
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation certain provisions of the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 ("the 2014 Act").

The provisions set out in sections 1 and 3 to 5 of the 2014 Act, together with Schedule 1, Schedule 2 and section 6, and Part 1 of Schedule 3 and section 11, in so far as those sections relate to specified provisions of those Schedules to the Act, come into operation on 1st April 2015. Section 2 of the Act also comes into operation on 1st April 2015, with the exception of section 2(2) which comes into operation on 2nd April 2015.

Section 1 and Schedule 1 dissolve the Northern Ireland Legal Services Commission and transfer its assets, liabilities and staff to the Department of Justice ("the Department"). On transfer an Executive Agency, the Legal Services Agency Northern Ireland, will be created within the Department to administer the delivery of legal aid services in Northern Ireland.

Section 2 makes provision for the appointment of a Director of Legal Aid Casework ("the Director"). The Director's function will be to make decisions on the grant of civil legal aid in individual cases. Subsection (2) provides that the selection of the person to be designated by the Department as Director must be on the basis of merit through fair and open public competition.

Section 3 includes a number of safeguards to guarantee and protect the independence of the Director and the Director's decisions on the grant of civil legal aid in individual cases. Section 4 makes provision about the delegation of the Director's functions. Section 5 concerns the production of an annual report by the Director.

Section 6 introduces Schedule 2 which contains a large number of amendments to other legal aid legislation. Amendments are made to Part 3 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 in relation to representation in criminal proceedings, and to the Access to Justice (Northern Ireland) Order 2003 in relation to civil legal services and criminal defence services.

Section 11 introduces Schedule 3. Part 1 of Schedule 3 makes consequential repeals to the Access to Justice (Northern Ireland) Order 2003 and other legislation.