

2016 No. 337

ACCESS TO JUSTICE

**The Civil Legal Services (General) (Amendment) Regulations
(Northern Ireland) 2016**

Made - - - - - *19th September 2016*

Coming into operation - - - - - *11th October 2016*

The Department of Justice makes the following Regulations in exercise of the powers conferred by Article 15 of the Access to Justice (Northern Ireland) Order 2003(a) and now vested in it(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 11th October 2016.

(2) Subject to paragraph (3), the instrument set out in the Schedule to these Regulations shall be revoked to the extent shown in that Schedule.

(3) Nothing in the provisions revoked by these Regulations shall take effect in relation to any of the circumstances to which Article 3(1)(a) to (d) of the Access to Justice (2003 Order) (Commencement No. 7, Transitional Provisions and Savings) Order (Northern Ireland) 2015(c) applies.

Amendments to the Civil Legal Services (General) Regulations (Northern Ireland) 2015

2. The Civil Legal Services (General) Regulations (Northern Ireland) 2015(d) are amended as follows.

3. After regulation 26(3), insert—

“(4) If a certificate is revoked under this regulation, the Director shall notify the supplier and the assisted party in writing and shall include the reasons for such revocation.

(5) It shall be the duty of the supplier to notify, as soon as practicable, instructed counsel in proceedings to which the certificate relates, that the certificate has been revoked.”.

4. In regulation 35(1), for the words “or (hh)” substitute “, (hh) or (ja) to (jc)”.

(a) S.I. 2003/435 (N.I. 10). Article 15 of the 2003 Order was amended by section 6 of, and paragraph 6(16) of Schedule 2 to, the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014

(b) S.I. 2010/976

(c) S.R. 2015 No. 194 (C. 13)

(d) S.R. 2015 No. 195

Sealed with the Official Seal of the Department of Justice on 19th September 2016



Claire Sugden
Minister of Justice

SCHEDULE

Regulation 1(2)

Instrument Revoked

| <i>Title</i> | <i>Registered Number</i> | <i>Regulation Revoked</i> |
|---|--------------------------|---|
| The Legal Advice and Assistance Regulations (Northern Ireland) 1981 | No. 366 | Regulations 3, 8A(1), 17(1) and (2), 17(3)(b)(iv) to (vi), 18 and 19A |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Services (General) Regulations (Northern Ireland) 2015. They make consequential amendments which are linked to the Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 to provide that civil legal services funding for representation (lower courts) under the Access to Justice (Northern Ireland) Order 2003 is available for proceedings:

- under Article 44 or 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989;
- under paragraph 29 or 36 of Schedule 8 to the Terrorism Act 2000;
- under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989;”.
- before the Parole Commissioners for Northern Ireland;
- before the Care Tribunal under Article 11, 12, 42 or 43 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 or regulation 10 of the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007; and
- under Part 13A of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995.

They also impose additional notification obligations on the Director of Legal Aid Casework in circumstances in which a certificate is revoked (regulation 3).

The Regulations come into operation on 11th October 2016.

© Crown copyright 2016

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.25

NI201609202 09/2016 19585

<http://www.legislation.gov.uk/id/nistr/2016/337>

ISBN 978-0-33-800614-1



9 780338 006141