

2015 No. 237 (C. 17)

ACCESS TO JUSTICE

**The Access to Justice (2003 Order) (Commencement No. 8)
Order (Northern Ireland) 2015**

Made - - - - - *30th April 2015*

Coming into operation - *1st May 2015*

The Department of Justice makes the following Order in exercise of the powers conferred by Articles 1(2) and 48(1) of the Access to Justice (Northern Ireland) Order 2003(a), and now vested in it(b).

Citation and interpretation

1.—(1) This Order may be cited as the Access to Justice (2003 Order) (Commencement No. 8) Order (Northern Ireland) 2015.

(2) In this Order—

“the 1980 Act” means the Criminal Appeal (Northern Ireland) Act 1980(c);

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

“the 2003 Act” means the Criminal Justice Act 2003(e).

Commencement of provisions in the Access to Justice (Northern Ireland) Order 2003

2.—(1) Subject to paragraph (2), the provisions in the Access to Justice (Northern Ireland) Order 2003 specified in Schedule 1 to this Order shall come into operation on 1st May 2015.

(2) The commencement of the provisions specified in Schedule 1 has effect only in respect of the grant by the Court of Appeal of a right to representation for the proceedings specified in Schedule 2 to this Order.

(a) S.I. 2003/435 (N.I. 10)
(b) S.I. 2010/976
(c) 1980 c. 47
(d) S.I. 1981/228 (N.I. 8)
(e) 2003 c. 44

3. Nothing in the provisions commenced by this Order shall take effect in relation to free legal aid in criminal proceedings under Part 3 of the 1981 Order.

Sealed with the Official Seal of the Department of Justice on 30th April 2015



David Ford
Minister of Justice

SCHEDULE 1

Article 2(1)

PROVISIONS OF THE ACCESS TO JUSTICE (NORTHERN IRELAND) ORDER 2003 COMING INTO OPERATION ON 1st MAY 2015

<i>Provisions of the Access to Justice (Northern Ireland) Order 2003</i>	<i>Subject matter of provision</i>
Article 21(1)(b) and (2)	Funding of criminal defence services by Department
Article 24(1) and (3) to (5)	Representation
Articles 25(1)(a) and (b), (2)(b)(i) and (e) and (f)	Individuals to whom right to representation may be granted
Article 26(1) and (8)	Grant of representation by court
Article 29	Criteria for grant of right to representation
Article 30(1)	Selection of representative
Schedule 5, the entries in respect of—	Repeals – Extent of repeal
The Criminal Appeal (Northern Ireland) Act 1980	Sections 19 and 37, and paragraph 1 in Schedule 1

SCHEDULE 2

Article 2(2)

PROCEEDINGS IN WHICH A RIGHT TO REPRESENTATION MAY BE GRANTED BY THE COURT OF APPEAL

1. An appeal under Part 1, Part 2 or section 47A of the 1980 Act.
2. An appeal under section 18A of the Domestic Violence, Crime and Victims Act 2004(a).
3. An appeal under Article 8(11) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(b).
4. An appeal under section 47 of the 2003 Act.
5. Any other appeal to the Court of Appeal under any Northern Ireland legislation (whenever passed or made) from proceedings before the Crown Court.
6. An application for leave in relation to an appeal mentioned in paragraphs 1 to 5.
7. An application made in relation to an acquitted person under section 76 of the 2003 Act.
8. The case of an appellant who is to be retried by virtue of an order under section 6 of the 1980 Act.

(a) 2004 c. 28

(b) S.I. 1988/1846 (N.I. 16)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1st May 2015 certain provisions of the Access to Justice (Northern Ireland) Order 2003 regarding criminal defence services.

The provisions are commenced only in respect of appeals, including applications for leave to appeal, brought under Part 1 (appeal to the Court of Appeal from the Crown Court) and Part 2 (appeal to the Supreme Court from the Court of Appeal) of the Criminal Appeal (Northern Ireland) Act 1980, and the other proceedings specified in Schedule 2 to this Order. There are also consequential repeals of legal aid provisions in the 1980 Act.

Free legal aid in respect of criminal proceedings for cases up to and including the Crown Court will continue to be funded under Part 3 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision of the Access to Justice (Northern Ireland) Order</i>	<i>Date of Commencement</i>	<i>Statutory Number</i>	<i>Rule</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 and 29 August 2009	S.R. 2005 No. 111, as amended by S.R. 2009 No. 312	
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	
Article 6	1st April 2015	S.R. 2015 No. 194
Article 7(6) and (7)	1st April 2015	
Article 9	1st April 2015	
Articles 10 to 20A	1st April 2015	
Articles 32 to 36	1st April 2015	
Article 47	1st April 2015	
Schedule 2	1st April 2015	
Schedule 4 partially	1st April 2015	
Schedule 5 partially	1st April 2015	

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