#### STATUTORY INSTRUMENTS

# 2003 No. 435 (N.I. 10)

# Access to Justice (Northern Ireland) Order 2003

- - - 27th February 2003

# ACCESS TO JUSTICE (NORTHERN IRELAND) ORDER 2003

## PART I

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- 1. Citation and commencement
- 2. Interpretation

#### PART 2

# CIVIL LEGAL SERVICES AND CRIMINAL DEFENCE SERVICES

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- 4. Membership of the Commission
- 5. Power to replace Commission with two bodies
- 6. Planning
- 7. Powers of Commission
- 8. Guidance
- 9. Northern Ireland law and foreign law

# Civil legal services

- 10. Civil legal services
- 11. Funding of civil legal services by Department
- 12. Services which may be funded
- 12A Exceptional funding
- 13. Individuals for whom services may be funded
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- 15. Regulations as to procedures for funding decisions
- 16. Procedure relating to funding code
- 17. Terms of provision of funded services
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- 20A Appeal panels

Changes to legislation: Access to Justice (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Criminal defence services

- 21. Criminal defence services
- 22. Criminal defence services: code of conduct
- 23. Advice and assistance
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- 26. Grant of right to representation by court
- 27. Grant of right to representation by Commission
- 28. Appeals
- 29. Criteria for grant of right to representation
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- 31. Terms of provision of funded services

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- 33. Misrepresentation etc.
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- 36. Register of persons providing services

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# Conditional fee and litigation funding agreements

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- 38. Conditional fee agreements
- 39. Conditional fee agreements: supplementary
- 40. Litigation funding agreements
- 41. Litigation funding agreements: the Commission
- 42. Litigation funding agreements: costs

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- 43. Recovery of insurance premiums by way of costs
- 44. Recovery where body undertakes to meet cost liabilities

#### PART IV

# **SUPPLEMENTARY**

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#### **SCHEDULES**

SCHEDULE 1 — NORTHERN IRELAND LEGAL SERVICES COMMISSION — Incorporation and status

1.						
2.						

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— Tenure of members

3.	
4.	
5.	
6.	Man Land Catanada
7	— Members' interests
7. 8.	
9.	Remuneration
10.	Staff
11.	Swi1
12.	Funding of costs relating to administration etc.
13.	Proceedings
	<ul> <li>Provision of information</li> </ul>
14.	
	<ul><li>— Annual report</li></ul>
15.	
	— Annual plan
16.	
17	<ul> <li>Accounts and audit</li> </ul>
17.	
18.	— instruments
10.	
SC	CHEDULE 2 — CIVIL LEGAL SERVICES: EXCLUDED SERVICES
1.	The Department may not fund services consisting of the provision
2.	The Department may not fund services consisting of representation in
3.	These are the proceedings under the Proceeds of Crime Act
4.	Subject to paragraph 5, the following services may not be
5.	Notwithstanding paragraph 4, the making of a counterclaim for
	defamation
6.	The Department may not fund services consisting of the provision
SC	CHEDULE 3 — TRANSITIONAL PROVISIONS AND SAVINGS
	— Interpretation
1.	
	<ul> <li>Rights, obligations and property</li> </ul>
2.	
	<ul> <li>The Legal Aid Fund</li> </ul>
3.	
	— Part II of the 1981 Order
4.	
_	— Part III of the 1981 Order
5.	
6.	— Commission's annual plan and annual report
0.	— Grants and approvals under the 1981 Order
7.	
, .	<ul> <li>Chief Executive of the Commission</li> </ul>
8.	
	<ul> <li>The Commission: transfers of employment</li> </ul>
9.	
10.	

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Changes to legislation: Access to Justice (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

11.	
12	— Pensions
12.	Assistance with functions
13.	
	<ul> <li>Schedule 4—Amendments</li> </ul>
	— Schedule 5—Repeals

#### **Changes to legislation:**

Access to Justice (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

# Changes and effects yet to be applied to:

- Sch. 2 para. 6 words inserted by 2022 c. 18 (N.I.) Sch. 3 para. 67
- Sch. 3 power to amend conferred by 2011 c. 24 (N.I.) Sch. 5 para. 5(b)
- Sch. 4 para. 10(a) coming into force by S.R. 2003/344 art. 4Sch. 2 (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 17 coming into force by S.R. 2003/344 art. 4Sch. 2 (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 6(1)(2) coming into force by S.R. 2003/440 art. 3Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 6(3) coming into force by S.R. 2005/111 art. 3 (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 15 coming into force by S.R. 2006/27 art. 2 (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 1 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 2 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 3 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 4 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 5 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 6(4) coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 7 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 8 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 9 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 11 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 12 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 13 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 14 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 16 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 18 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 10(a) repealed by 2014 c. 11 (N.I.) Sch. 2 para. 6(44)(d)Sch. 3
   Pt. 1 (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 15 repealed by 2014 c. 11 (N.I.) Sch. 2 para. 6(44)(d)Sch. 3 Pt. 1 (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 6(2)(4) repealed by S.I. 2003/435 (N.I.) art. 49(2)Sch. 5 (This amendment is not be applied relevant text is not available on legislation.gov.uk)

