealing against the Commissioner’s ancillary decision on whether to give a legal aid direction, be treated as the person concerned in a case brought by way of an application made under section 3(1) of the Act.

(6) The Commissioners shall not have power to give a legal aid direction which has the effect of awarding money to pay for legal advice or representation in connection with any challenge to a substantive determination.

Time

25.—(1) Where the time prescribed by or under these Rules for doing any act expires on a Saturday, Sunday or public holiday in Northern Ireland, the act shall be done in time if done on the next day which is not a Saturday, Sunday or public holiday in Northern Ireland.

(2) Any time appointed by or under these Rules for doing an act may be varied by the Commissioner by way of a direction.

Transmission of documents etc.

26. Any document required or authorised by these Rules to be served on or otherwise transmitted to any person may be sent by pre-paid post or delivered:

- (a) in the case of a document directed to the Commissioner, to the office of the Commissioner;
- (b) in the case of a document directed to the Secretary of State, to Northern Ireland Office, Dundonald House, Upper Newtownards Road, Belfast BT4 3SU; and
- (c) in any other case, to the last known address of the person to whom the document is directed.

Irregularities

27.—(1) Any irregularity resulting from a failure to comply with these Rules or any direction under these Rules which occurs before the substantive determination has been made shall not of itself render the proceedings void, and the Commissioner may, and shall if they consider that any person may have been prejudiced by the irregularity, take such steps as they consider appropriate, before the substantive determination is made, to cure or waive the irregularity, by way of direction.

(2) Clerical mistakes in any document recording the preliminary indication or the substantive determination of the Commissioner, or errors arising in such a document from an accidental slip or omission, may be corrected by the chairman of the panel by certificate under his hand.