

Status: Point in time view as at 01/04/2015.

Changes to legislation: Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, Solicitors and counsel is up to date with all changes known to be in force on or before 06 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)

STATUTORY INSTRUMENTS

1981 No. 228

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

[^{F1}PART II

LEGAL ADVICE AND ASSISTANCE, AND LEGAL AID OTHER THAN FREE LEGAL AID AVAILABLE UNDER PART III

[^{F1}Solicitors and counsel

F1 Pt. 2 (to the extent that it remains in operation) repealed (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), arts. 1(2), 49(5), [Sch. 5](#) (with transitional provisions and savings in art. 48, Sch. 3); S.R. 2015/194, art. 2, [Sch.](#) (with transitional provisions and savings in art. 3)

Solicitors and counsel

15.—(1) Any practising^{F2}. . . barrister shall be entitled to give advice or assistance or to act for persons receiving legal aid, unless^{F3} he is for the time being prohibited from doing so by any determination of the General Council of the Bar of Northern Ireland, or by any determination of any such committee as may be established by that Council to determine charges preferred against barristers]

Para. (2) rep. by 2003 NI 10

[^{F2}(2A) Any practising solicitor shall be entitled to give advice or assistance or to act for persons receiving legal aid unless he is for the time being excluded by an order under Article 51B(1) or (3) of the Solicitors (Northern Ireland) Order 1976 from selection under paragraph (3).]

(3) Where a person is entitled to receive legal aid, advice or assistance he himself shall be entitled to select the solicitor to act for him and, if the case requires counsel, his counsel; but this paragraph shall not prejudice the rights of solicitor or counsel where he has good reason to refuse or give up a case or entrust it to another.

[^{F2}(4) Notwithstanding paragraph (3), a solicitor who has been selected to act for a person under that paragraph may himself select to act for that person, as the solicitor's agent, any other solicitor who is not for the time being excluded from selection under paragraph (3) by an order under Article 51B(1) or (3) of the Solicitors (Northern Ireland) Order 1976.]

F2 1989 NI 14

F3 2003 NI 10

[^{F4}Legal aid not to affect normal rules

15A. Except as expressly provided by this Part or by regulations made under it—

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- (a) the fact that the services of counsel or a solicitor are given by way of legal aid does not affect the relationship between or rights of counsel, solicitor and client or any privilege arising out of such a relationship; and
- (b) the rights conferred by or under this Part on a person receiving legal aid are not to affect the rights or liabilities of other parties to the proceedings or the principles on which the discretion of any court or tribunal is normally exercised.]]

F4 2005 NI 19

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