

EXPLANATORY MEMORANDUM TO

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

S.R. No 198

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 18(2), 20(1), 20(2)(a), (c), (e) and (g) and 34(1), (6) and (7) of the Access to Justice (Northern Ireland) Order 2003 ("the 2003 Order") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations deal with aspects of civil legal services established by Part 2 of the 2003 Order relating to costs.
- 2.2. In particular, the Regulations make provision regarding the giving of security for costs; the assessment of a funded individual's resources for the purposes of an order for costs being made against them; the procedure for making a costs order against a funded individual, and also for making a costs order against the Department; and the determination of costs under a costs order in favour of a funded individual.

3. Background

- 3.1. With effect from 1 April 2015, civil legal services will be commenced under the 2003 Order. A suite of subordinate legislation is required to implement civil legal services, including this set of Regulations.

4. Consultation

- 4.1. The Department launched a four week targeted consultation with key stakeholders on these Regulations in November 2014. It received a substantive response from the Law Society.

5. Equality Impact

- 5.1. The Regulations have been screened for their equality impact and none was found.

6. Regulatory Impact

- 6.1. The Regulations have been screened for their regulatory impact. The screening concluded that there was a negligible regulatory impact.

7. Financial Implications

- 7.1. The Regulations may result in a small increase in the number of applications for cost recovery.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations are considered to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. There are similar cost regulations in England and Wales.

11. Additional Information

11.1. Not applicable.