

2009 No. 312 (C. 21)

ACCESS TO JUSTICE

**The Access to Justice (Northern Ireland) Order 2003
(Commencement No. 6) Order (Northern Ireland) 2009**

Made - - - - - *28th August 2009*

Coming into operation - *29th August 2009*

The Lord Chancellor makes this Order in exercise of the powers conferred by Articles 1(2) and 48(1) of the Access to Justice (Northern Ireland) Order 2003(a).

Citation and commencement

1. This Order may be cited as the Access to Justice (Northern Ireland) Order 2003 (Commencement No. 6) Order (Northern Ireland) 2009 and shall come into operation on 29th August 2009.

Interpretation

2. In this Order—

“the Commencement No. 3 Order” means the Access to Justice (Northern Ireland) Order 2003 (Commencement No. 3, Transitional Provisions and Savings) Order (Northern Ireland) 2003 (b);

“the 1981 Order” means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (c).

Revocation

3. Article 4 of the Commencement No. 3 Order shall be revoked.

Savings

4. Nothing in the provision commenced by the Commencement No. 3 Order shall have effect in relation to any work carried out under a criminal aid certificate granted under Article 28, 28A or 30 of the 1981 Order before 30th September 2009.

5. For the avoidance of doubt, any rules made under Article 36(3) of the 1981 Order before the coming into operation of this Order shall remain in force notwithstanding the making of this Order.

(a) S.I. 2003/435 (N.I. 10)
(b) S.R. 2003 No. 111 (C. 10)
(c) S.I. 1981/228 (N.I. 8)

Signed by authority of the Lord Chancellor

Dated 28th August 2009

Bridget Prentice
Parliamentary Under-Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Commencement Order, which is the sixth to be made under the Access to Justice (Northern Ireland) Order 2003, relates to the coming into operation of paragraph 6(3) of Schedule 4 to the 2003 Order. The transitional provision relating to the commencement of that provision on 9th March 2005 is revoked.

The effect of the revocation is that the amendment made to Article 37 (remuneration of solicitors and counsel) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 now applies in respect of the amounts payable for all proceedings under Part III (free legal aid in criminal proceedings) of the 1981 Order. That is, the fair remuneration principle has been replaced with the value for money test in respect of all such proceedings.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision of Order</i>	<i>Date of Commencement</i>	<i>Statutory Rule Number</i>
Article 3(1) and (4) partially	28th July 2003	S.R. 2003 No. 344
Article 4	28th July 2003	
Article 48(2) and (3) partially	28th July 2003	
Schedule 1, paragraphs 1 to 11, 13 and 14	28th July 2003	
Schedule 3, paragraphs 8 to 11	28th July 2003	
Article 3(1), (2), (3) and (4)	1st November 2003	
Article 7(1) to (5)	1st November 2003	
Article 8	1st November 2003	
Article 46(1) and (3)	1st November 2003	(As amended by S.R. 2003 No. 439)
Article 48(2) and (3)	1st November 2003	
Schedule 49(1) and (2) partially	1st November 2003	
Schedule 1, paragraphs 12(1)(b) and (2) and paragraphs 15 to 18	1st November 2003	
Schedule 3, paragraphs 1 to 7, 12 and 13	1st November 2003	
Schedule 4, paragraphs 10(a) and 17	1st November 2003	
Schedule 5 partially	1st November 2003	
Article 12(8) to (11)	2nd November 2003	S.R. 2003 No. 440
Article 49(1) and (2) partially	2nd November 2003	
Schedule 4, paragraphs 6(1) and (2)	2nd November 2003	
Schedule 5 partially	2nd November 2003	
Schedule 4, paragraphs 6(3)	9th March 2005	S.R. 2005 No. 111
Article 46(2)	9th November 2005	S.R. 2005 No. 503
Schedule 4, paragraph 15	20th March 2006	S.R. 2006 No. 27
Schedule 5 partially	20th March 2006	

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