

EXPLANATORY MEMORANDUM TO

The Access to Justice (Membership of the Northern Ireland Legal Services Commission) Order (Northern Ireland) 2013

SR 2013 No.214

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the above Statutory Rule, which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under the Access to Justice (Northern Ireland) Order 2003 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 This Statutory Rule provides for a reduction in the prescribed number of members of the Northern Ireland Legal Services Commission (“the Commission”).

3. Background

- 3.1 The Access to Justice (Northern Ireland) Order 2003 (“the 2003 Order”) established the Commission as a body corporate with responsibility for administering legal aid in Northern Ireland. Article 4(1) of the Order provides that the Commission shall consist of a member who is to chair it, and not fewer than six, nor more than ten, other members. Furthermore, Article 4(1) provides that the Department may by order amend the number or numbers making up the Board of the Commission as it thinks appropriate.
- 3.2 In 2010 / 11 the Department carried out a review on the provision of legal aid in Northern Ireland. A central recommendation from that *Access to Justice Review* was a proposal that the Commission’s status be changed from an executive non-departmental public body to become an agency within the Department. The Minister of Justice has accepted that recommendation.
- 3.3 Pending the necessary amendment by primary legislation to change the Commission’s status, by way of an interim arrangement, the composition of the Board is being changed – so that, with effect from 1 September 2013, it will be made up of a chair together with up to three prescribed members and three new independent Board members (“IBMs”). The IBMs will not count for the purposes of the statutory description of the Commission contained in Article 4(1) of the 2003 Order.

- 3.4 This Statutory Rule provides that the membership of the commission shall consist of a chair together with not fewer than one, and not more than three, other members.

4. Consultation

- 4.1 In April 2013 the Department published a consultation document together with draft rule. In addition to that targeted consultation exercise, the Department consulted the Committee for Justice in the Northern Ireland Assembly.

5. Equality Impact

- 5.1 An initial equality screening exercise indicated that a full equality impact assessment ("EQIA") of the options was not necessary. However, the Department chose not to screen the options out at that stage, as information on the equality categories was not readily available. Instead, the Department issued an EQIA consultation document in an effort to obtain further information.
- 5.2 A further equality screening exercise was carried out at the end of the consultation, and the policy was screened out. A full EQIA was therefore considered unnecessary

6. Regulatory Impact

- 6.1 This Rule will not impact on business, the voluntary sector or the environment. Therefore, a Regulatory Impact assessment was not required.

7. Financial Implications

- 7.1 The change in the membership of the Commission will produce savings, calculated on an annual basis, at £45,000.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Department considers the Rule to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 Not applicable.

10. Parity or Replicatory Measure

- 10.1 Not applicable.

11. Additional Information

- 11.1 Not applicable.