

## **EXPLANATORY MEMORANDUM TO**

### **The Civil Legal Services (Remuneration) Order (Northern Ireland) 2015**

#### **SR 2015 No. 201**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 12(3) and 47 of the Access to Justice (Northern Ireland) Order 2003 ("the 2003 Order") and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. This Order prescribes the remuneration payable to solicitors and counsel for providing civil legal services under Part 2 of the 2003 Order. The main body of this Order deals with the manner in which the remuneration is to be determined and paid. In part, the provisions draw on the corresponding provisions contained in subordinate legislation made under Part 2 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981. Part 2 of the 1981 Order is being superseded by civil legal services as the new legislative framework for the public funding of legal services in civil matters.
- 2.2. Initial determinations in such cases will be undertaken by the Department of Justice. A system of redeterminations and appeals is provided for enabling solicitors and counsel to challenge the remuneration payable in a particular case. Schedules 2 to 5 to this Order set out the levels of remuneration payable for the various categories of work involved, including the different forms of proceedings in each of the court tiers.

#### **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 Order.

#### **4. Consultation**

- 4.1. The Department launched a targeted consultation with key stakeholders on this Order in December 2014. It received substantive responses from the Law Society and the Northern Ireland Legal Services Commission.

#### **5. Equality Impact**

- 5.1. This Order was screened for its equality impact and none was found.

#### **6. Regulatory Impact**

- 6.1. This Order largely replicates the current provision and will not impose any new restriction on business. Consequently, an Impact Assessment is not required.

**7. Financial Implications**

7.1. There are no financial implications.

**8. Section 24 of the Northern Ireland Act 1998**

8.1. This Order is compliant with section 24 of the Northern Ireland Act 1998.

**9. EU Implications**

9.1. Not applicable.

**10. Parity or Replicatory Measure**

10.1. Similar provision applies in Scotland, England and Wales.

**11. Additional Information**

11.1. Not applicable.