1981 No. 228

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

PART II
LEGAL ADVICE AND ASSISTANCE, AND LEGAL AID OTHER THAN FREE LEGAL AID AVAILABLE UNDER PART III

Legal aid

Financial conditions of legal aid

11. Where a person receives legal aid in connection with any proceedings—

(a) the expenses incurred in connection with the proceedings, so far as they would ordinarily be paid in the first instance by or on behalf of the solicitor acting for him, shall be so paid except where they are paid direct from the legal aid fund as provided by this Part;

(b) his solicitor and counsel shall not take any payment in respect of the legal aid except such payment as is directed by this Part to be made out of the legal aid fund;

(c) he may be required to make a contribution to the legal aid fund in respect of the sums payable out of that fund on his account;

(d) any sums recovered by virtue of an order or agreement for costs made in his favour with respect to the proceedings shall be paid to the legal aid fund;

(e) his liability by virtue of an order for costs made against him with respect to the proceedings shall not exceed the amount, if any, which is a reasonable one for him to pay having regard to all the circumstances, including—

(i) the means of all the parties; and

(ii) the conduct of all the parties in connection with the dispute.

(2) Regulations shall make provision as to—

(a) the court, tribunal or person by whom the amount referred to in paragraph (1)(e) is to be determined; and

(b) the extent to which any determination of that amount is to be final.

(3) For the purpose of any inquiry under this Article as to the means of any person against whom an order for costs has been made, his dwelling house and household furniture and the tools and implements of his trade shall be left out of account except in such cases and to such extent as may be prescribed, and except as aforesaid they shall, in all parts of the United Kingdom, be protected from seizure in execution to enforce the order.

F1 Order repealed (prosp.) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), Sch. 5 and the repeal being partly in operation, as to which see individual Articles

F1 functions transfered by SI 1982/159
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Legal Aid, Advice and Assistance (Northern Ireland) Order 1981. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Non-textual amendments applied to the whole Legislation can be found in the Introduction
**Changes to legislation:**
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View outstanding changes

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to the whole Order associated Parts and Chapters:</th>
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<tbody>
<tr>
<td>– Order power to amend conferred by <a href="https://www.legislation.gov.uk/ukpga/northernireland/2011/24/section/5">2011 c. 24 (N.I.) Sch. 5 para. 5(a)</a></td>
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<td>– Order repealed by <a href="https://www.legislation.gov.uk/ukpga/northernireland/2003/435/section/5">S.I. 2003/435 (N.I.) art. 49(2) Sch. 5</a></td>
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<td>– Act rev.in pt. by <a href="https://www.legislation.gov.uk/ukpga/northernireland/1996/25/section/4#36">1996 c. 25 s.79 Sch.4 paras.19(2)36</a></td>
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Whole provisions yet to be inserted into this Order (including any effects on those provisions):

| – Sch. 1 Pt. 1 para. 2A(1)(ca) inserted by [2009 c. 26 Sch. 7 para. 45(2)](https://www.legislation.gov.uk/ukpga/northernireland/2009/26/section/7#45) |
| – Sch. 1 Pt. 1 para. 3(ja)(jb) inserted by [2009 c. 26 Sch. 7 para. 45(3)(b)](https://www.legislation.gov.uk/ukpga/northernireland/2009/26/section/7#45) |
| – art. 28(7)(c) inserted by [2011 c. 24 (N.I.) s. 83(2)(a)](https://www.legislation.gov.uk/ukpga/northernireland/2011/24/section/83#2a) |
| – art. 29(2A) inserted by [2015 c. 9 (N.I.) Sch. 2 para. 3](https://www.legislation.gov.uk/ukpga/northernireland/2015/9/section/2) |

**Commencement Orders yet to be applied to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981**
Commencement Orders bringing legislation that affects this Order into force:

| – S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.)) |