
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 196

The Civil Legal Services (Financial)
Regulations (Northern Ireland) 2015

PART 2

DETERMINATIONS IN RESPECT OF AN
INDIVIDUAL'S FINANCIAL RESOURCES

CHAPTER 1

FINANCIAL ELIGIBILITY LIMITS AND WAIVERS

Exceptions from requirement to make a determination in respect of an individual's financial resources

4.—(1) The following services shall be available without reference to the client's financial resources—

- (a) services consisting of such amount of advice and assistance as is authorised under a contract to be provided without reference to the client's financial resources;
- (b) advice and assistance applied for by—
 - (i) a parent of a child, or a person with parental responsibility for a child within the meaning of the 1995 Order, in respect of whom a Health and Social Care Trust has given notice of potential proceedings under Article 50 of that Order, or
 - (ii) in the case of an unborn child in respect of whom a Health and Social Care Trust has given notice of potential proceedings under Article 50 of the 1995 Order, any person who, following birth of the child—
 - (aa) will be the parent of the child, and
 - (bb) will have parental responsibility for the child within the meaning of that Order;

[^{F1}(c) advice and assistance in potential proceedings or representation in proceedings or potential proceedings before the Review Tribunal under—

- (i) the Mental Health (Northern Ireland) Order 1986^{M1}; or
- (ii) sections 45, 47 or 48 of the Mental Capacity Act (Northern Ireland) 2016 in relation to an authorisation of detention amounting to a deprivation of liberty;

where the client's case or application to the Tribunal is, or is to be, the subject of the proceedings;

- (ca) advice and assistance in potential proceedings or representation in proceedings or potential proceedings before the Review Tribunal under the Mental Capacity Act (Northern Ireland) 2016 under—
 - (i) Section 80 where the client is the person to whom the application relates; and

- (ii) Section 83(2) where the client's case or application to the Tribunal is, or is to be, subject of the proceedings;]
- (d) representation in proceedings under the 1995 Order, applied for by or on behalf of—
 - (i) a child in respect of whom an application is made for an order under—
 - (aa) Article 50 (a care or supervision order);
 - (bb) Article 62 (a child assessment order);
 - (cc) Article 63 (an emergency protection order); or
 - (dd) Article 64 (extension or discharge of an emergency protection order);
 - (ii) a parent of such a child, or a person with parental responsibility for such a child within the meaning of the 1995 Order; or
 - (iii) a child who is brought before a court under Article 44 (secure accommodation) who is not, but wishes to be, legally represented before the court;
- (e) representation in proceedings relating to an appeal against an order made under Article 50 of the 1995 Order, applied for by or on behalf of a person who has been granted representation by virtue of sub-paragraph (d);
- (f) representation (higher courts) in proceedings under the Adoption (Northern Ireland) Order 1987 ^{M2} applied for by or on behalf of—
 - (i) a child in respect of whom an application is made for an order under—
 - (aa) Article 17 (freeing child for adoption with parental agreement); or
 - (bb) Article 18 (freeing child for adoption without parental agreement); or
 - (ii) a parent of such a child, or a person with parental responsibility for such a child within the meaning of the 1995 Order;
- (g) representation by a solicitor in Northern Ireland of a person whose application under the Hague Convention or the European Convention has been submitted to the Central Authority in Northern Ireland under section 3(2) or 14(2) of the Child Abduction and Custody Act 1985 ^{M3};
- (h) representation of a person who—
 - (i) appeals to a magistrates' court against the registration of, or the refusal to register, a maintenance order made in a Hague Convention country under the Maintenance Orders (Reciprocal Enforcement) Act 1972 ^{M4};
 - (ii) applies for the registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 ^{M5};
 - (iii) applies for the registration of a judgment under Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; or
 - (iv) applies for either the registration of or the registration and enforcement of a judgment under Council Regulation (EC) No. 2201/2003 of 27th November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility,

and who benefited from complete or partial assistance with, or exemption from, costs or expenses in the country in which the maintenance order was made or the judgment was given;
- (i) such services as are funded through grants under Article 12(2)(c) of the Order, except where the terms of the grant provide otherwise;

