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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2015 No.**

**The Civil Legal Services (Appeal)  
Regulations (Northern Ireland) 2015**

**PART 2**

**RIGHTS OF APPEAL AND PROCEDURE FOR BRINGING APPEALS**

**Late appeals**

**9.**—(1) Subject to paragraphs (2) to (10), the time limit prescribed in regulation 8 may be extended only if the conditions set out in this regulation are satisfied.

(2) No appeal shall be brought more than three months after the expiration of the last day for appealing under regulation 8.

(3) An application for an extension of time within which an appeal may be brought (“an application”) shall be determined by a presiding member, selected for that purpose by the Director, except that where the Director is satisfied the conditions in paragraphs (5)(b) to (7) are satisfied the Director may grant the application.

(4) An application shall contain particulars of the grounds on which the extension of time is sought, including details of any relevant special circumstances for the purposes of paragraph (7).

(5) An application for an extension of time shall not be granted unless—

- (a) the presiding member is satisfied that, if the application is granted, there are reasonable prospects that the appeal will be successful; and
- (b) the presiding member or, as the case may be, the Director is satisfied that it is in the interests of justice for the application to be granted.

(6) For the purposes of paragraph (5)(b), it is not in the interests of justice to grant the application unless the presiding member or, as the case may be, the Director is satisfied that—

- (a) any of the special circumstances specified in paragraph (7) are relevant to the application, or
- (b) some other special circumstances exist which are exceptional and relevant to the application,

and, as a result of those special circumstances, it was not practicable for the appeal to be made within the time limit prescribed in regulation 8.

(7) For the purposes of paragraph (6)(a), the special circumstances are—

- (a) the applicant has suffered serious illness; or
- (b) a partner or dependant of the applicant has died or suffered serious illness.

(8) An application under this regulation which has been refused may not be renewed.

(9) The presiding member who determines an application shall record a summary of his reasons in such written form as has been approved by the Director.

(10) As soon as practicable after the decision is made, a copy of the decision shall be sent to the applicant.