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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2015 No.**

**The Civil Legal Services (Cost Protection)  
Regulations (Northern Ireland) 2015**

**Periods during which cost protection applies**

**3.—(1)** — Subject to paragraph (3), where the client receives advice and assistance, but later receives representation, cost protection shall apply, both in respect of—

- (a) the costs incurred by the unassisted party before the commencement of proceedings which, as regards the client, are funded proceedings by virtue of the client's receipt of advice and assistance; and
- (b) the costs incurred by the unassisted party in the course of proceedings which, as regards the client, are funded proceedings by virtue of the client's receipt of representation.

(2) Subject to paragraph (3), cost protection shall apply only to costs incurred by the unassisted party in relation to proceedings which, as regards the client, are funded proceedings, and—

- (a) where work is done before the issue of a certificate, cost protection shall (subject to paragraphs (1) and (4)) apply only to costs incurred after the issue of the certificate;
- (b) where funding is withdrawn by discharging the client's certificate, cost protection shall apply only to costs incurred before the date when funded services under the certificate ceased to be provided.

(3) Where funding is withdrawn by revoking the client's certificate, cost protection shall not apply, either in respect of work done before or after the revocation.

(4) Cost protection shall apply to work done immediately before the grant of an emergency certificate if—

- (a) no application for such a certificate could be made because the office to which the application would ordinarily be made was closed; and
- (b) the client's solicitor applies for an emergency certificate at the first available opportunity, and the certificate is granted.