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## STATUTORY INSTRUMENTS

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# 2003 No. 435

## Access to Justice (Northern Ireland) Order 2003

### PART I

#### CITATION, COMMENCEMENT AND INTERPRETATION

##### Citation and commencement

- 1.—(1) This Order may be cited as the Access to Justice (Northern Ireland) Order 2003.
- (2) Except as provided by paragraph (3), this Order shall come into operation on such day or days as the Lord Chancellor may by order appoint.
- (3) The following provisions come into operation on the expiration of one month from the date on which this Order is made—
- (a) this Part,
  - (b) Article 45,
  - (c) Article 46(4) to (6), and
  - (d) Article 48(1).

##### Subordinate Legislation Made

**P1** Art. 1(2) power partly exercised: 28.7.2003 and 1.11.2003 appointed for specified provisions by S.R. 2003/344, arts. 2-4, Schs. 1, 2 (as amended by S.R. 2003/439, art. 2); 2.11.2003 appointed for specified provisions by S.R. 2003/440, art. 3, Sch. (with transitional provisions in art. 4); 9.3.2005 appointed for specified provisions by S.R. 2005/111, art. 3 (with savings and transitional provisions in arts. 4-6 and art. 4 revoked by S.R. 2009/312, art. 3); 9.11.2005 appointed for specified provisions by S.R. 2005/503, art. 2; 20.3.2006 appointed for specified provisions by {S.R. 2006/27}, arts. 2, 3

##### Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Northern Ireland Assembly.

(2) In this Order—

“advice” means any oral or written advice—

- (a) on the application of the law to any particular circumstances that have arisen in relation to the individual seeking the advice; and
- (b) as to any steps which that person might appropriately take, having regard to the application of the law to those circumstances;

“assistance” means any assistance (other than advocacy) to any individual in taking any of the steps which an individual might take, including steps with respect to proceedings, having regard to the application of the law to any particular circumstances that have arisen in relation

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to him, whether the assistance is given by taking such steps on his behalf or by assisting him in taking them on his own behalf;

<sup>F2</sup>“child” has the meaning given by Article 2(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;

“civil legal services” has the meaning given by Article 10;

<sup>F3</sup>  
...

“court-ordered youth conference” has the meaning given by Article 33A(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998;

“criminal defence services” has the meaning given by Article 21(1);

[<sup>F4</sup>“the Department” means the Department of Justice;

“the Director” means the Director of Legal Aid Casework designated under section 2 of the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014;]

“diversionary youth conference” has the meaning given by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;

“the Law Society” means the Law Society of Northern Ireland;

<sup>F5</sup>“magistrates' court” has the meaning assigned to that expression by Article 2(2)(b) of the Magistrates' Courts (Northern Ireland) Order 1981;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Lord Chancellor;

“relevant proceedings” has the meaning given by Article 25;

“representation” means representation for the purposes of proceedings and includes—

- (a) all such assistance as is usually given by a solicitor or counsel in the steps preliminary or incidental to any proceedings;
- (b) in the case of civil proceedings, all such assistance as is usually so given in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings;

“solicitor” means a solicitor of the [<sup>F6</sup>Court of Judicature];

<sup>F7</sup>“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“tribunal” includes an inquiry or proceedings before an arbitrator or umpire, however appointed, whether such inquiry or proceedings take place under a reference by consent or otherwise.

[<sup>F8</sup>(3) References to counsel and solicitors shall be construed in accordance with—

- (a) article 10 of the European Communities (Services of Lawyers) Order 1978 as it has effect by virtue of regulation 5 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020; and
- (b) regulation 14 of the European Communities (Lawyer’s Practice) Regulations 2000 as it has effect by virtue of regulation 6 of the Services of Lawyers and Lawyer’s Practice (Revocation etc.) (EU Exit) Regulations 2020.]

**F1** 1954 c. 33 (NI)

**F2** 1998 NI 9

**F3** Words in art. 2(2) repealed (1.4.2015) by [Legal Aid and Coroners’ Courts Act \(Northern Ireland\) 2014](#) (c. 11), s. 12(1), Sch. 2 para. 6(2), **Sch. 3 Pt. 1** (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(e)(f)

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- F4** Words in art. 2(2) inserted (18.11.2014) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), s. 12(2)(d)(i), **Sch. 2 para. 6(1)** (with ss. 2(3), 9, Sch. 1 para. 3(3))
- F5** 1981 NI 26
- F6** Words in Order substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(b)(d)**
- F7** 1954 c. 33 (NI)
- F8** Art. 2(3) substituted (31.12.2020) by The Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020 (S.I. 2020/1342), reg. 1(1), **Sch. para. 11** (with Sch. para. 13)

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**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\(4\)](#)