- Sch. 4 para. 2(2) substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(44)(a) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 2(5) words inserted by 2014 c. 11 (N.I.) Sch. 2 para. 6(44)(b) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 1(2) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(i) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 1(3)(b) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(i) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 2(3)-(8) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(ii) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 2(5) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(44)(b) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 2(10) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(ii) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 3(c) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(iii) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 4 words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(44)(c) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 7 words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para.
   6(43)(b)(iv) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 8 words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para.
   6(43)(b)(v) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 9(3) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(vi) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 10(b) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(vii) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 11 words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para.
   6(43)(b)(viii) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 12(3) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(ix) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 13(c) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(x) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 16(b) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(43)(a)para. 6(43)(b)(xi) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 4 para. 18 words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(44)(e) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 5 coming into force by S.R. 2003/344 art. 4Sch. 2 (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 5 coming into force by S.R. 2003/440 art. 3Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 5 coming into force by S.R. 2006/27 art. 3 (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 5 coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)

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    Sch. 5 coming into force by S.R. 2015/237 art. 2 (This amendment is not be applied - relevant text is not available on legislation.gov.uk)
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- Sch. 5 coming into force by S.R. 2016/199 art. 2(1)Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- Sch. 5 words inserted by 2014 c. 11 (N.I.) Sch. 2 para. 6(45) (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- art. 2(3) substituted by S.I. 2019/375 Sch. para. 12 (This amendment not applied to legislation.gov.uk. S.I. 2019/375 revoked (24.11.2020) before it comes into force by S.I. 2020/1342, regs. 1(2), 3(c))
- art. 2(3) words inserted in earlier amending provision S.I. 2019/375, Sch. para. 12 by S.I. 2019/695 reg. 3(12)(1) (This amendment not applied to legislation.gov.uk. S.I. 2019/695 revoked (24.11.2020) before it comes into force by S.I. 2020/1342, regs. 1(2), 3(d))
- art. 7(1) words repealed by 2011 c. 24 (N.I.) Sch. 8 Pt. 3
- art. 12(2) words repealed by 2011 c. 24 (N.I.) Sch. 8 Pt. 3
- art. 21 substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(23)
- art. 22(1) substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(24)(a)
- art. 22(2) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(24)(b)
- art. 22(2) words inserted by 2014 c. 11 (N.I.) Sch. 2 para. 6(24)(b)
- art. 22(3)(4) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(24)(c)
- art. 22(5)(6) substituted for art. 22(5)-(8) by 2014 c. 11 (N.I.) Sch. 2 para. 6(24)(d)
- art. 23(1)(2) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(25)(a)
- art. 23(3) substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(25)(b)
- art. 23(4) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(25)(c)
- art. 24(1)(2) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(26)(a)
- art. 24(3)(a) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(26)(a)
- art. 24(4) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(26)(c)
- art. 24(4) word substituted by 2014 c. 11 (N.1.) Sch. 2 para. 0(20)(c)
- art. 24(6) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(26)(c)
- art. 27 word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(27)(a)
- art. 27(1) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(27)(b)
- art. 29(1) words substituted by 2011 c. 24 (N.I.) s. 84(3)(a)
- art. 29(4) substituted by 2011 c. 24 (N.I.) s. 84(3)(b)
- art. 30 word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(29)(a)
- art. 30(4) words substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(29)(b)
- art. 31 word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(30)
- art. 39(2)(c) words substituted by 2022 c. 18 (N.I.) Sch. 3 para. 66
- art. 41 repealed by 2011 c. 24 (N.I.) s. 85Sch. 8 Pt. 3
- art. 41 word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(36)

# Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 2(ic)(id) inserted by 2023 c. 37 s. 56(8)
- Sch. 4 para. 10(b)(c) coming into force by S.R. 2015/194 art. 2Sch. (This amendment is not be applied relevant text is not available on legislation.gov.uk)
- art. 14(2AA) inserted by 2023 c. 37 s. 56(7)
- art. 27A inserted by 2011 c. 24 (N.I.) s. 84(2)
- art. 27A(1)(2) word substituted by 2014 c. 11 (N.I.) Sch. 2 para. 6(28)
- art. 46(5A) inserted by 2011 c. 24 (N.I.) s. 84(4)