STATUTORY RULES OF NORTHERN IRELAND

2015 No. 194 (C. 13)

ACCESS TO JUSTICE

The Access to Justice (2003 Order) (Commencement No. 7, Transitional Provisions and Savings) Order (Northern Ireland) 2015

Made - - - - *26th March 2015*

Coming into operation *1st April 2015*

The Department of Justice makes the following Order in exercise of the powers conferred by Articles 1(2) and 48(1) of the Access to Justice (Northern Ireland) Order 2003(**1**), and now vested in it(**2**).

Citation and interpretation

1.—(1) This Order may be cited as the Access to Justice (2003 Order) (Commencement No. 7, Transitional Provisions and Savings) Order (Northern Ireland) 2015.

(2) In this Order—

"advice", "assistance" and "legal aid" have the respective meanings given by Article 27 of the 1981 Order;

"assistance by way of representation" has the meaning given by Article 5(1) of the 1981 Order;

"the Department" means the Department of Justice;

"exceptional legal aid" has the meaning given by Article 10A of the 1981 Order;

"the 1981 Order" means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**3**);

"the 2003 Order" means the Access to Justice (Northern Ireland) Order 2003.

Commencement of provisions in the Access to Justice (Northern Ireland) Order 2003

2. The provisions in the 2003 Order specified in the Schedule to this Order shall come into operation on 1st April 2015.

(**1**) S.I. 2003/435 (N.I. 10)
(**2**) S.I. 2010/976
(**3**) S.I. 1981/228 (N.I. 8)

Transitional provisions and savings

3.—(1) Subject to paragraph (2), nothing in the provisions commenced by this Order shall take effect in relation to any of the following—

(a) except where paragraph (b) applies, advice and assistance under Part 2 of the 1981 Order where the application is signed before 1st April 2015;

(b) assistance by way of representation under Part 2 of the 1981 Order where the application is signed before 1st April 2015 and received by the Department before 1st May 2015;

(c) legal aid under Part 2 of the 1981 Order where the application is signed before 1st April 2015 and received by the Department before 1st May 2015;

(d) exceptional legal aid under Part 2 of the 1981 Order where the application is signed before 1st April 2015 and received by the Department before 1st May 2015;

(e) free legal aid under Part 3 of the 1981 Order in relation to criminal proceedings.

(2) Any reference to the Northern Ireland Legal Services Commission in any statutory provision made, or treated as made, under the 1981 Order, in so far as it remains in operation, shall be construed as a reference to the Department.

(3) Without prejudice to paragraph (1), the repeal of Articles 22 and 27 of the 1981 Order shall not affect the power under that Order to make regulations in relation to any of the services mentioned in paragraph (1)(a) to (d).

Consultation

4. Consultation undertaken by the Department in relation to any remuneration order made under Article 12(3) of the 2003 Order is deemed to be consultation by the Department under Article 47(2) of that Order notwithstanding that at the time of that consultation Article 47(2) was not in operation.

Prohibitory directions

5. With effect from 1st April 2015, any prohibitory direction made under regulation 8 of the Legal Aid (General) Regulations (Northern Ireland) 1965(**4**) shall also have effect as if it had been made in accordance with regulation 30 of the Civil Legal Services (General) Regulations (Northern Ireland) 2015(**5**).

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

L.S.

David Ford
Minister of Justice

(**4**) S.R. & O. 1965 No. 217, which was amended by S.R. 2003 No. 438 and to which there have been other amendments not relevant to this Order
(**5**) S.R. 2015 No. 195

SCHEDULE Article 2

PROVISIONS OF THE ACCESS TO JUSTICE (NORTHERN IRELAND) ORDER 2003 COMING INTO OPERATION ON 1st APRIL 2015

Provisions of the Access to Justice (Northern Ireland) Order 2003	*Subject matter of provision*
Article 6	Planning
Article 7(6) and (7)	Powers of the Department
Article 9	Northern Ireland law and foreign law
Articles 10 to 20A	Civil legal services
Article 32	Restriction of disclosure of information
Article 33	Misrepresentation etc.
Article 34	Position of service providers and other parties etc.
Article 35	Solicitors and barristers
Article 36	Register of persons providing services
Article 47	Remuneration orders
Schedule 2	Civil Legal Services: Excluded Services
Schedule 4, except for paragraphs 6(1) to (3),10(a), 15 and 17	Minor and Consequential Amendments
Schedule 5, the entries in respect of—	Repeals – Extent of repeal
The Solicitors (Northern Ireland) Order 1976	The full entry
The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981	Part 2, to the extent that it remains in operation prior to the making of this Order
The Civil Jurisdiction and Judgments Act 1982	The full entry
The Transfer of Functions (Legal Aid and Maintenance Orders) (Northern Ireland) Order 1982	Paragraphs 1(a) to (h) and (l), 2, 3 and 5
The Representation of the People Act 1983	The full entry
The Child Abduction and Custody Act 1985	The full entry
The Education and Libraries (Northern Ireland) Order 1986	The full entry
The Companies Consolidation (Consequential Provisions) (Northern Ireland) Order 1986	The full entry
The Legal Advice and Assistance (Amendment) (Northern Ireland) Order 1986	The full entry
The Social Security (Northern Ireland) Order 1986	The full entry
The Solicitors (Amendment) (Northern Ireland) Order 1989	The full entry