

SCHEDULE

Article 2(3)

LEGAL AID: AMENDMENTS

The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

1. In each of the following provisions for the words “Secretary of State”, wherever they occur, there shall be substituted the words “Lord Chancellor”—

- (a) Article 1(3);
- (b) Article 18(1) to (4), (8) and (9);
- (c) Article 19(5) to (8);
- (d) Article 20(1), (2) and (4);
- (e) Article 21(1) and (3);
- (f) Article 22(1), (3) and (5);
- (g) Article 23;
- (h) the definition of “regulations” in Article 27;
- (i) Article 36(3);
- (j) Article 37;
- (k) Article 38(3) and (5);
- (l) paragraphs 1(2)(b) and (3), 2(2)(b) and (3) and 6 of Schedule 2.

2. In Article 17(3) for the words “without the concurrence of” there shall be substituted the words “except after consultation with”.

3. In Article 22(5)(a) for the words “obtain the consent of” there shall be substituted the word “consult”.

The Criminal Appeal (Northern Ireland) Act 1980

4. In section 28(2)—

- (a) for the words preceding paragraph (a) there shall be substituted the words “The following expenses, that is to say—”;
- (b) after paragraph (e) there shall be inserted the words “shall, up to an amount allowed by the Master (Taxing Office) be defrayed, in the case of expenses within paragraph (a), by the Lord Chancellor and, in any other case, by the Secretary of State.”

5. In section 37(3) for the words “the Secretary of State” there shall be substituted the words “the Lord Chancellor”.

6. In paragraph 7 of Schedule 4 the words from “in subsection (1)” to “respectively and” shall be omitted.

The Costs in Criminal Cases Act (Northern Ireland) 1968

7. For section 4(1) there shall be substituted—

“(1) When the Court of Appeal dismisses an appeal or an application for leave to appeal, it may, subject to rules made pursuant to section 7, order the appellant—

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- (a) to pay to the Secretary of State the whole or any part of the costs of the appeal or application, including any expenses payable by the Secretary of State by virtue of section 28(2) of the Criminal Appeal (Northern Ireland) Act 1980;
- (b) to pay to the Lord Chancellor the whole or any part of any expenses payable by the Lord Chancellor in respect of the appeal or application by virtue of the said section 28(2); and
- (c) to pay the cost of any transcript of a record of proceedings made in accordance with rules of court under section 21 of that Act.”.

8. In section 6(b) for the words from “to pay” onwards there shall be substituted the words “to pay to the Lord Chancellor the whole or any part of any costs of the defence or appeal defrayable by him under the said Order of 1981”.