
DRAFT STATUTORY INSTRUMENTS

2003 No.

Access to Justice (Northern Ireland) Order 2003

PART II

NORTHERN IRELAND LEGAL SERVICES COMMISSION

Criminal defence services

Criminal defence services

- 21.**—(1) The Commission shall establish and maintain a fund from which it shall fund—
- (a) advice and assistance in accordance with Article 23, and
 - (b) representation in accordance with Articles 24 and 30,
- and in this Order services which can be so funded are referred to as “criminal defence services”.
- (2) The Lord Chancellor shall pay to the Commission such sums as are required to meet the costs of any criminal defence services funded by the Commission.
- (3) The Lord Chancellor may—
- (a) determine the manner in which and times at which the sums referred to in paragraph (2) shall be paid to the Commission, and
 - (b) impose conditions on the payment of the sums.
- (4) In funding criminal defence services the Commission shall aim to obtain the best possible value for money.
- (5) The Commission shall pay into the fund established under paragraph (1)—
- (a) sums received from the Lord Chancellor under paragraph (2),
 - (b) sums received by the Commission by virtue of an order by a court under Article 31,
 - (c) sums received by the Commission by virtue of an order by a court under section 4 or 6 of the Costs in Criminal Cases Act (Northern Ireland) 1968⁽¹⁾, and
 - (d) such other receipts of the Commission as the Lord Chancellor may, with the concurrence of the Treasury, determine.
- (6) Where the Commission considers that the amount in the fund established under paragraph (1) significantly exceeds the amount which will be paid out before the next payment by the Lord Chancellor under paragraph (2), it shall—
- (a) inform the Lord Chancellor, and
 - (b) if he so directs, pay to the Lord Chancellor so much of the excess as is specified in the direction.

(1) 1968 c. 10. (N.I.)

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, No. 435
