



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 5

#### MISCELLANEOUS

##### *Legal aid*

#### **76 Exceptional legal aid**

After Article 10 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8)) insert—

##### **“10A Exceptional legal aid**

- (1) The Lord Chancellor may by direction require that legal aid is to be available in connection with excluded proceedings—
  - (a) in circumstances specified in the direction; or
  - (b) if the Legal Aid Committee requests him to do so, in an individual case so specified.
- (2) For the purposes of paragraph (1) “excluded proceedings” means proceedings before a court or tribunal which are not—
  - (a) proceedings of a description mentioned in Part 1 of Schedule 1;
  - (b) proceedings for the purposes of which free legal aid may be given under Part 3; or
  - (c) proceedings in relation to which assistance by way of representation may be approved under Article 5.
- (3) Legal aid under a direction under paragraph (1) shall consist of such representation, on the terms provided for by the direction, by a solicitor or by counsel (or by both) as is specified in the direction.
- (4) In paragraph (3) “representation” includes all such assistance as is usually given by a solicitor or counsel in—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the steps preliminary or incidental to proceedings; or
  - (b) arriving at or giving effect to a compromise to avoid or bring an end to proceedings.
- (5) A direction under paragraph (1) may make provision about financial matters relating to legal aid under the direction (including, in particular, provision about eligibility, contributions, charges, remuneration and costs).
- (6) Articles 10(3) to (5A), 11, 12, 13, 16 and 17 and Schedule 2 do not apply to legal aid under a direction under paragraph (1), unless they are applied (with or without modifications) by the provisions of the direction.
- (7) A direction under paragraph (1) may be varied or revoked.
- (8) The Lord Chancellor must either—
- (a) publish; or
  - (b) require the Legal Aid Committee to publish,
- directions under paragraph (1)(a) and directions varying or revoking such directions.
- (9) The Lord Chancellor or the Legal Aid Committee may publish a direction under paragraph (1)(b), or a direction varying or revoking such a direction, if he or it considers it appropriate to do so.”

## 77 Proceedings before coroner

In Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 ([S.I. 1981/228 \(N.I. 8\)](#)) (which specifies the proceedings for which legal aid may be given under Article 9 of that Order), omit paragraph 5 (which specifies proceedings before a coroner but which has not been brought into force).