
STATUTORY INSTRUMENTS

1981 No. 228

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

PART III

FREE LEGAL AID IN CRIMINAL PROCEEDINGS

Free legal aid in the Crown Court

29.—(1) Any person returned for trial for an indictable offence^[F1] or in respect of whom a notice of transfer has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988^[F2] (serious and complex fraud) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 (certain cases involving children)] shall be entitled to free legal aid in the preparation and conduct of his defence at the trial and to have solicitor and counsel assigned to him for that purpose in such manner as may be prescribed by rules made under Article 36, if a criminal aid certificate is granted in respect of him in accordance with the provisions of this Article.

(2) Subject to the provisions of this Article, a criminal aid certificate may be granted in respect of any person—

- (a) by a magistrates' court, upon his being returned for trial; or
- (b) by the judge of the court before which he is to be tried, at any time after reading ^{F3}... the written statements tendered^{F3}... at the preliminary enquiry,^[F1] or
- ^[F1](c) where a notice of transfer is given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, by the magistrates' court before which the person to whom the notice relates is brought or by the Crown Court sitting at the place specified by the notice as the proposed place of trial or at any place substituted for it by a direction mentioned in Article 4(5) of that Order, ^{F4} . . .]
- (d) ^{F4}^[F2]or
- ^[F2](e) where a notice of transfer is given under Article 4 of the Children's Evidence (Northern Ireland) Order 1995, by the magistrates' court before which the person to whom the notice relates is brought or by the Crown Court sitting at the place specified by the notice as the proposed place of trial or at any place substituted for it by a direction mentioned in paragraph 2(4) of Schedule 1 to that Order,]

and such court or judge is in this Part referred to as “the certifying authority”.

(3) A criminal aid certificate shall not be granted in respect of any person unless it appears to the certifying authority that his means are insufficient to enable him to obtain such aid, but where it so appears to the certifying authority, that authority—

- (a) shall grant a criminal aid certificate in respect of any person returned for trial upon a charge of murder; and
- (b) may grant a criminal aid certificate in respect of any person returned for trial upon any other charge if it appears to the certifying authority, having regard to all the circumstances

Changes to legislation: Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, Section 29 is up to date with all changes known to be in force on or before 12 April 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

of the case (including the nature of the defence, if any, as may have been set up), that it is desirable in the interests of justice that he should have free legal aid in the preparation and conduct of his defence at the trial.

(4) Where a criminal aid certificate is granted to any person under this Article that person shall be entitled to free legal aid in respect of work reasonably undertaken and properly done by the solicitor assigned to that person in—

- (a) giving notice of appeal to the Court of Appeal or of an application for leave to appeal and in matters preliminary thereto, being work done within the ordinary time for giving the notice or making the application; and
- (b) obtaining the opinion of the counsel assigned to that person as to the appeal or application or matters connected therewith; ^{F5}and
- (c) applying to a magistrates' court for bail under section 91 of the Justice Act (Northern Ireland) 2011.]

(5) The foregoing provisions of this Article shall apply to persons who appear or are brought before the Crown Court to be dealt with and shall, for the purposes of their application to such persons be amended as follows:—

- (a) in paragraph (1) for the words “returned for trial for an indictable offence” there shall be substituted the words “ appearing or brought before the Crown Court to be dealt with ” and the words “in the preparation and conduct of his defence at the trial” and “for that purpose” shall be omitted;
- (b) in paragraph (2)(b) for the words from “is to be” onwards there shall be substituted the words “ appears or is brought ”;
- (c) in paragraph (3)(b) for the words “returned for trial upon any other charge” there shall be substituted the words “ appearing or brought before it ” and the words “in the preparation and conduct of his defence at the trial” shall be omitted.

F1 1988 NI 16

F2 1995 NI 3

F3 Words in art. 29(2)(b) repealed (17.10.2022) by [Criminal Justice \(Committal Reform\) Act \(Northern Ireland\) 2022 \(c. 4\)](#), s. 5(2), [Sch. para. 7](#); S.R. 2022/221, art. 2(d)

F4 Art. 29(2)(d) and preceding word repealed (4.7.1996) by [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), s. 46(2), [Sch. 5](#) (as modified in its application to Northern Ireland by Sch. 4 paras. 19, 36)

F5 Art. 29(4)(c) and word added (11.6.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), [ss. 83\(3\)](#), 111(3); S.R. 2012/214, art. 3(a)

Changes to legislation:

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Changes and effects yet to be applied to :

- art. 29(2)(a) applied by [2015 c. 9 \(N.I.\) s. 10\(2\)\(c\)](#)
- art. 29(2)(a) applied by [2015 c. 9 \(N.I.\) s. 11\(2\)\(b\)](#)
- art. 29(2)(a) applied by [2015 c. 9 \(N.I.\) s. 12\(3\)\(b\)\(ii\)](#)
- art. 29(2)(b) applied (with modifications) by S.I. 1981/228 (N.I. 8), art. 29(2A) as inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 3](#)

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

- Order power to amend conferred by [2011 c. 24 \(N.I.\) Sch. 5 para. 5\(a\)](#)
- Act rev.in pt. by [1996 c. 25 s.79Sch.4 paras.19\(2\)36](#)

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

- art. 28(7)(c) inserted by [2011 c. 24 \(N.I.\) s. 83\(2\)\(a\)](#)
- art. 29(2A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 3](#)
- art. 29(2A) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 3](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(c\)](#)