CRIMINAL PROCEDURE, ENGLAND

1953 No. 1428

The Appeal Aid Certificate (Fees and Expenses) Rules, 1953

Made - - - - 24*th September*, 1953
Coming into Operation 5*th October*, 1953

In pursuance of the power conferred upon me by subsection (8) of section two of the Summary Jurisdiction (Appeals) Act, 1933(**a**), I hereby make the following Rules:—

Fees and expenses of solicitor

1.—(1) Subject to the provisions of Rule 4 of these Rules, there shall be allowed to the solicitor assigned under an appeal aid certificate a fee not exceeding £4 14s. 6d.:

Provided that the presiding Judge, after the conclusion of the hearing, may, if he thinks fit, certify that the appeal was one of exceptional length or difficulty, and thereupon the fee may be increased to such sum not exceeding £9 as he may direct.

(2) The fees specified in the foregoing paragraph may be increased by the same percentage as is for the time being authorised by Order LXV of the Rules of the Supreme Court in relation to the fees prescribed by that Order in respect of business in the Supreme Court.

(3) In addition to any fees payable under the foregoing provisions of this Rule, the solicitor may be allowed—

(*a*) travelling expenses actually and necessarily incurred by himself and his clerk on the scale prescribed for witnesses by the Witnesses Allowances Regulations;

(*b*) subject to taxation thereof, any other out of pocket expenses (including allowances to witnesses) actually and reasonably incurred.

Fees of counsel

2. Subject to the provisions of Rule 4 of these Rules, there shall be allowed to counsel assigned under an appeal aid certificate a fee not exceeding £4 17s. 0d. and, in addition, if he attends from a distance exceeding twenty miles measured in a straight line for the sole purpose of appearing at the appeal and the court of quarter sessions is not in session for general purposes, a further fee not exceeding £1 14s. 0d.:

Provided that the presiding Judge, after the conclusion of the hearing, may, if he thinks fit and the hearing has lasted more than one full day, certify that the appeal was one of exceptional length or difficulty, and thereupon the fee may be increased to such sum not exceeding £16 5s. 0d. as he may direct.

Fee for copy of depositions or notes of evidence

3. There shall be allowed to the clerk to justices or clerk of the peace by whom a copy of the depositions or notes of evidence is supplied to the solicitor assigned under an appeal aid certificate payment at the rate permitted to be charged by the clerk under any authorised table of fees therefor.

(**a**) 23 & 24 Geo. 5. c. 38.

Fees on abandonment of appeal

4. Where notice of the abandonment of the appeal has been received by the clerk of the peace, there shall be allowed to the solicitor or counsel previously assigned under an appeal aid certificate such fees not exceeding the fees mentioned in the foregoing Rules as the presiding Judge may direct.

Interpretation

5.—(1) In these Regulations—

"appeal aid certificate" has the meaning assigned to that expression in subsection (2) of section two of the Summary Jurisdiction (Appeals) Act, 1933;

"presiding Judge" includes the chairman of the court by which the appeal is heard or, if the appeal is abandoned, by which it might have been heard, a recorder, a deputy recorder, and an assistant recorder;

"Witnesses Allowances Regulations" means the Witnesses Allowances Regulations, 1948(**a**), or any regulations made under section twelve of the Costs in Criminal Cases Act, 1952(**b**), replacing those Regulations.

(2) The Interpretation Act, 1889(**c**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Revocation

6. The Costs of Poor Appellants and Respondents (Summary Jurisdiction Appeals) Rules, 1933(**d**), and the Costs of Poor Appellants and Respondents (Summary Jurisdiction Appeals) (Amendment) Rules, 1944(**e**), are hereby revoked.

Citation and commencement

7. These Rules may be cited as the Appeal Aid Certificate (Fees and Expenses) Rules, 1953, and shall come into operation on the fifth day of October, 1953.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
24th September, 1953.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules, which supersede the Rules revoked by Rule 6, prescribe the fees and expenses payable to a solicitor, and the fees payable to counsel, assigned under an appeal aid certificate granted in pursuance of section 2 of the Summary Jurisdiction (Appeals) Act, 1933, to an appellant or respondent in respect of an appeal to quarter sessions from a conviction or sentence of a magistrates' court. The fees prescribed represent in each case an increase of fifty per cent. in the corresponding fees prescribed in the revoked Rules.

(**a**) S.I. 1948/1909; Rev. V, p. 414; 1948 I, p. 597.
(**b**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.
(**c**) 52 & 53 Vict. c. 63.
(**d**) S.R. & O. 1933/1119; Rev. V, p. 413; 1933, p. 564.
(**e**) S.R. & O. 1944/435; Rev. V, p. 413; 1944 I, p. 64.