
STATUTORY INSTRUMENTS

2003 No. 435 (N.I. 10)

Access to Justice (Northern Ireland) Order 2003

- - - - 27th February 2003

ACCESS TO JUSTICE (NORTHERN IRELAND) ORDER 2003

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. Citation and commencement
2. Interpretation

PART 2

CIVIL LEGAL SERVICES AND CRIMINAL DEFENCE SERVICES

Functions of the Department: general

3. Exercise of functions of the Department under this Part
4. Membership of the Commission
5. Power to replace Commission with two bodies
6. Planning
7. Powers of Commission
8. Guidance
9. Northern Ireland law and foreign law

Civil legal services

10. Civil legal services
11. Funding of civil legal services by Department
12. Services which may be funded
- 12A. Exceptional funding
13. Individuals for whom services may be funded
14. Decisions about provision of funded services
15. Regulations as to procedures for funding decisions
16. Procedure relating to funding code
17. Terms of provision of funded services
18. Costs orders against assisted parties
19. Costs of successful unassisted parties
20. Regulations about costs in funded cases
- 20A. Appeal panels

Changes to legislation: *Access to Justice (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 08 March 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*

Criminal defence services

- 21. Criminal defence services
- 22. Criminal defence services: code of conduct
- 23. Advice and assistance
- 24. Representation
- 25. Individuals to whom right to representation may be granted
- 26. Grant of right to representation by court
- 27. Grant of right to representation by Commission
- 28. Appeals
- 29. Criteria for grant of right to representation
- 30. Selection of representative
- 31. Terms of provision of funded services

Supplementary

- 32. Restriction of disclosure of information
- 33. Misrepresentation etc.
- 34. Position of service providers and other parties etc.
- 35. Solicitors and barristers
- 36. Register of persons providing services

PART III

OTHER FUNDING OF LEGAL SERVICES

Conditional fee and litigation funding agreements

- 37. Interpretation of Part III
- 38. Conditional fee agreements
- 39. Conditional fee agreements: supplementary
- 40. Litigation funding agreements
- 41. Litigation funding agreements: the Commission
- 42. Litigation funding agreements: costs

Costs

- 43. Recovery of insurance premiums by way of costs
- 44. Recovery where body undertakes to meet cost liabilities

PART IV

SUPPLEMENTARY

- 45. Application to Crown
- 46. Orders, regulations and directions
- 47. Remuneration orders
- 48. Transitional provisions and savings
Article 49—Amendments and repeals

SCHEDULES

SCHEDULE 1 — NORTHERN IRELAND LEGAL SERVICES COMMISSION

— Incorporation and status

- 1.
- 2.

Changes to legislation: *Access to Justice (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 08 March 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*

- Tenure of members
- 3.
- 4.
- 5.
- 6.
- Members' interests
- 7.
- 8.
- 9. Remuneration
- 10. Staff
- 11.
- 12. Funding of costs relating to administration etc.
- 13. Proceedings
 - Provision of information
- 14.
- Annual report
- 15.
- Annual plan
- 16.
- Accounts and audit
- 17.
- Instruments
- 18.

SCHEDULE 2 — CIVIL LEGAL SERVICES: EXCLUDED SERVICES

1. The Department may not fund services consisting of the provision ...
2. The Department may not fund services consisting of representation in ...
3. These are the proceedings under the Proceeds of Crime Act ...
4. Subject to paragraph 5, the following services may not be ...
5. Notwithstanding paragraph 4, the making of a counterclaim for defamation ...
6. The Department may not fund services consisting of the provision...

SCHEDULE 3 — TRANSITIONAL PROVISIONS AND SAVINGS

- Interpretation
- 1.
- Rights, obligations and property
- 2.
- The Legal Aid Fund
- 3.
- Part II of the 1981 Order
- 4.
- Part III of the 1981 Order
- 5.
- Commission's annual plan and annual report
- 6.
- Grants and approvals under the 1981 Order
- 7.
- Chief Executive of the Commission
- 8.
- The Commission: transfers of employment
- 9.
- 10.

