
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the exercise in Northern Ireland of the powers in section 103D(1) and (3) of the Nationality, Immigration and Asylum Act 2002, as inserted by section 26(6) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and amended by section 8 of the Immigration, Asylum and Nationality Act 2006.

Section 103D and these Regulations give effect to a special legal aid scheme for—

- (a) applications to the High Court under section 103A of the 2002 Act by an appellant for a review of the Asylum and Immigration Tribunal's decision on an asylum or immigration appeal, and
- (b) proceedings for the reconsideration by the Tribunal of its decision following an order made on such an application.

When it determines these forms of onward appeal, the High Court or Tribunal can order payment of an appellant's costs out of the legal aid fund. These powers supersede the general power vested in the Northern Ireland Legal Services Commission to grant legal aid funding in civil cases.