



The Secretary of State for Northern Ireland  
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9 November 2022

Dear Secretary of State

**RE: LEGAL AID FUNDING**

We understand that you will shortly be setting a Budget for the Northern Ireland Departments. Before you do so, we wish to impress upon you the critical importance of ensuring that the budget reflects the recent undertaking given to us that funding of not less than £95m will be available for legal aid for this current financial year. Failure to do so will lead to business failure among the suppliers – both solicitor firms and barristers – and will cause irrecoverable harm to access to justice in Northern Ireland.

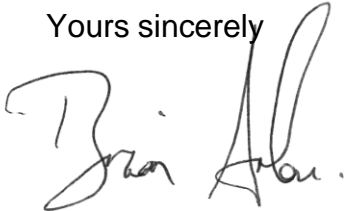
Throughout this year we have engaged with the Justice and Finance Ministers to emphasise the vulnerability of legal aid suppliers resulting from the lack of adequate funding for the legal aid system in Northern Ireland. In doing so we presented compelling evidence of the extent to which public funded legal services in Northern Ireland are reliant on a supplier base of small solicitor firms and independent self-employed barristers. The lack of sufficient funding from the start of this year has caused unacceptable delays in payments for legal aid work which was completed many months ago and has compounded the existing business continuity risks associated with soaring inflationary cost pressures. These payment delays have impacted adversely on cashflow and represent an existential threat to the sustainability of legal aid practices. The delays in payments to practitioners in this jurisdiction stand in stark contrast to the arrangements that apply across the rest of the UK where legal aid payments are typically made within 2 weeks of a bill being submitted.

The evidence we have presented on the harm being caused to access to justice in Northern Ireland convinced the Northern Ireland Ministers that additional funding for legal aid was an imperative. On 27 October, the Justice Minister wrote to us (copy attached) informing us that she had directed the Department's Permanent Secretary to maintain legal aid payments within a 12 week payment target up to a total expenditure for this year of £95m (the same as last year's outturn). This Direction was given against the background of the Finance Minister's Statement of 11 October when he confirmed that he would support additional funding for the Department of Justice in light of the ongoing pressure on the legal aid budget.

We wish to impress on you the vital importance of your honouring the commitment to provide legal aid funding of not less than £95 million in the current financial year if irreparable harm to legal aid suppliers and their clients is to be avoided. There is a legal entitlement to payment within a reasonable time period for legal aid work already completed - delays to payments caused by underfunding will not reduce this entitlement but will only harm access to justice in Northern Ireland and the network of small businesses who in turn depend upon a legal profession which is accessible across the province.

We ask you to give our representations the most urgent consideration.

Yours sincerely



**BRIAN ARCHER**  
Vice-President  
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**MOIRA SMYTH KC**  
Chair  
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