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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**Access to Justice (Northern Ireland) Order 2003**

**PART II**

**NORTHERN IRELAND LEGAL SERVICES COMMISSION**

*Criminal defence services*

**Terms of provision of funded services**

**31.**—(1) An individual for whom criminal defence services are funded by the Commission shall not be required to make any payment in respect of the services except where paragraph (2) applies.

(2) Where representation for an individual in respect of relevant proceedings in any court is funded by the Commission under Article 24, the court may, subject to regulations under paragraph (3), make an order requiring him to pay some or all of the cost of any representation so funded for him (in proceedings in that or any other court, or in any related court-ordered youth conference).

(3) Regulations may make provision about—

- (a) the descriptions of courts by which, and individuals against whom, an order under paragraph (2) may be made,
- (b) the circumstances in which such an order may be made and the principles to be applied in deciding whether to make such an order and the amount to be paid,
- (c) the determination of the cost of representation for the purposes of the making of such an order,
- (d) the furnishing of information and evidence to the court or the Commission for the purpose of enabling the court to decide whether to make such an order and (if so) the amount to be paid,
- (e) prohibiting individuals who are required to furnish information or evidence from dealing with property until they have furnished the information or evidence or until a decision whether to make an order, or the amount to be paid, has been made,
- (f) rights of appeal against such an order,
- (g) the person or body to which, and manner in which, payments required by such an order must be made and what that person or body is to do with them, and
- (h) the enforcement of such an order (including provision for the imposition of charges in respect of unpaid amounts).