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DRAFT STATUTORY INSTRUMENTS

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**2002 No.**

**Access to Justice (Northern Ireland) Order 2002**

**PART II**

**NORTHERN IRELAND LEGAL SERVICES COMMISSION**

*Supplementary*

**Solicitors and barristers**

**36.**—(1) The Commission shall not fund any civil legal services or criminal defence services provided by a solicitor who is for the time being prohibited from providing such services by an order under Article 51B(1) or (3) of the Solicitors (Northern Ireland) Order 1976<sup>(1)</sup>.

(2) The Commission shall not fund any civil legal services or criminal defence services provided by a barrister if it determines that, arising out of his conduct when providing or selected to provide such services or his professional conduct generally, there is good reason for refusing, temporarily or permanently, to fund such services provided by him.

(3) Where a barrister is aggrieved by any determination of the Commission under paragraph (2), he may appeal against the decision to the High Court, and the High Court (whose decision shall be final) may confirm or quash the decision appealed against or may substitute such decision as the court thinks fit.

(4) Any right conferred on an individual by virtue of this Part to select a person to provide civil legal services or criminal defence services for him shall not prejudice the law and practice relating to the conduct of proceedings by a solicitor or barrister or the circumstances in which a solicitor or counsel may refuse or give up a case or entrust it to another.