

EXPLANATORY MEMORANDUM TO

The Civil Legal Services (Cost Protection) Regulations (Northern Ireland) 2015

SR 2015 No. 199

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 18(1) and 20(1) and (2)(b) of the Access to Justice (Northern Ireland) Order 2003 and is subject to the affirmative resolution procedure.

2. Purpose

- 2.1. Article 18(1) of the Access to Justice (Northern Ireland) Order 2003 sets out the limit on costs ordered against an individual receiving funded services as part of civil legal services (“cost protection”). These Regulations prescribe the periods during which cost protection applies and does not apply.

3. Background

- 3.1. The Legal Aid and Coroners’ Courts Act (Northern Ireland) 2014 will dissolve the Northern Ireland Legal Services Commission (the Commission) and transfer its functions and staff to an Executive Agency within the Department of Justice (the Agency) on 1 April 2015. As part of this change, civil legal services will be commenced under the Access to Justice (Northern Ireland) Order 2003 and a suite of subordinate legislation is required for commencement this, including this set of Regulations.

4. Consultation

- 4.1. The Department launched a targeted consultation on these Regulations in November 2014. It received a substantive response from the Law Society.

5. Equality Impact

- 5.1. The equality screening did not establish that a full impact assessment was required.

6. Regulatory Impact

- 6.1. The proposals do not impose any restriction or burden on business.

7. Financial Implications

- 7.1. The provisions may result in a small increase in applications for cost recovery. This is currently a very rare occurrence.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The proposal is considered to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. Similar provisions apply in England and Wales.

11. Additional Information

11.1. Not applicable.