1989 No. 469

LEGAL AID AND ADVICE

Legal Advice and Assistance (Amendment No. 2) Regulations (Northern Ireland) 1989

Made . . . . . *6th December 1989*

Coming into operation . . *1st January 1990*

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Article 22 and 27 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**a**) and now vested in him(**b**), hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment No. 2) Regulations (Northern Ireland) 1989 and shall come into operation on 1st January 1990.

(2) In these Regulations a regulation referred to by number means the regulation so numbered in the Legal Advice and Assistance Regulations (Northern Ireland) 1981(**c**).

Amendment of principal Regulations

2. In regulation 3—

(*a*) after the definition of "secretary" there shall be inserted the following definition—

" "serious service offence" means any offence under the Army Act 1955, the Air Force Act 1955, or the Naval Discipline Act 1957 which cannot be dealt with summarily or which appears to an interviewing service policeman to be serious;"

(*b*) after the definition of "visiting committee" there shall be inserted the following definition—

" "volunteer" means a person who, for the purpose of assisting with an investigation, attends voluntarily at a police station or at any other place where a constable is present or accompanies a constable to a police station or any such other place without having been arrested.".

(**a**) S.I. 1981/228 (N.I. 8); Article 27 is an interpretation provision and is recited because of the meaning assigned to "regulations"

(**b**) S.I. 1982/159

(**c**) S.R. 1981 No. 366; as amended by S.R. 1984 No. 82. There are other amendments not relevant to these Regulations

3. In regulation 5—

(*a*) in paragraph (1), after ''(Northern Ireland)'' there shall be inserted ''or regulation 7A (provision of advice and assistance at police stations)'';

(*b*) in paragraph (2), after ''the client shall'' there shall be inserted '', except where regulation 7A or regulation 19A applies,''.

4. In regulation 7—

(*a*) in paragraph (1), after ''is made shall'' there shall be inserted '', except where regulation 7A or regulation 19A applies'';

(*b*) in paragraph (3), after ''shall also'' there shall be inserted '', except where regulation 7A or regulation 19A applies;'';

(*c*) in paragraph (4), after ''shall not'' there shall be inserted '', except where regulation 7A applies.''.

5. After regulation 7 there shall be inserted the following new regulation—

''*Provision of advice and assistance at police stations*

7A.—(1) A person who—

(*a*) is arrested and held in custody at a police station or other premises;

(*b*) is being interviewed in connection with a serious service offence; or

(*c*) is a volunteer,

and seeks advice and assistance from a solicitor 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.

(2) An application for advice and assistance in the circumstances specified in paragraph (1) may be made by telephone to the solicitor from whom the advice and assistance is sought.''.

6. In regulation 8—

(*a*) in paragraph (1), after ''a solicitor shall not'' there shall be inserted '', except where paragraph (1A) applies,'';

(*b*) after paragraph (1) there shall be inserted the following new paragraph—

''(1A) A solicitor may accept an application for advice and assistance from a child who—

(*a*) is arrested and held at a police station or other premises; or

(*b*) is being interviewed in connection with a serious service offence; or

(*c*) is a volunteer,

where the solicitor is satisfied that the application cannot reasonably be made by any of the persons specified in paragraph (2)(*a*), (*c*) or (*d*).''.