

2015 No. 202

ACCESS TO JUSTICE

**The Civil Legal Services (Disclosure of Information)
Regulations (Northern Ireland) 2015**

Laid before the Assembly in draft

Made - - - - 26th March 2015

Coming into operation - 1st April 2015

The Department of Justice makes the following Regulations in exercise of the powers conferred by Article 32(1) of the Access to Justice (Northern Ireland) Order 2003(a), and now vested in it(b).

In accordance with Article 46(5) of that Order, a draft of this rule has been laid before and approved by a resolution of the Assembly.

Citation and commencement

1. These Regulations may be cited as the Civil Legal Services (Disclosure of Information) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2. In these Regulations—

“civil legal services” has the meaning given by Article 10 of the Order;

“criminal aid certificate” and “free legal aid” have the respective meanings given under Part 3 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(c);

“the Department” means the Department of Justice;

“the Director” means the Director of Legal Aid Casework designated by the Department under section 2 of the Legal Aid and Coroners’ Courts Act (Northern Ireland) 2014(d);

“the Order” means the Access to Justice (Northern Ireland) Order 2003.

Restriction of disclosure of information

3.—(1) This regulation applies to information which is furnished—

(a) S.I. 2003/435 (N.I. 10). Article 32 of the 2003 Order was amended by section 6 of, and paragraph 6(31) of Schedule 2 to, the Legal Aid and Coroners’ Courts Act (Northern Ireland) 2014

(b) S.I. 2010/976

(c) S.I. 1981/228 (N.I. 8)

(d) 2014 c. 11 (N.I.)

- (a) to the Department or any court, tribunal or other person or body on whom functions are imposed or conferred by or under Articles 12A to 20A of the Order, and
- (b) in connection with the case of an individual seeking or receiving civil legal services funded by the Department.

(2) Information as described in paragraph (1) may be disclosed—

- (a) in accordance with the law of Northern Ireland or a court order;
- (b) for the purpose of the Department instituting, or otherwise for the purpose of, proceedings before a court;
- (c) for the purpose of enabling or assisting the Director to discharge any functions imposed or conferred on the Director by or under Articles 12A to 20A of the Order;
- (d) for the purpose of enabling or assisting the Department to discharge any functions imposed or conferred on it by or under Articles 12A to 20A of the Order;
- (e) for the purpose of enabling or assisting any court, tribunal or other person or body to discharge any functions imposed or conferred by or under Articles 12A to 20A of the Order;
- (f) subject to paragraph (3), for the purpose of the investigation or prosecution of any offence (or suspected offence) under the law of Northern Ireland or any other jurisdiction; or
- (g) for the purpose of facilitating the proper performance by any tribunal of disciplinary functions.

(3) The Director and the Department must not disclose any information for the purposes of the investigation or prosecution of an offence (or a suspected offence) under the law of Northern Ireland or any other jurisdiction which—

- (a) relates to the defence of a person who has made an application for free legal aid (whether or not a criminal aid certificate is granted to that person); and
- (b) may be used for the purposes of the prosecution of that person in that case.

Sealed with the Official Seal of the Department of Justice on 26th March 2015



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the disclosure of information which is furnished to the Department of Justice (including the Director of Legal Aid Casework and staff in the Legal Services Agency Northern Ireland), or any court, tribunal or other person or body, in connection with the case of an individual seeking or receiving civil legal services under Articles 12A to 20A of the Access to Justice (Northern Ireland) Order 2003.

The Regulations come into operation on 1st April 2015.

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STATUTORY RULES OF NORTHERN IRELAND

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The Civil Legal Services (Disclosure of Information)
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£4.25

N6621 04/2015 456621T 19585

ISBN 978-0-337-99773-0



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