Changes to legislation: *Access to Justice (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 08 March 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*

- 11.
 - Pensions
- 12.
 - Assistance with functions
- 13.
 - Schedule 4—Amendments
 - Schedule 5—Repeals

Changes to legislation:

Access to Justice (Northern Ireland) Order 2003 is up to date with all changes known to be in force on or before 08 March 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 2 para. 6 words inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 67](#)
- Sch. 3 power to amend conferred by [2011 c. 24 \(N.I.\) Sch. 5 para. 5\(b\)](#)
- Sch. 4 para. 10(a) coming into force by [S.R. 2003/344 art. 4Sch. 2](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 17 coming into force by [S.R. 2003/344 art. 4Sch. 2](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 6(1)(2) coming into force by [S.R. 2003/440 art. 3Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 6(3) coming into force by [S.R. 2005/111 art. 3](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 15 coming into force by [S.R. 2006/27 art. 2](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 1 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 2 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 3 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 4 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 5 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 6(4) coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 7 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 8 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 9 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 11 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 12 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 13 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 14 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 16 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 18 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 10(a) repealed by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(44\)\(d\)Sch. 3 Pt. 1](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 15 repealed by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(44\)\(d\)Sch. 3 Pt. 1](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 6(2)(4) repealed by [S.I. 2003/435 \(N.I.\) art. 49\(2\)Sch. 5](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))

- Sch. 4 para. 2(2) substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(44\)\(a\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 2(5) words inserted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(44\)\(b\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 1(2) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(i\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 1(3)(b) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(i\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 2(3)-(8) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(ii\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 2(5) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(44\)\(b\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 2(10) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(ii\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 3(c) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(iii\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 4 words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(44\)\(c\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 7 words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(iv\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 8 words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(v\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 9(3) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(vi\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 10(b) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(vii\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 11 words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(viii\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 12(3) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(ix\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 13(c) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(x\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 16(b) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(43\)\(a\)para. 6\(43\)\(b\)\(xi\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 4 para. 18 words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(44\)\(e\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 5 coming into force by [S.R. 2003/344 art. 4Sch. 2](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 5 coming into force by [S.R. 2003/440 art. 3Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 5 coming into force by [S.R. 2006/27 art. 3](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 5 coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))

- Sch. 5 coming into force by [S.R. 2015/237 art. 2](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 5 coming into force by [S.R. 2016/199 art. 2\(1\)Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- Sch. 5 words inserted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(45\)](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- art. 2(3) substituted by [S.I. 2019/375 Sch. para. 12](#) (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. 2(3) words inserted in earlier amending provision S.I. 2019/375, Sch. para. 12 by [S.I. 2019/695 reg. 3\(12\)\(l\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/695 revoked (24.11.2020) before it comes into force by S.I. 2020/1342, regs. 1(2), 3(d))
- art. 7(1) words repealed by [2011 c. 24 \(N.I.\) Sch. 8 Pt. 3](#)
- art. 12(2) words repealed by [2011 c. 24 \(N.I.\) Sch. 8 Pt. 3](#)
- art. 21 substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(23\)](#)
- art. 22(1) substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(24\)\(a\)](#)
- art. 22(2) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(24\)\(b\)](#)
- art. 22(2) words inserted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(24\)\(b\)](#)
- art. 22(3)(4) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(24\)\(c\)](#)
- art. 22(5)(6) substituted for art. 22(5)-(8) by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(24\)\(d\)](#)
- art. 23(1)(2) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(25\)\(a\)](#)
- art. 23(3) substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(25\)\(b\)](#)
- art. 23(4) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(25\)\(c\)](#)
- art. 24(1)(2) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(26\)\(a\)](#)
- art. 24(3)(a) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(26\)\(a\)](#)
- art. 24(4) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(26\)\(c\)](#)
- art. 24(6) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(26\)\(c\)](#)
- art. 27 word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(27\)\(a\)](#)
- art. 27(1) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(27\)\(b\)](#)
- art. 29(1) words substituted by [2011 c. 24 \(N.I.\) s. 84\(3\)\(a\)](#)
- art. 29(4) substituted by [2011 c. 24 \(N.I.\) s. 84\(3\)\(b\)](#)
- art. 30 word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(29\)\(a\)](#)
- art. 30(4) words substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(29\)\(b\)](#)
- art. 31 word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(30\)](#)
- art. 39(2)(c) words substituted by [2022 c. 18 \(N.I.\) Sch. 3 para. 66](#)
- art. 41 repealed by [2011 c. 24 \(N.I.\) s. 85Sch. 8 Pt. 3](#)
- art. 41 word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(36\)](#)

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

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

- Sch. 2 para. 2(ic)(id) inserted by [2023 c. 37 s. 56\(8\)](#)
- Sch. 4 para. 10(b)(c) coming into force by [S.R. 2015/194 art. 2Sch.](#) (This amendment is not be applied - relevant text is not available on [legislation.gov.uk](#))
- art. 14(2AA) inserted by [2023 c. 37 s. 56\(7\)](#)
- art. 27A inserted by [2011 c. 24 \(N.I.\) s. 84\(2\)](#)
- art. 27A(1)(2) word substituted by [2014 c. 11 \(N.I.\) Sch. 2 para. 6\(28\)](#)
- art. 46(5A) inserted by [2011 c. 24 \(N.I.\) s. 84\(4\)](#)