



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *Legal aid*

#### **184 Grant of free legal aid: Northern Ireland**

- (1) The appropriate judge may grant free legal aid to a person in connection with proceedings under Part 1 or Part 2 before the judge or the High Court.
- (2) A judge of the High Court may grant free legal aid to a person in connection with proceedings under Part 1 or Part 2 before the High Court or the [<sup>F1</sup>Supreme Court].
- (3) If the appropriate judge refuses to grant free legal aid under subsection (1) in connection with proceedings before the High Court the person may appeal to the High Court against the judge's decision.
- (4) A judge of the High Court may grant free legal aid to a person in connection with proceedings on an appeal under subsection (3).
- (5) Free legal aid may be granted to a person under subsection (1), (2) or (4) only if it appears to the judge that—
  - (a) the person's means are insufficient to enable him to obtain legal aid, and
  - (b) it is desirable in the interests of justice that the person should be granted free legal aid.
- (6) On an appeal under subsection (3) the High Court may—
  - (a) allow the appeal;
  - (b) dismiss the appeal.
- (7) The High Court may allow an appeal under subsection (3) only if it appears to the High Court that—
  - (a) the person's means are insufficient to enable him to obtain legal aid, and

---

**Changes to legislation:** *Extradition Act 2003, Section 184 is up to date with all changes known to be in force on or before 12 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*

---

- (b) it is desirable in the interests of justice that the person should be granted free legal aid.
- (8) If the High Court allows an appeal under subsection (3) it must grant free legal aid to the person in connection with the proceedings under Part 1 or Part 2 before it.
- (9) If on a question of granting free legal aid under this section or of allowing an appeal under subsection (3) there is a doubt as to whether—
- (a) the person’s means are insufficient to enable him to obtain legal aid, or
  - (b) it is desirable in the interests of justice that the person should be granted free legal aid,
- the doubt must be resolved in favour of granting him free legal aid.
- (10) References in this section to granting free legal aid to a person are to assigning to him—
- (a) a solicitor and counsel, or
  - (b) a solicitor only, or
  - (c) counsel only.

#### **Textual Amendments**

- F1** Words in s. 184 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(n\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

#### **Modifications etc. (not altering text)**

- C1** S. 184: power to amend conferred (1.9.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), [ss. 90\(2\)\(d\)](#), 111(3); [S.R. 2012/214](#), [art. 4](#)

#### **Commencement Information**

- I1** Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) [art. 2\(2\)](#) and [S.I. 2003/3312](#) [art. 2\(2\)](#))

**Changes to legislation:**

Extradition Act 2003, Section 184 is up to date with all changes known to be in force on or before 12 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 184 repealed by [S.I. 2005/1965 \(N.I.\) Sch. 2](#)