
DRAFT STATUTORY INSTRUMENTS

2003 No.

Access to Justice (Northern Ireland) Order 2003

PART II

NORTHERN IRELAND LEGAL SERVICES COMMISSION

Supplementary

Register of persons providing services

36.—(1) Regulations may—

- (a) make provision for the registration by the Commission of persons who are eligible to provide civil legal services or criminal defence services funded by the Commission;
 - (b) provide that only those persons who are registered (“registered persons”) may provide such services; and
 - (c) require registration of firms or organisations with which registered persons are connected.
- (2) Regulations may require the Commission to prepare a code of practice in relation to—
- (a) the conditions to be complied with in order to qualify for registration, and
 - (b) the carrying out by registered persons, and any firm or organisation which is registered in connection with a registered person, of their functions with regard to civil legal services or criminal defence services funded by the Commission.
- (3) Regulations—
- (a) may require registered persons, and any firm or organisation which is registered in connection with a registered person, to comply with any such code of practice;
 - (b) require the Commission or persons authorised by the Commission to monitor compliance with any such code of practice; and
 - (c) may make provision about procedures for cases in which—
 - (i) it appears to the Commission or a person authorised by the Commission that a registered person, or any firm or organisation which is registered in connection with a registered person, may not be complying with any such code of practice, or
 - (ii) a person who holds any judicial office asks the Commission to investigate whether a registered person, or any firm or organisation which is registered in connection with a registered person, is complying with any such code of practice,and the sanctions which may be imposed under this sub-paragraph may include provision for a person, firm or organisation to cease to be registered.
- (4) Regulations under this Article—
- (a) may make provision imposing charges;

- (b) may make provision with respect to the powers of investigation which may be exercised by the Commission, or by persons authorised by the Commission, for the purpose of monitoring compliance with any code of practice prepared under the regulations;
 - (c) may make provision for obstruction of the exercise of powers conferred by virtue of subparagraph (b) to be certified to the High Court in prescribed circumstances, and for any power of the court in relation to contempt of court to be exercisable in relation to such obstruction.
- (5) Before making any regulations under this Article the Lord Chancellor—
- (a) shall consult the Lord Chief Justice, the Law Society and the General Council of the Bar of Northern Ireland, and
 - (b) may undertake such other consultation as appears to him to be appropriate.