
DRAFT STATUTORY INSTRUMENTS

2003 No.

Access to Justice (Northern Ireland) Order 2003

PART II

NORTHERN IRELAND LEGAL SERVICES COMMISSION

Powers of Commission

7.—(1) Subject to the provisions of this Part and Article 41, the Commission may do anything which it considers—

- (a) is necessary or appropriate for, or for facilitating, the discharge of its functions, or
- (b) is incidental or conducive to the discharge of its functions.

(2) In particular, the Commission shall have power—

- (a) to enter into any contract,
- (b) to make grants (with or without conditions),
- (c) to make loans,
- (d) to invest money,
- (e) to promote or assist in the promotion of publicity relating to its functions,
- (f) to undertake any inquiry or investigation which it may consider appropriate in relation to the discharge of any of its functions, and
- (g) to give to the Lord Chancellor any advice which it may consider appropriate in relation to matters concerning any of its functions.

(3) Paragraphs (1) and (2) do not confer on the Commission power to borrow money.

(4) The Commission may make such arrangements as it considers appropriate for the discharge of its functions, including the delegation of any of its functions.

(5) The Lord Chancellor may by order require the Commission—

- (a) to delegate any function specified in the order or to delegate any function so specified to a person (or person of a description) so specified,
- (b) not to delegate any function so specified or not to delegate any function so specified to a person (or person of a description) so specified, or
- (c) to make arrangements such as are specified in the order in relation to the delegation of any function so specified.

(6) In considering any question as to the remuneration of persons or bodies providing civil legal services or criminal defence services (whether in individual cases, or by reference to the provision of such services in specified numbers of cases), the Commission shall have regard, among the matters which are relevant, to—

- (a) the time and skill which the provision of services of the description to which the question relates requires;

- (b) the number and general level of competence of persons providing those services;
- (c) the cost to public funds of the remuneration of persons or bodies providing those services;
and
- (d) the need to secure value for money.

(7) Where the Commission sets fees which are to be paid to persons or bodies in respect of the provision of services by them, nothing in paragraph (6) requires it to have regard to any fee payable, otherwise than in accordance with this Order, in respect of the provision of such services.