



Northern Ireland Act 1998

1998 CHAPTER 47

PART VII

HUMAN RIGHTS AND EQUAL OPPORTUNITIES

[^{F1}Protections deriving from EU withdrawal agreement

[^{F1}78D Power of Commissions to assist persons in legal proceedings

- (1) This section applies to proceedings or proposed proceedings by a person in respect of an alleged breach (or potential future breach) of Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.
- (2) Where the person applies to the Northern Ireland Human Rights Commission, or the Equality Commission for Northern Ireland, for assistance in relation to the proceedings, the Commission may grant the application, so far as it relates to the alleged breach (or potential future breach) of Article 2(1), on any of the following grounds—
 - (a) that the case raises a question of principle;
 - (b) that it would be unreasonable to expect the person to deal with the case without assistance because of its complexity, or because of the person's position in relation to another person involved, or for some other reason;
 - (c) that there are other special circumstances which make it appropriate for the Commission to provide assistance.
- (3) Where an application under subsection (2) is granted, the Commission in question may—
 - (a) provide, or arrange for the provision of, legal advice;
 - (b) arrange for the provision of legal representation;
 - (c) provide any other assistance which it thinks appropriate.
- (4) Arrangements made under this section for the provision of assistance to a person may include provision for recovery of expenses from the person in certain circumstances.]

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 78D. (See end of Document for details)

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Textual Amendments

- F1** Ss. 78A-78E and cross-heading inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 3 para. 7](#) (with s. 38(3)); S.I. 2020/1622, reg. 5(i)

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There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 78D.