1983 No. 29

LEGAL AID AND ADVICE

The Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1983

Made . . . . . *28th February 1983*

Coming into operation . . . *11th April 1983*

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred by Articles 5 and 22 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**a**) and now vested in him(**b**), and after consultation with the Lord Chief Justice, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 11th April 1983.

(2) In these regulations "the principal regulations" means the Legal Advice and Assistance Regulations (Northern Ireland) 1981(**c**).

Amendment to the principal regulations

2.—(1) In regulation 16 of the principal regulations the words "in respect of the proceedings specified in schedule 3" shall be omitted.

(2) For paragraph (3) of regulation 17 of the principal regulations there shall be substituted the following paragraph:

"(3) An application for approval shall not be granted unless—

(*a*) it is made in respect of the proceedings specified in Schedule 3 and it is shown that there are reasonable grounds for taking, defending or being a party to the proceedings to which the application relates, or

(*b*) it is made

(i) in respect of proceedings before the Mental Health Review Tribunal for Northern Ireland under the Mental Health Act (Northern Ireland) 1961(**d**) by a solicitor acting on behalf of the person whose application to the Tribunal is or is to be the subject of those proceedings, or

(ii) in respect of a reference made to the Mental Health Review Tribunal for Northern Ireland under section 45 or 54(6) of the Mental Health Act (Northern Ireland) 1961, by a solicitor acting on behalf of the person whose case is or is to be the subject of the reference

and an application may be refused if it appears unreasonable that approval should be granted in the particular circumstances of the case.".

(3) In regulation 20 of the principal regulations after the word "approved" the words "in respect of the proceedings specified in Schedule 3" shall be inserted.

(**a**) S.I. 1981/228 (N.I. 8)
(**b**) S.I. 1982/159
(**c**) S.R. 1981 No. 366
(**d**) 1961 c. 15 (N.I.)