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STATUTORY INSTRUMENTS

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**1982 No. 159**

**The Transfer of Functions (Legal Aid and Maintenance Orders) (Northern Ireland) Order 1982**

**Citation and commencement**

1.—(1) This Order may be cited as the Transfer of Functions (Legal Aid and Maintenance Orders) (Northern Ireland) Order 1982.

(2) This Order shall come into operation on 1st April 1982.

**Transfer of legal aid functions**

2.—(1) There are hereby transferred to the Lord Chancellor the functions of the Secretary of State under—

- (a) the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981;
- (b) the Legal Aid (General) Regulations (Northern Ireland) 1965, the Legal Aid Certificates Rules (Northern Ireland) 1966, the Legal Aid (Defence Certificates) Rules (Northern Ireland) 1966 and the Legal Aid (Appeal Aid Certificates) Rules (Northern Ireland) 1966;
- (c) subsection (2) of section 28 of the Criminal Appeal (Northern Ireland) Act 1980 so far as relates to the expenses mentioned in paragraph (a) of that subsection; and
- (d) section 37(3) of that Act.

(2) Any such regulations as are mentioned in Article 17(3) of the Order mentioned in paragraph (1)(a) above shall be made after consultation with the Lord Chief Justice of Northern Ireland instead of with his concurrence; and any such regulations as are mentioned in Article 22(5) (a) of that Order shall be made after consultation with the Northern Ireland Supreme Court Rules Committee instead of with their consent.

(3) The enactments mentioned in the Schedule to this Order shall have effect with the amendments there specified.

(4) In the instruments mentioned in paragraph (1)(b) above any reference which by virtue of the Northern Ireland (Modification of Enactments—No. 1) Order 1973 falls to be construed as a reference to the Secretary of State shall be construed as a reference to the Lord Chancellor.

**Transfer of functions relating to maintenance orders**

3.—(1) There are hereby transferred to the Lord Chancellor the functions of the Secretary of State under the Maintenance Orders (Reciprocal Enforcement) Act 1972 in so far as they relate to any matter concerning a court in Northern Ireland or a person residing or believed to reside there.

(2) Any reference in the said Act of 1972 to the Secretary of State shall, so far as necessary for giving effect to paragraph (1) above, be construed as a reference to the Lord Chancellor.

(3) In paragraphs (1) and (2) above references to the said Act of 1972 include references to that Act as applied by any Order in Council under section 40 of that Act.

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## **Supplementary**

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Secretary of State before the coming into operation of this Order, and anything which at the coming into operation of this Order is in process of being done by or in relation to the Secretary of State may, if it relates to any functions transferred by this Order, be continued by or in relation to the Lord Chancellor.

(2) Anything done by the Secretary of State in connection with any functions transferred by this Order shall, if in force at the coming into operation of this Order, have effect as if done by the Lord Chancellor so far as that is required for continuing its effect after the coming into operation of this Order.

*N.E. Leigh*  
Clerk of the Privy Council