
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 438

**Legal Aid (General) (Amendment)
Regulations (Northern Ireland) 2003**

Reinstatement of certificates

5.—(1) After regulation 13 of the principal regulations there shall be inserted –

“Reinstatement of certificates

13A.—(1) Where the Commission issues a notice of discharge or revocation of an assisted person’s certificate under regulation 12(9), the Commission may, subject to paragraph (3), upon application by the assisted person within twelve months of the date of issue of the notice, reinstate the certificate, if it is satisfied that the decision to discharge or revoke it was made—

- (a) on grounds which no longer exist,
- (b) without taking into consideration a relevant matter, or
- (c) on the basis of an administrative error.

(2) Where the Commission issues a notice of discharge or revocation of an assisted person’s certificate under regulation 12(9), the Commission may, subject to paragraph (3), reinstate the certificate at any time within twelve months of the date of issue of the notice, if it is satisfied that the decision to discharge or revoke the certificate was made on the basis of an administrative error by the Commission.

(3) The Commission may not reinstate a certificate if –

- (a) any costs of the claim or proceedings to which the certificate related incurred by or on behalf of the assisted person have been taxed or assessed under regulation 13(3)(a), or
- (b) any costs have been recovered under regulation 13(5).

(4) Where the Commission reinstates a certificate it shall forthwith send –

- (a) a notice of reinstatement to the assisted person, and
- (b) a copy of the notice of reinstatement to the solicitor to whom notice of discharge or revocation of the certificate was sent under regulation 12(9).

(5) Any reference in this regulation to a notice issued under regulation 12(9), or an error made, by the Commission shall include, in relation to any time before 1st November 2003, a reference to a notice issued, or error made, by the Legal Aid Committee.”