STATUTORY RULES OF NORTHERN IRELAND

2019 No. 122

LEGAL AID AND ADVICE

The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2019

Made - - - -	*28th June 2019*
Coming into operation -	*22nd July 2019*

The Department of Justice makes the following Rules in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**a**) and now vested in it(**b**).

In accordance with Article 36(3) of that Order, the Department has consulted with the Lord Chief Justice, the Attorney General and the Crown Court Rules Committee and it has obtained the approval of the Department of Finance.

In accordance with Article 37 of that Order, the Department has had regard to the matters specified in that Article.

Citation and Commencement

1. These Rules may be cited as the Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2019 and shall come into operation on 22nd July 2019.

Amendment to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005

2. The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005(**c**) are amended as follows.

3. In Schedule 1, after paragraph 16A, insert—

"**16B.**—(1) This paragraph applies to a Referral Hearing which means a hearing at which the court considers the exercise of its powers under section 9 of the Justice Act (Northern Ireland) 2016(**d**).

(2) The time-based fee specified in the Table below as appropriate to the representative (including the category of counsel instructed, as applicable) and to the duration of the hearing shall be payable.

(**a**) S.I. 1981/228 (N.I. 8).
(**b**) S.I. 1982/159 and S.I. 2010/976.
(**c**) S.R. 2005 No. 112 which was amended by S.R. 2009 No. 267, S.R. 2011 No. 152, S.R. 2013 No. 293, S.R. 2015 No. 215, S.R. 2016 No. 200, S.R. 2016 No. 201 and S.R. 2016 No. 397.
(**d**) 2016 c.21 (N.I.).

TABLE OF REFERRAL HEARING FEES

	Solicitor Fee	*Queen's Counsel Fee*	*Leading Junior Counsel Fee*	*Led Junior Counsel Fee*	*Sole Junior Counsel Fee*
Hearing not exceeding 1.5 hours	£113	£100	£94	£63	£82
Hearing exceeding 1.5 hours but not exceeding 3 hours	£188	£200	£150	£100	£130
Hearing exceeding 3 hours	£375	£400	£300	£200	£260"

Sealed with the Official Seal of the Department of Justice on 27th June 2019

L.S.

Peter May
A senior officer of the Department of Justice

The Department of Finance hereby approves the foregoing Rules

Sealed with the Official Seal of the Department of Finance on 28th June 2019

L.S.

Emer Morelli
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 which prescribe the remuneration for solicitors and counsel assigned under Articles 29 or 36(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

The Rules introduce new provision for the payment of a time-based fee in respect of Referral Hearings in the Crown Court. The particular fee paid will depend on the representative, including the category of counsel instructed, as applicable, and on the duration of the hearing.

Referral Hearings occur when a Court has imposed a financial penalty, the person liable to pay the penalty is in default and that person's case has been referred back to the Court responsible for enforcing payment. At the Referral Hearing, the Court will consider the exercise of its powers under section 9 of the Justice Act (Northern Ireland) 2016.

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