STATUTORY RULES OF NORTHERN IRELAND

2012 No. 419

LEGAL AID AND ADVICE

The Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 2012

Made - - - -	*22nd November 2012*
Coming into operation	*1st January 2013*

The Department of Justice makes the following Regulations in exercise of the powers conferred by Articles 4, 5, 22 and 27 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**1**), and now vested in it(**2**).

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 1st January 2013.

Interpretation

2. In these Regulations—

"the Commission" means the Northern Ireland Legal Services Commission established under Article 3 of the Access to Justice (Northern Ireland) Order 2003(**3**);

"the principal regulations" means the Legal Advice and Assistance Regulations (Northern Ireland) 1981(**4**).

Amendments to the principal regulations

3. The principal regulations are amended as follows.

4. In regulation 3—

(a) after the definition of "board of visitors", insert—

(**1**) S.I. 1981/228 (N.I. 8); Article 27 is an interpretation provision and is recited because of the meaning assigned to the word "regulations"
(**2**) S.I. 1982/159 and S.I. 2010/976
(**3**) S.I. 2003/435 (N.I. 10)
(**4**) S.R. 1981 No. 366; to which the most recent relevant amendments were made by S.R. 1989 No. 469, S.R. 2004 No. 180 and S.R. 2010 No. 10

""the Care Tribunal" means the Tribunal established under Article 44 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**5**);";

(b) after the definition of "client", insert—

""the Commission" means the Northern Ireland Legal Services Commission established under Article 3 of the Access to Justice (Northern Ireland) Order 2003(**6**);";

(c) after the definition of "Legal Aid Committee", insert—

""the Mental Health Review Tribunal" means the Mental Health Review Tribunal for Northern Ireland constituted under Article 70 of, and Schedule 3 to, the Mental Health (Northern Ireland) Order 1986(**7**);".

5. After regulation 7A, insert—

"**7B.** A person who seeks advice and assistance from a solicitor in respect of proceedings, or potential proceedings, before the Mental Health Review Tribunal shall not be required to pay a contribution under Article 7(2) of the Order towards any charges or fees incurred in respect of the advice and assistance.".

6. In regulation 17(3)(b)—

(a) in head (i), for the words "Mental Health Act (Northern Ireland) 1961 by a solicitor acting on behalf of the person whose application to the Tribunal is or is to be the subject of those proceedings" substitute "Mental Health (Northern Ireland) Order 1986 by a solicitor acting on behalf of the person whose case is or is to be the subject of those proceedings";

(b) omit head (ii);

(c) after the words ""the Prison and Young Offender Centre Rules (Northern Ireland) 1995," in head (vi), there shall be added "or";

(d) after head (vi), insert—

"(vii) in respect of proceedings before the Care Tribunal under Article 11, 12, 42 or 43 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(**8**) or regulation 10 of the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007(**9**),".

7. After regulation 17(3), insert—

"(3A) A person given assistance by way of representation in the circumstances specified in paragraph (3)(b)(i) shall not be required to pay a contribution under Article 7(2) of the Order towards any charges or fees incurred in respect of the assistance by way of representation.".

8. After regulation 22, insert—

"**Interim payment of disbursements**

22A.—(1) A solicitor may submit a claim to the Commission for payment of a disbursement for which he has incurred liability in accordance with the provisions of this regulation.

(**5**) S.I. 2003/431 (N.I. 9)
(**6**) S.I. 2003/435 (N.I. 10)
(**7**) S.I. 1986/595 (N.I. 4)
(**8**) S.I. 2003/417 (N.I. 4)
(**9**) S.R. 2007 No. 288