
STATUTORY INSTRUMENTS

2003 No. 435

Access to Justice (Northern Ireland) Order 2003

PART IV

SUPPLEMENTARY

Application to Crown

45. This Order binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

Orders, regulations and directions

46.—^{F1}(1)

^{F1}(2)

^{F1}(3)

(4) Any order or regulations made by the Lord Chancellor under this Order may contain such incidental, supplemental, consequential, saving or transitional provisions as the Lord Chancellor thinks fit; and, without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954^{F2}, any power conferred by this Order to make regulations or orders includes power to make different provision for different areas.

(5) No order shall be made under Article [^{F3}10(2)] , 29(3) or 38(3) and no regulations shall be made under Article 12(6), 18(1), 20(2)(b) or (d), [^{F4}20A,] 28, 30(2)(a) or (5), 32(1), 36 or 39(3) unless a draft of the order or regulations has been laid before, and approved by resolution of, [^{F5}the Assembly].

(6) Any other order or regulations [^{F6}made by the Department] under this Order, other than an order under Article 1(2) or 48 ^{F7}..., shall be subject to [^{F8} negative resolution].

F1 Art. 46(1)-(3) repealed (1.4.2015) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014](#) (c. 11), s. 12(1), [Sch. 2 para. 6\(37\)\(a\)](#), [Sch. 3 Pt. 1](#) (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(e)(f)

F2 1954 c. 33 (NI)

F3 Word in art. 46(5) substituted (1.4.2015) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014](#) (c. 11), s. 12(1), [Sch. 2 para. 6\(37\)\(b\)](#) (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(e)

F4 Word in art. 46(5) inserted (1.4.2015) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014](#) (c. 11), s. 12(1), [Sch. 2 para. 6\(37\)\(b\)](#) (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, [art. 2\(e\)](#)

F5 Words in art. 46(5) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010](#) (S.I. 2010/976), arts. 1(2), 15(5), [Sch. 18 para. 157](#) (with arts. 28-31); S.I. 2010/977, [art. 1\(2\)](#)

F6 Words in art. 46(6) inserted (18.11.2014) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014](#) (c. 11), s. 12(2)(d)(iv), [Sch. 2 para. 6\(37\)\(c\)](#) (with ss. 2(3), 9, Sch. 1 para. 3(3))

Changes to legislation: Access to Justice (Northern Ireland) Order 2003, PART IV is up to date with all changes known to be in force on or before 04 April 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

- F7** Words in art. 46(6) repealed (18.11.2014) by [Legal Aid and Coroners’ Courts Act \(Northern Ireland\) 2014 \(c. 11\), s. 12\(2\)\(d\)\(iv\), Sch. 2 para. 6\(37\)\(c\), Sch. 3 Pt. 1](#) (with ss. 2(3), 9, Sch. 1 para. 3(3))
- F8** Words in art. 46(6) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(5\), Sch. 18 para. 159](#) (with arts. 28-31); [S.I. 2010/977, art. 1\(2\)](#)

Remuneration orders

47.—(1) When making any remuneration order the Lord Chancellor shall have regard, among the matters which are relevant, to—

- (a) the time and skill which the provision of services of the description to which the order relates requires;
- (b) the number and general level of competence of persons providing those services;
- (c) the cost to public funds of any provision made by the regulations; and
- (d) the need to secure value for money.

(2) Before making any remuneration order, the Lord Chancellor—

- (a) shall consult the Lord Chief Justice, the Law Society, the General Council of the Bar of Northern Ireland and, if the remuneration order relates to criminal defence services, the Director of Public Prosecutions, and
- (b) may undertake such other consultation as appears to him to be appropriate.

(3) When the Lord Chancellor is making provision in a remuneration order which prescribes fees which are to be paid to persons or bodies in respect of the provision of services by them, nothing in paragraph (1) requires him to have regard to any fee payable, otherwise than in accordance with a remuneration order, in respect of the provision of such services.

(4) In paragraphs (1) to (3) “remuneration order” means an order under Article 12(3), 23(3) or 24(3) which relates to the payment by the [F9Department] of remuneration—

- (a) for the provision of services by persons or bodies in individual cases, or
- (b) by reference to the provision of services by persons or bodies in specified numbers of cases.

(5) Until the Attorney General is a person appointed under section 22(2) of the Justice (Northern Ireland) Act 2002^{F10}, the reference in paragraph (2) to the Director of Public Prosecutions shall be construed as a reference to the Attorney General.

- F9** Word in [art. 47\(4\)](#) substituted (18.11.2014) by [Legal Aid and Coroners’ Courts Act \(Northern Ireland\) 2014 \(c. 11\), s. 12\(2\)\(d\)\(v\), Sch. 2 para. 6\(38\)](#) (with ss. 2(3), 9, Sch. 1 para. 3(3)) (but this amendment cannot take effect until the commencement of S.I. 2003/435, art. 47)
- F10** [2002 c. 26](#)

Commencement Information

- II** [Art. 47](#) in operation at 1.4.2015 by [S.R. 2015/194, art. 2, Sch.](#) (with [art. 3](#))

Transitional provisions and savings

48.—(1) The Lord Chancellor may by order make such transitional provisions and savings as he considers appropriate in connection with the coming into operation of any provision of this Order.

- ^{F11}(2)
- ^{F11}(3)

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F11 Art. 48(2)(3) repealed (1.4.2015) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), s. 12(1), Sch. 2 para. 6(39), **Sch. 3 Pt. 1** (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(e)(f)

Article 49—Amendments and repeals

Changes to legislation:

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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\(4\)](#)