



The Secretary of State for Northern Ireland
Northern Ireland Office
Erskine House
20-32 Chichester Street
Belfast BT1 4GF

and by email only : correspondence@nio.gov.uk

24th April 2023

Dear Secretary of State,

Re: Legal Aid Funding

As you will be aware there is considerable media speculation in Northern Ireland that you will be setting the 2023/24 Budget for the Northern Ireland Departments next week. You will recall that we wrote to you in November in advance of the 2022/23 Budget being set. We were pleased that in recognition of the Department of Justice's representations that you accepted the need for additional funding for the demand led legal aid scheme and allocated an additional £20m.

Demand for legal aid is running at a very high level given the recovery of the justice system from Covid and the social impact of the current financial pressures on individuals. As a result of the additional funding the Legal Services Agency was able to improve the forecast timescales for payments. While our members do not accept that it is appropriate to receive payment some eight weeks at best after submitting a bill, many practitioners ended the financial year in a more stable position as a result of the increase in legal aid funding.

In the absence of a budget, and in recognition of anticipated challenging budget settlement expected for 2023/24, the Legal Services Agency advised us that it would pay our members £7.54m in April. This was based on an assumed reduction of 4.7% of the £95m baseline in 2023/24. If this level of payment is indicative of the 2023/34 budget allocation, our members will receive some £0.5m per month less than under the 2022/23 budget of £95m.

As the volume of bills submitted last financial year exceeded £100m a reduction to the legal aid budget will mean that the progress made in 2022/23 in terms of reducing payment times and the value of unassessed bills from their peak of October 2022 will be lost. As a result, our members will face significant increases in the timescales for receiving payments, legally due, for work already completed.

This will represent a significant deterioration in the stability of many solicitor firms which serve communities throughout Northern Ireland, providing employment, contributing to economic recovery, and delivering access to justice to the most vulnerable in society.

We are very concerned that reductions to the budget set last year will increase the likelihood of solicitor firms and barristers (especially young and female practitioners) ceasing to provide access to justice.

While our members appreciate that we all face very real financial challenges, they have a legal entitlement to be paid in a realistic timescale. We are very concerned that the scale of the unassessed bills will increase throughout the year to the point whereby it will be impossible to revert to appropriate timescales for payments. This would lead to the collapse of the essential provision legal aid in Northern Ireland.

We would ask that before finalising the budget to consider the impact on access to justice if the legal aid budget is not at least maintained at £95m.

Yours sincerely,



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President
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MOIRA SMYTH KC
Chair
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