

2003 No. 513

LEGAL AID AND ADVICE

**The Legal Aid Certificates (Amendment) Rules
(Northern Ireland) 2003**

Made - - - - - 1st December 2003

Coming into operation 26th December 2003

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a), and now vested in him(b), after consultation with the Lord Chief Justice, the Attorney General and the Magistrates' Courts Rules Committee and with the approval of the Treasury, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Aid Certificates (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 26th December 2003.

Interpretation

2. In these Rules "the principal rules" means the Legal Aid Certificates Rules (Northern Ireland) 1966(c).

Legal aid certificates

3. In rule 4 of the principal rules –

(1) For paragraph (1) there shall be substituted the following new paragraph –

“(1) A criminal aid certificate granted under Article 28 of the Order (free legal aid in the magistrates' court) shall be in Form 1 in the Schedule, and a criminal aid certificate granted under Article 28A of the Order (free legal aid for diversionary youth conferences) shall be in Form 2 in the Schedule.”;

(2) For paragraph (4) there shall be substituted the following new paragraph –

“(4) The clerk of petty sessions shall send a certified copy of the criminal aid certificate granted under Article 28 or Article 28A of the Order, as the case may be, to the Northern Ireland Legal Services Commission and to the solicitor assigned under this rule.”; and

(3) After paragraph (4) there shall be added the following new paragraph –

(a) S.I. 1981/228 (N.I. 8)
(b) S.I. 1982/159
(c) S.R. 1966 No. 52

“(5) Any criminal aid certificate which may have been granted to a person under Article 28 of the Order shall cease to have effect upon the granting of a criminal aid certificate to that person under Article 28A of the Order in respect of the same charge or subject-matter.”.

Interpretation

4.—(1) Rule 11 of the principal rules (interpretation) shall be amended as follows.

(2) After the definition of “Bar Council” there shall be inserted –

“ “diversionary youth conference” has the meaning given by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998(a);”.

(3) After the definition of “Law Society” there shall be added –

“ “the Order” means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(b).”.

5. The form in the Schedule to the principal rules shall be amended by inserting above the heading “Form of Legal Aid Certificate” the words “Form 1”.

6. The form set out in the Schedule shall be inserted in the Schedule to the principal rules.

Signed by authority of the Lord Chancellor

Lord Filkin

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 1st December 2003

We approve

Nick Ainger

John Heppell

Two of the Lord’s Commissioners of Her Majesty’s Treasury

Dated 4th December 2003

(a) S.I. 1998/1504 (N.I. 9); Article 10A was inserted by section 58 of the Justice (Northern Ireland) Act 2002 (c. 26)

(b) S.I. 1981/228 (N.I. 8)

Form 2

Form of Legal Aid Certificate for Diversionary Youth Conferences

	Personal Identifier No. (PIN)	<input type="text"/>
	Case No.	<input type="text"/>
Related Case Nos.	<input type="text"/>	Related persons subject to the conference:
	<input type="text"/>	<input type="text"/>

Petty Sessions District of

County Court Division of

Details of Applicant: Name

Address _____

_____ Post Code _____

Male Female Date of Birth

National Insurance No.

I, A.B., _____, being a Resident Magistrate [or Justice of the Peace], being satisfied that:

(a) the Applicant has agreed to attend a diversionary youth conference in respect of the following

<u>Offence(s)</u>	<u>Date of Offence(s)</u>
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and (b) his means are insufficient to enable him to obtain legal aid and that it is desirable in the interests of justice that he should have free legal aid in preparing for and participating in the diversionary youth conference, do hereby grant him this criminal aid certificate and assign to him as solicitor:

Name _____ Instructing Solicitor's LSC Ref No:

Firm's Name _____ Firm's Code No:

Address of Firm _____

_____ Post Code _____

and (c) (tick if the insertion, see * below, is applicable)

Signed _____ Resident Magistrate [or Justice of the Peace] Dated _____

* the offence with respect to which the diversionary youth conference is convened is an indictable offence and I am of the opinion that, because of circumstances which make the case unusually grave or difficult, representation by both solicitor and counsel would be desirable, and I do hereby direct that he shall have counsel assigned to him as well as a solicitor for that purpose.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Legal Aid Certificates Rules (Northern Ireland) 1966 to prescribe a new form of criminal aid certificate where free legal aid for diversionary youth conferences is granted under Article 28A of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

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