STATUTORY RULES OF NORTHERN IRELAND

2015 No. 203

LEGAL AID AND ADVICE

The Criminal Legal Aid (Disclosure of Information) Rules (Northern Ireland) 2015

Laid before the Assembly in draft

Made - - - -	*26th March 2015*
Coming into operation	*1st April 2015*

The Department of Justice makes the following Rules in exercise of the powers conferred by Articles 36(3) and 38A of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**1**), and now vested in it(**2**).

In accordance with Article 36(3) of that Order, the Department has consulted with the Lord Chief Justice and the Attorney General, and it has obtained the approval of the Department of Finance and Personnel.

In accordance with Article 36(5) and (6) of that Order, a draft of this rule has been laid before and approved by a resolution of the Assembly.

Citation and commencement

1. These Rules may be cited as the Criminal Legal Aid (Disclosure of Information) Rules (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2. In these Rules—

"criminal aid certificate" and "free legal aid" have the respective meanings given under Part 3 of the Order;

"the Department" means the Department of Justice;

"the Director" means the Director of Legal Aid Casework designated by the Department under section 2 of the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014(**3**);

(**1**) S.I. 1981/228 (N.I. 8). Article 38A was inserted by section 6 of, and paragraph 1(6) of Schedule 2 to, the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014. Paragraph 1(4) of Schedule 2 to the 2014 Act also inserted new provisions at Article 36(5) and (6) of the 1981 Order

(**2**) S.I. 1982/159 and S.I. 2010/976

(**3**) 2014 c. 11 (N.I.)

"the Order" means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

Restriction of disclosure of information

3.—(1) This rule applies to information which is furnished—

(a) to the Department or any court, tribunal or other person or body on whom functions are imposed or conferred by or under Part 3 of the Order, and

(b) in connection with the case of a person seeking or receiving representation under a criminal aid certificate.

(2) Information as described in paragraph (1) may be disclosed—

(a) in accordance with the law of Northern Ireland or a court order;

(b) for the purpose of the Department instituting, or otherwise for the purpose of, proceedings before a court;

(c) for the purpose of enabling or assisting the Director to discharge any functions imposed or conferred on the Director by or under Part 3 of the Order;

(d) for the purpose of enabling or assisting the Department to discharge any functions imposed or conferred on it by or under Part 3 of the Order;

(e) for the purpose of enabling or assisting any court, tribunal or other person or body to discharge any functions imposed or conferred by or under Part 3 of the Order;

(f) subject to paragraph (3), for the purpose of the investigation or prosecution of any offence (or suspected offence) under the law of Northern Ireland or any other jurisdiction; or

(g) for the purpose of facilitating the proper performance by any tribunal of disciplinary functions.

(3) The Director and the Department must not disclose any information for the purposes of the investigation or prosecution of an offence (or a suspected offence) under the law of Northern Ireland or any other jurisdiction which—

(a) relates to the defence of a person who has made an application for free legal aid (whether or not a criminal aid certificate is granted to that person); and

(b) may be used for the purposes of the prosecution of that person in that case.

Sealed with the Official Seal of the Department of Justice on 26th March 2015

L.S.

David Ford
Minister of Justice