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## STATUTORY INSTRUMENTS

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# 1981 No. 228 (NI 8)

## Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

18th February 1981

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## LEGAL AID, ADVICE AND ASSISTANCE (NORTHERN IRELAND) ORDER 1981

### PART I

#### INTRODUCTORY

1. Title and commencement
2. Interpretation

### PART II

#### LEGAL ADVICE AND ASSISTANCE, AND LEGAL AID OTHER THAN FREE LEGAL AID AVAILABLE UNDER PART III

##### Legal advice and assistance

3. Persons eligible for advice and assistance
4. Scope and general conditions of advice and assistance
5. Representation in proceedings
6. Financial limit on prospective cost of advice and assistance
7. Contributions from persons receiving advice or assistance
8. Payment of charges or fees otherwise than through client's contribution

##### Legal aid

9. Persons eligible for legal aid
10. Scope and general conditions of legal aid
- 10A. Exceptional legal aid
11. Financial conditions of legal aid
12. Contributions from persons receiving legal aid and charge on property recovered

**Changes to legislation:** *Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 04 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

13. Remuneration of persons giving legal aid

Assessment of resources etc.

14. Assessment of disposable capital and income and of maximum contribution

Solicitors and counsel

15. Solicitors and counsel

15A Legal aid not to affect normal rules

Costs of successful unassisted parties

16. Power to award costs out of the legal aid fund

17. Provisions supplementary to Article 16

Administration and finance

18. Functions of Law Society

Art. 19 rep. by 2003 NI 10

20. Accounts and audit

21. Pension rights of employees

Miscellaneous and supplementary

22. Regulations

23. Advisory committees

24. Secrecy

25. Proceedings for misrepresentation etc.

26. Adaptation for purposes of Part II of rights to indemnity

27. Interpretation of Part II and Schedules 1 and 2

PART III

FREE LEGAL AID IN CRIMINAL PROCEEDINGS

28. Free legal aid in the magistrates' court

28A Free legal aid for diversionary youth conferences

29. Free legal aid in the Crown Court

30. Free legal aid on appeal to the county court

31. Resolution of doubts under Articles 28 to 30

32. Statements for purposes of free legal aid

33. Report on means of applicant for free legal aid

33A Order to recover costs of legal aid

34. Free legal aid for children and young persons

35. Further provisions as to issue of certificates

35A Court-ordered youth conferences

36. Expenses of free legal aid and making of rules

36A Assignment of solicitor and counsel

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- 36B Register of solicitors and counsel eligible to be assigned
- 37. Remuneration of solicitors and counsel
- 38. Adaptation for purposes of Part III of rights to indemnity
- 38A Restriction of disclosure of information
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#### PART IV

#### MISCELLANEOUS

- 40. Exemption from stamp duty
- 41. Applications to Crown
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#### SCHEDULES

##### SCHEDULE 1 — PROCEEDINGS FOR WHICH LEGAL AID MAY BE GIVEN UNDER ARTICLE 9

###### PART I — DESCRIPTION OF PROCEEDINGS

- 1. Proceedings in any of the following courts— (a) the House of Lords in the exercise...
- 2. Proceedings before any person to whom a case is referred in whole or in part...
- 2A (1) The following proceedings in the Crown Court under the Proceeds of Crime Act 2002—...
- 2B Proceedings in the Crown Court for the variation or discharge of an order under Article...
- 3. The following proceedings in a court of summary jurisdiction, namely— Sub.#para.(a) rep. by 1995 NI...
- 4. Proceedings in the Restrictive Practices Court under Part III of the Fair Trading Act 1973...  
Para. 5 rep. by 2002 c. 26
- 6. Proceedings in the Lands Tribunal for Northern Ireland.
- 6A Proceedings before the First-tier Tribunal under— (i) Schedule 2 to the Immigration Act 1971; (ii)...
- 6B Proceedings before the Upper Tribunal arising out of proceedings within paragraph 6A.
- 6C Proceedings before the Special Immigration Appeals Commission.
- 7. Proceedings in the Enforcement of Judgments Office in connection with any proceedings mentioned in the...
- 8. Proceedings brought by an individual before a Proscribed Organisations Appeal Commission.

###### PART II — EXCEPTED PROCEEDINGS

- 1. Proceedings in respect of which free legal aid may be given under Part III of...
- 2. Proceedings wholly or partly in respect of— Sub#para. (a) rep. by 1984 NI 14 (b)...
- 3. Proceedings wholly or partly in respect of defamation; but the making of a counterclaim for...
- 4. Relator actions.
- 5. Election petitions under the Representation of the People Act 1983 or the Electoral Law Act...

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6. Proceedings (other than proceedings referred to in paragraph 7 of Part I) for the recovery...
7. Proceedings incidental to any proceedings to which the foregoing paragraphs apply.
8. ....
9. ....

SCHEDULE 2 — REMUNERATION OF PERSONS GIVING LEGAL AID UNDER  
PART II OF THIS ORDER

1. (1) The sums allowed to counsel in connection with proceedings in the House of Lords,...
2. (1) The sums allowed to a solicitor in connection with proceedings in the House of...
3. For the purpose of sub-paragraphs (1) and (2)( a ) of paragraph 1, counsel's fees...
4. Subject to paragraph 3, and to any statutory provision to the contrary, costs shall be...
5. Regulations may provide that for the purposes of this Schedule, instead of costs being taxed...
6. The Lord Chancellor in exercising any power under this Schedule...
7. Orders under this Schedule shall be subject to negative resolution .

— Schedule 3—Amendments

— Schedule 4—Repeals

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- art. 2(3) omitted by [S.I. 2019/375 Sch. para. 5](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/375 revoked (24.11.2020) before it comes into force by S.I. 2020/1342, regs. 1(2), 3(c))
- art. 3(1)(b) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 7(2) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 14(5) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 28(7) words inserted by [2011 c. 24 \(N.I.\) s. 83\(2\)\(b\)](#)
- art. 29(2)(a) applied by [2015 c. 9 \(N.I.\) s. 10\(2\)\(c\)](#)
- art. 29(2)(a) applied by [2015 c. 9 \(N.I.\) s. 11\(2\)\(b\)](#)
- art. 29(2)(a) applied by [2015 c. 9 \(N.I.\) s. 12\(3\)\(b\)\(ii\)](#)
- art. 29(2)(b) applied (with modifications) by S.I. 1981/228 (N.I. 8), art. 29(2A) as inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 3](#)
- art. 31 substituted by [2011 c. 24 \(N.I.\) s. 80\(2\)](#)
- art. 33(1) words substituted by [2011 c. 24 \(N.I.\) s. 80\(3\)](#)
- art. 36(4)-(6) substituted for art. 36(4) by [2011 c. 24 \(N.I.\) s. 80\(4\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Order power to amend conferred by [2011 c. 24 \(N.I.\) Sch. 5 para. 5\(a\)](#)
- Act rev.in pt. by [1996 c. 25 s.79Sch.4 paras.19\(2\)36](#)

**Whole provisions yet to be inserted into this Order (including any effects on those provisions):**

- art. 28(7)(c) inserted by [2011 c. 24 \(N.I.\) s. 83\(2\)\(a\)](#)
- art. 29(2A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 3](#)
- art. 29(2A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 3 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(c\)](#)