STATUTORY INSTRUMENTS

2003 No. 435

Access to Justice (Northern Ireland) Order 2003

PART II

NORTHERN IRELAND LEGAL SERVICES COMMISSION

Criminal defence services

Individuals to whom right to representation may be granted

25.—(1) A right to representation may be granted—

(a) for the purposes of any kind of proceedings specified in paragraph (2), to an individual such as is mentioned in that paragraph in relation to that kind of proceedings;

(b) to an individual for the purposes of enabling him to resist an appeal in proceedings specified in paragraph (2) otherwise than in an official capacity;

(c) for the purposes of a diversionary youth conference, to a child with respect to whom the conference has been, or is to be, convened,

(d) to an individual for the purposes of proceedings concerning him which are of such a kind, and are before such court or other body, as may be prescribed,

and in this Order proceedings mentioned in paragraphs (a) to (d) are referred to as "relevant proceedings".

(2) The proceedings referred to in paragraph (1)(a) and (b) are—

(a) proceedings before any court for dealing with an individual accused of an offence,

(b) proceedings before—

(i) any court, or

(ii) the Life Sentence Review Commissioners,

for dealing with an individual convicted of an offence (including proceedings in respect of a sentence or order),

(c) proceedings for dealing with an individual under section 9 of, or paragraph 6 of Schedule 1 to, the Extradition Act 1989(**1**) or under section 2 of the Backing of Warrants (Republic of Ireland) Act 1965(**2**),

(d) proceedings for binding an individual over to keep the peace or to be of good behaviour under Article 127 of the Magistrates' Courts (Northern Ireland) Order 1981, and for dealing with an individual who fails to comply with an order under that Article,

(e) proceedings on an appeal brought by an individual under section 47A of the Criminal Appeal (Northern Ireland) Act 1980(**3**),

(**1**) 1989 c. 33.
(**2**) 1965 c. 45.
(**3**) 1980 c. 47.

(f) proceedings for contempt committed, or alleged to have been committed, by an individual in the face of a court, and

(g) proceedings for dealing with an individual in respect of whom an application has been made under—

(i) Article 44 or 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989(**4**), or

(ii) paragraph 29 or 36 of Schedule 8 to the Terrorism Act 2000(**5**),

but do not include any proceedings for a writ of habeas corpus or other prerogative remedy.

(**4**) 1989 N.I. 12.
(**5**) 2000 c. 11.