



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *Legal aid*

#### **185 Free legal aid: supplementary**

- (1) The provisions of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8)) listed in subsection (2) apply in relation to free legal aid under section 184 in connection with proceedings before the appropriate judge or the High Court as they apply in relation to free legal aid under Part III of the Order.
- (2) The provisions are—
  - (a) Article 32 (statements of means);
  - (b) Article 36(1) (payment of legal aid);
  - (c) Article 36(3) and (4) (rules);
  - (d) Article 36A (solicitors excluded from legal aid work);
  - (e) Article 37 (remuneration of solicitors and counsel);
  - (f) Article 40 (stamp duty exemption).
- (3) As so applied those Articles have effect as if—
  - (a) a person granted free legal aid under section 184 had been granted a criminal aid certificate under Part III of the Order;
  - (b) section 184 were contained in Part III of the Order.
- (4) The fees of any counsel, and the expenses and fees of any solicitor, assigned to a person under section 184 in connection with proceedings before the [<sup>F1</sup>Supreme Court]<sup>F1</sup> must be paid by the [<sup>F2</sup>Department of Justice in Northern Ireland]<sup>F2</sup>.
- (5) The fees and expenses paid under subsection (4) must not exceed the amount [<sup>F3</sup>allowed]<sup>F3</sup> [<sup>F4</sup>by the Supreme Court or under Supreme Court Rules.]<sup>F4</sup>

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**Changes to legislation:** *Extradition Act 2003, Section 185 is up to date with all changes known to be in force on or before 16 August 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*

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- (6) For the purposes of section 184 and this section the appropriate judge is—
- (a) such county court judge or resident magistrate as is designated for the purposes of Part 1 [<sup>F5</sup>under section 67]<sup>F5</sup>, if the proceedings are under Part 1;
  - (b) such county court judge or resident magistrate as is designated for the purposes of Part 2 [<sup>F6</sup>under section 139]<sup>F6</sup>, if the proceedings are under Part 2.

#### Textual Amendments

- F1** Words in s. 185(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(5\)\(a\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F2** Words in s. 185(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), [Sch. 18 para. 70\(4\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)
- F3** Word in s. 185(5) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1), 116, [Sch. 7 para. 117](#); [S.I. 2009/3096](#), [art. 3\(v\)\(x\)](#)
- F4** Words in s. 185(5) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(5\)\(b\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F5** Words in s. 185(6)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 355\(a\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#) Sch. 1 paras. 10, 11(cc)
- F6** Words in s. 185(6)(b) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 355\(b\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#) Sch. 1 paras. 10, 11(cc)

#### 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:**

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

- s. 185 repealed by [S.I. 2005/1965 \(N.I.\) Sch. 2](#)