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HOUSE OF LORDS,
LONDON SW1A 0PW

PRIME MINISTER

LEGAL AID REFORMS IN NORTHERN IRELAND

As you know at the Law Society's Annual General Meeting on 18 October 1997 I announced my approach to the inter-related issues of taking control of the cost of legal aid and modernising the civil justice system. While the specific proposals contained in my speech relate exclusively to England and Wales, the underpinning objectives of bringing legal aid expenditure under control and enhancing access to a reformed civil justice system also holds good for Northern Ireland.

I am addressing the modernisation of the civil justice system in Northern Ireland through the establishment of a Civil Justice Reform Working Group which will initiate, in Northern Ireland, a similar exercise to Lord Woolf's inquiry in this jurisdiction. I also propose to turn my attention to legal aid reform in Northern Ireland by asking my officials in the Northern Ireland Court Service to conduct a review into the provision and administration of legal aid in that jurisdiction. The Secretary of State for Northern Ireland has confirmed that she is content for such a review to take place.

In Northern Ireland the Law Society continues to be responsible for the administration of legal aid. It is also involved in obtaining the best terms for its members, which includes levels of remuneration from the legal aid fund. In light of the Law Society's dual roles as gatekeeper to the fund and representative body of those remunerated from the fund I am not persuaded that it would be appropriate to graft my proposals for reform of the provision of legal aid in England and Wales onto the existing arrangements in Northern Ireland for the administration of legal aid.

In considering my proposals to instigate a review of legal aid in Northern Ireland you will wish to note the following issues:

- at present responsibility for administering civil legal aid is vested in the Law Society of Northern Ireland and not a Legal Aid Board which has been the case in England and Wales since 1988 and Scotland since 1987;
- these arrangements encourage the perception that there is a conflict of interest in the role of the Law Society (and to a lesser extent, members of the Bar Council) in administering legal aid while at the same time acting as the representative body negotiating levels of remuneration for solicitors in Northern Ireland;

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the administration of legal aid in Northern Ireland is supervised by a Legal Aid Committee, the members of which are drawn from the legal professions, notably the Law Society;

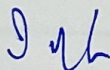
- while I am responsible for the provision of criminal legal aid, the Law Society currently administers the scheme, although it has no statutory role; and
- that any reforms proposed in respect of legal aid in Northern Ireland will receive reaction across the spectrum, ranging from outright hostility on the part of some elements of the legal profession to approval from the insurance industry and consumer groups.

The review will advise me as to the most appropriate management arrangements to facilitate the implementation of legal aid reform in Northern Ireland and in particular how the substance of the reforms announced for England and Wales might best be extended to Northern Ireland. I intend that the review would lead to the publication of a consultation paper within six months of the date of announcement. To bring the review into the public domain, an announcement will be made by way of a written response to a Parliamentary Question.

It is likely that the management arrangements for legal aid in Northern Ireland will be more aligned with the arrangements in the rest of the United Kingdom. I consider this to be a fundamental precursor to the introduction of substantive reform to legal aid in Northern Ireland. In respect of any reforms to the provision of legal aid in Northern Ireland, these will not extend beyond the reforms already approved by the Cabinet for England and Wales. In light of the fact that my proposals for Northern Ireland amount to an alignment with existing practice and the extension of agreed policy for England and Wales I do not propose to seek the agreement of HS Committee to the review or its announcement.

If you are content with this approach, I will make arrangements for the announcement of the review. As I wish to make the announcement before I visit Northern Ireland on 20 February (when I will be addressing the Bar of Northern Ireland) I would appreciate your comments by 9 February to enable the mechanics of the announcement to proceed in line with that date.

I am copying this minute to Mo Mowlem, John Morris and Sir Richard Wilson.



LORD CHANCELLOR

21 January 1998

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