



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *Legal aid*

#### **182 Legal advice, assistance and representation: England and Wales**

In section 12(2) of the Access to Justice Act 1999 (c. 22) (meaning of “criminal proceedings”) for paragraph (c) substitute—

“(c) proceedings for dealing with an individual under the Extradition Act 2003,”.

#### **183 Legal aid: Scotland**

The provisions of the Legal Aid (Scotland) Act 1986 (c. 47) apply—

- (a) in relation to proceedings in Scotland before the appropriate judge under Part 1, 2 or 5 of this Act as those provisions apply in relation to summary proceedings;
- (b) in relation to any proceedings on appeal arising out of such proceedings before the appropriate judge as those provisions apply in relation to appeals in summary proceedings.

#### **184 Grant of free legal aid: Northern Ireland**

- (1) The appropriate judge may grant free legal aid to a person in connection with proceedings under Part 1 or Part 2 before the judge or the High Court.
- (2) A judge of the High Court may grant free legal aid to a person in connection with proceedings under Part 1 or Part 2 before the High Court or the House of Lords.

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*Status: This is the original version (as it was originally enacted).*

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- (3) If the appropriate judge refuses to grant free legal aid under subsection (1) in connection with proceedings before the High Court the person may appeal to the High Court against the judge's decision.
- (4) A judge of the High Court may grant free legal aid to a person in connection with proceedings on an appeal under subsection (3).
- (5) Free legal aid may be granted to a person under subsection (1), (2) or (4) only if it appears to the judge that—
  - (a) the person's means are insufficient to enable him to obtain legal aid, and
  - (b) it is desirable in the interests of justice that the person should be granted free legal aid.
- (6) On an appeal under subsection (3) the High Court may—
  - (a) allow the appeal;
  - (b) dismiss the appeal.
- (7) The High Court may allow an appeal under subsection (3) only if it appears to the High Court that—
  - (a) the person's means are insufficient to enable him to obtain legal aid, and
  - (b) it is desirable in the interests of justice that the person should be granted free legal aid.
- (8) If the High Court allows an appeal under subsection (3) it must grant free legal aid to the person in connection with the proceedings under Part 1 or Part 2 before it.
- (9) If on a question of granting free legal aid under this section or of allowing an appeal under subsection (3) there is a doubt as to whether—
  - (a) the person's means are insufficient to enable him to obtain legal aid, or
  - (b) it is desirable in the interests of justice that the person should be granted free legal aid,the doubt must be resolved in favour of granting him free legal aid.
- (10) References in this section to granting free legal aid to a person are to assigning to him—
  - (a) a solicitor and counsel, or
  - (b) a solicitor only, or
  - (c) counsel only.

## **185 Free legal aid: supplementary**

- (1) The provisions of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 ([S.I. 1981/228 \(N.I. 8\)](#)) listed in subsection (2) apply in relation to free legal aid under section 184 in connection with proceedings before the appropriate judge or the High Court as they apply in relation to free legal aid under Part III of the Order.
- (2) The provisions are—
  - (a) Article 32 (statements of means);
  - (b) Article 36(1) (payment of legal aid);
  - (c) Article 36(3) and (4) (rules);
  - (d) Article 36A (solicitors excluded from legal aid work);
  - (e) Article 37 (remuneration of solicitors and counsel);

- (f) Article 40 (stamp duty exemption).
- (3) As so applied those Articles have effect as if—
  - (a) a person granted free legal aid under section 184 had been granted a criminal aid certificate under Part III of the Order;
  - (b) section 184 were contained in Part III of the Order.
- (4) The fees of any counsel, and the expenses and fees of any solicitor, assigned to a person under section 184 in connection with proceedings before the House of Lords must be paid by the Lord Chancellor.
- (5) The fees and expenses paid under subsection (4) must not exceed the amount allowed by—
  - (a) the House of Lords, or
  - (b) such officer or officers of the House of Lords as may be prescribed by order of the House of Lords.
- (6) For the purposes of section 184 and this section the appropriate judge is—
  - (a) such county court judge or resident magistrate as is designated for the purposes of Part 1 by the Lord Chancellor, if the proceedings are under Part 1;
  - (b) such county court judge or resident magistrate as is designated for the purposes of Part 2 by the Lord Chancellor, if the proceedings are under Part 2.