

---

STATUTORY INSTRUMENTS

---

**2003 No. 435**

**Access to Justice (Northern Ireland) Order 2003**

[<sup>F1</sup>PART 2

CIVIL LEGAL SERVICES AND CRIMINAL DEFENCE SERVICES]

*Criminal defence services*

**Advice and assistance**

- 23.**—(1) The Commission shall fund such advice and assistance as it considers appropriate—
- (a) for individuals who are arrested and held in custody at a police station or other premises, and
  - (b) in prescribed circumstances, for individuals who—
    - (i) are not within sub-paragraph (a) but are involved in investigations which may lead to relevant proceedings,
    - (ii) are before a court or other body in such proceedings, or
    - (iii) have been the subject of such proceedings.
- (2) The Commission may comply with the duty imposed by paragraph (1) by—
- (a) entering into contracts with persons or bodies for the provision of advice or assistance by them,
  - (b) making payments to persons or bodies in respect of the provision of advice or assistance by them,
  - (c) making grants or loans to persons or bodies to enable them to provide, or facilitate the provision of, advice or assistance,
  - (d) establishing and maintaining bodies to provide, or facilitate the provision of, advice or assistance,
  - (e) making grants to individuals to enable them to obtain advice or assistance,
  - (f) employing persons to provide advice or assistance, or
  - (g) doing anything else which it considers appropriate for funding advice and assistance.
- (3) The Lord Chancellor may by order require the Commission to discharge the function in paragraph (2) in accordance with the order.
- (4) The Commission may fund advice and assistance by different means—
- (a) in different areas in Northern Ireland, and
  - (b) in relation to different descriptions of cases.

---

**Changes to legislation:** *Access to Justice (Northern Ireland) Order 2003, Section 23 is up to date with all changes known to be in force on or before 12 May 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*

---

---

**Commencement Information**

**II** Art. 23(1)(b)(ii)(iii)(3) in operation at 24.3.2016 by S.R. 2016/199, art. 2(1), **Sch.** (with art. 2(2))

**Changes to legislation:**

Access to Justice (Northern Ireland) Order 2003, Section 23 is up to date with all changes known to be in force on or before 12 May 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 :**

- 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\(25\)\(c\)](#)

**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\(4\)](#)