- (j) civil legal services to the extent that the services consist of—
- (i) advice and assistance or representation for an individual who is the subject of an application for permission under section 6 of the 2011 Act, in respect of such an application;
 - (ii) advice and assistance in connection with a TPIM notice for an individual who is subject to that notice;
 - (iii) advice and assistance for an individual who is subject to a TPIM notice, in respect of an application—
 - (aa) to vary measures specified in that notice under section 12(2) of the 2011 Act;
 - (bb) for revocation of that notice in accordance with section 13(3) of the 2011 Act;
 - (cc) for permission under Schedule 1 to the 2011 Act; or
 - (iv) representation in respect of TPIM proceedings for an individual who is subject to a TPIM notice;
- [^{F2}(ja) civil legal services to the extent that the services consist of—
- (i) advice and assistance or representation for an individual who is the subject of an application for permission under section 42 of the National Security Act 2023, in respect of such an application;
 - (ii) advice and assistance in connection with a notice under section 39(1) of that Act (a “Part 2 notice”) for an individual who is subject to that notice;
 - (iii) advice and assistance for an individual who is subject to a Part 2 notice, in respect of an application—
 - (aa) to vary measures specified in that notice under section 48(4) of that Act;
 - (bb) for revocation of that notice in accordance with section 49(3) of that Act;
 - (cc) for permission under Part 2 of Schedule 7 to that Act; or
 - (dd) representation in respect of relevant proceedings for an individual who is subject to a Part 2 notice;]
 - (k) advice and assistance in the circumstances provided for in paragraph (2) [^{F3}];
- [^{F4}(l) representation of a client who is the subject of proceedings under Article 44 or 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989;
- (m) representation of a client who is the subject of proceedings under paragraph 29 or 36 of Schedule 8 to the Terrorism 2000 Act.]
- [^{F5}(p) representation of a client who is the subject of proceedings under paragraph 37 or 44 of Schedule 6 to the National Security Act 2023.]
- (2) Funded services may be provided where a client—
- (a) is arrested and held in custody at a police station or other premises;
 - [^{F6}(aa) is detained under Schedule 7 to the Terrorism Act 2000 or under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;]
 - (b) is being interviewed in connection with a serious service offence; or
 - (c) is a volunteer,
- and seeks advice and assistance from a solicitor.
- (3) In this regulation—
- “the 1995 Order” means the Children (Northern Ireland) Order 1995 ^{M6};

Changes to legislation: The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, Section 4 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- “the 2011 Act” means the Terrorism Prevention and Investigation Measures Act 2011 ^{M7};
- “Central Authority” has the same meaning as in sections 3 and 14 of the Child Abduction and Custody Act 1985;
- “European Convention” means the convention defined in section 12(1) of the Child Abduction and Custody Act 1985;
- “Hague Convention” means the convention defined in section 1(1) of the Child Abduction and Custody Act 1985;
- “Hague Convention country” has the same meaning as in the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 ^{M8};
- “the Maintenance Orders (Reciprocal Enforcement) Act 1972” means that Act as applied with such exceptions, adaptations and modifications as are specified in the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993;
- [^{F7}“relevant proceedings” are the proceedings listed at paragraphs (b) to (g) of the definition of “relevant proceedings” given in section 62(1) of the National Security Act 2023;]
- “serious service offence” means any offence under the Army Act 1955 ^{M9}, the Air Force Act 1955 ^{M10} or the Naval Discipline Act 1957 ^{M11} which cannot be dealt with summarily or which appears to an interviewing service policeman to be serious;
- “a TPIM notice” means a notice under section 2(1) of the 2011 Act;
- “TPIM proceedings” are the proceedings listed at (b) to (g) of the definition of “TPIM proceedings” given in section 30(1) of the 2011 Act;
- “volunteer” means an individual who, for the purpose of assisting with an investigation, attends voluntarily at a police station or at any other place where a constable is present or accompanies a constable to a police station or any such other place without having been arrested.

Textual Amendments

- F1** Reg. 4(1)(c)(ca) substituted for reg. 4(1)(c) (2.12.2019) by [The Civil Legal Services \(Financial\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/203\)](#), regs. 1, **3**
- F2** Reg. 4(1)(ja) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Subordinate Legislation\) Regulations 2023 \(S.I. 2023/1267\)](#), reg. 1(2), **Sch. para. 58(2)(a)**
- F3** Word in reg. 4(1)(k) substituted (11.10.2016) by [The Civil Legal Services \(Financial\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/338\)](#), regs. 1, **3**
- F4** Reg. 4(1)(l)(m) inserted (11.10.2016) by [The Civil Legal Services \(Financial\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/338\)](#), regs. 1, **4**
- F5** Reg. 4(1)(p) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Subordinate Legislation\) Regulations 2023 \(S.I. 2023/1267\)](#), reg. 1(2), **Sch. para. 58(2)(b)**
- F6** Reg. 4(2)(aa) inserted (13.8.2020) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(2)(d), **Sch. 4 para. 31(1)** (with Sch. 4 para. 31(2)); S.I. 2020/792, reg. 2(i)
- F7** Words in reg. 4(3) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Subordinate Legislation\) Regulations 2023 \(S.I. 2023/1267\)](#), reg. 1(2), **Sch. para. 58(3)**

Marginal Citations

- M1** S.I. 1986/595 (N.I. 4)
- M2** S.I. 1987/2203 (N.I. 22)
- M3** 1985 c. 60
- M4** 1972 c. 18
- M5** 1982 c. 27

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M6	S.I. 1995/755 (N.I. 2)
M7	2011 c. 23
M8	S.I. 1993/593
M9	1955 c. 18
M10	1955 c. 19
M11	1957 c. 53

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 4(3) words inserted by [2023 c. 37 s. 56\(15\)\(b\)](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg. 4(1)(n)(o) inserted by [2023 c. 37 s. 56\(15\)\(a\)](#)