STATUTORY RULES OF NORTHERN IRELAND

2003 No. 513

LEGAL AID AND ADVICE

The Legal Aid Certificates (Amendment) Rules (Northern Ireland) 2003

Made - - - -	*1st December 2003*
To be laid before Parliament	
Coming into operation	*26th December 2003*

The Lord Chancellor, in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**1**), and now vested in him(**2**), after consultation with the Lord Chief Justice, the Attorney General and the Magistrates' Courts Rules Committee and with the approval of the Treasury, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Aid Certificates (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 26th December 2003.

Interpretation

2. In these Rules "the principal rules" means the Legal Aid Certificates Rules (Northern Ireland) 1966(**3**).

Legal aid certificates

3. In rule 4 of the principal rules –

(1) For paragraph (1) there shall be substituted the following new paragraph –

> "(1) A criminal aid certificate granted under Article 28 of the Order (free legal aid in the magistrates' court) shall be in Form 1 in the Schedule, and a criminal aid certificate granted under Article 28A of the Order (free legal aid for diversionary youth conferences) shall be in Form 2 in the Schedule.";

(2) For paragraph (4) there shall be substituted the following new paragraph –

(**1**) S.I.1981/228 (N.I. 8)
(**2**) S.I. 1982/159
(**3**) S.R. 1966 No. 52

"(4) The clerk of petty sessions shall send a certified copy of the criminal aid certificate granted under Article 28 or Article 28A of the Order, as the case may be, to the Northern Ireland Legal Services Commission and to the solicitor assigned under this rule."; and

(3) After paragraph (4) there shall be added the following new paragraph –

"(5) Any criminal aid certificate which may have been granted to a person under Article 28 of the Order shall cease to have effect upon the granting of a criminal aid certificate to that person under Article 28A of the Order in respect of the same charge or subject-matter.".

Interpretation

4.—(1) Rule 11 of the principal rules (interpretation) shall be amended as follows.

(2) After the definition of "Bar Council" there shall be inserted –

""diversionary youth conference" has the meaning given by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998(**4**);".

(3) After the definition of "Law Society" there shall be added –

""the Order" means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**5**).".

5. The form in the Schedule to the principal rules shall be amended by inserting above the heading "Form of Legal Aid Certificate" the words "Form 1".

6. The form set out in the Schedule shall be inserted in the Schedule to the principal rules.

Signed by authority of the Lord Chancellor

Department for Constitutional Affairs
Dated 1st December 2003

Lord Filkin
Parliamentary Under-Secretary of State,

We approve

Nick Ainger
John Heppell
Two of the Lord's Commissioners of Her Majesty's Treasury

Dated 4th December 2003

(**4**) S.I. 1998/1504 (N.I. 9); Article 10A was inserted by section 58 of the Justice (Northern Ireland) Act 2002 (c. 26)
(**5**) S.I. 1981/228 (N.I. 8)