

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Provisions in the Act that extend to Northern Ireland

55. The following provisions extending to Northern Ireland relate to excepted matters:
- Schedule 8 amends the Court Martial Appeals Act 1968 and aligns the availability of legal costs under that Act with the availability of legal costs in criminal proceedings in England and Wales under the Prosecution of Offences Act 1985, as amended by the Act.
 - Section 140 relates to immigration and nationality proceedings. It amends the UK Borders Act 2007 to exclude immigration or nationality decision making, including initial decisions and any subsequent proceedings, from the operation of the Rehabilitation of Offenders Act 1974.
56. The following provisions extending to Northern Ireland relate to transferred matters:
- Section 22 enables the Director of Legal Aid Casework and others to obtain access to benefits information from the Department for Social Development in Northern Ireland and the Department of Finance and Personnel in Northern Ireland for the purpose of assessing individual financial eligibility for criminal and civil legal aid.
 - Section 33 restricts the circumstances in which information provided under section 22 can be disclosed, including providing a criminal offence for disclosure in contravention of section 33.
 - Section 40 and Schedule 6 make provision about sharing benefits information in relation to checking a person's financial eligibility for legal aid in Northern Ireland in two ways. First, they allow the chief executive of the Northern Ireland Legal Aid Commission (or other prescribed person) to request information from the Secretary of State and the Commissioners for Her Majesty's Revenue and Customs. Second, they allow the chief executive of the Northern Ireland Legal Aid Commission (or other prescribed person) to request information from the Department for Social Development in Northern Ireland and the Department of Finance and Personnel in Northern Ireland.
57. As these provisions relate to devolved matters, they required the consent of the Northern Ireland Assembly through a legislative consent motion. This was agreed to on 17 October 2011.