STATUTORY RULES OF NORTHERN IRELAND

2019 No. 203

ACCESS TO JUSTICE

The Civil Legal Services (Financial) (Amendment No. 2) Regulations (Northern Ireland) 2019

Made - - - -	*17th October 2019*
Coming into operation -	*2nd December 2019*

The Department of Justice makes the following Regulations in exercise of the powers conferred by Article 13 of the Access to Justice (Northern Ireland) Order 2003(**a**) and now vested in it.(**b**)

Citation and commencement

1. These Regulations may be cited as the Civil Legal Services (Financial) (Amendment No. 2) Regulations (Northern Ireland) 2019 and shall come into operation on 2 December 2019.

Amendment to the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015

2. The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015(**c**) are amended as follows.

3. For Regulation 4(1)(c) substitute: —

"(c) advice and assistance in potential proceedings or representation in proceedings or potential proceedings before the Review Tribunal under—

(i) the Mental Health (Northern Ireland) Order 1986(**d**); or

(ii) sections 45, 47 or 48 of the Mental Capacity Act (Northern Ireland) 2016(**e**) in relation to an authorisation of detention amounting to a deprivation of liberty;

where the client's case or application to the Tribunal is, or is to be, the subject of the proceedings;

(ca) advice and assistance in potential proceedings or representation in proceedings or potential proceedings before the Review Tribunal under the Mental Capacity Act (Northern Ireland) 2016 under—

(i) Section 80 where the client is the person to whom the application relates; and

(ii) Section 83(2) where the client's case or application to the Tribunal is, or is to be, subject of the proceedings;"

(**a**) S.I. 2003/435 (N.I. 10). Article 13 of the Access to Justice (Northern Ireland) Order 2003 was amended by section 6 of, and paragraph 6(14) of Schedule 2 to the Legal Aid and Coroners' Court Act (Northern Ireland) 2014 - 2014 c. 11(N.I.)
(**b**) S.I. 2010/976
(**c**) S.R. 2015/196 which was amended by S.R. 2019 No. 14.
(**d**) S.I. 1986 No. 595 (N.I. 4)
(**e**) 2016 c. 18 (N.I.).

Sealed with the Official Seal of the Department of Justice on 17 October 2019.



Peter May
A senior officer of the Department of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 ("the Financial Regulations 2015"). The purpose of these amending Regulations is to exempt certain applications for advice and assistance in potential proceedings or representation in certain proceedings or potential proceedings before the Review Panel, under the Mental Capacity Act (Northern Ireland) 2016, from financial eligibility assessments.

Regulation 2 substitutes regulation 4(1)(c) of the Financial Regulations 2015. The substituted regulation 4(1)(c) now refers to the Review Tribunal in place of the Mental Health Review Tribunal for Northern Ireland.

It adds applications to the Review Tribunal under section 45, references to the Tribunal under sections 47 and 48, applications to the Tribunal for the appointment of a nominated person where the client is the person to whom the application relates under section 80 and applications to the Tribunal for revocation of a Tribunal's appointment where the client regains capacity under section 83(2), of the Mental Capacity Act (Northern Ireland) 2016, to the list of civil legal services that are available without reference to a client's financial resources.

The Regulations come into operation on 2 December 2019.

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