



2011 CHAPTER 24

PART 7

LEGAL AID, ETC.

Financial eligibility for grant of right to representation

84.—(1) The [Access to Justice \(Northern Ireland\) Order 2003 \(NI 10\)](#) is amended as follows.

(2) After Article 27 insert—

“Financial eligibility for grant of right to representation

27A.—(1) Power under Article 26 or 27 to grant a right to representation may only be exercised in relation to an individual whose financial resources appear to the court or (as the case may be) the Commission to be such that, under regulations, he is eligible to be granted such a right.

(2) Power under Article 26(9) or 27(1) to withdraw a right to representation shall be exercised in relation to an individual if it appears to the court or Commission—

- (a) that his financial resources are not such that, under regulations, he is eligible to be granted such a right, or
- (b) that he has failed, in relation to the right, to comply with regulations under this Article about the furnishing of information.

(3) Regulations may make provision for exceptions from paragraph (1) or (2).

(4) Regulations under this Article may include—

- (a) provision requiring the furnishing of information;

- (b) provision for the notification of decisions about the application of—
 - (i) paragraph (1) or (2), or
 - (ii) regulations under paragraph (3);
- (c) provision for the review of such decisions.

(5) The provision which may be made under paragraph (4)(c) includes provision prescribing circumstances in which the person or body reviewing a decision may refer a question to the High Court for its decision.

(6) Section 35 of the Judicature (Northern Ireland) Act 1978 (c. 23) (appeals to the Court of Appeal from the High Court) shall not apply to decisions of the High Court on a reference under regulations under this Article.”.

- (3) In Article 29 (criteria for grant of right to representation)—
 - (a) in paragraph (1) for the words from “a right to representation” to “varied or removed” substitute “power to grant a right to representation should be exercised”,
 - (b) for paragraph (4) substitute—

“(4) Regulations may prescribe circumstances in which the grant of a right to representation shall be taken to be in the interests of justice.”.
- (4) After Article 46(5) (orders, regulations and directions) insert—

“(5A) The first regulations under Article 27A shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.