EXPLANATORY MEMORANDUM TO

The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2025

S.R. 2025 No. 197

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 ("the 1981 Order") and is subject to the negative resolution procedure.

2. Purpose

2.1. This Rule amends the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 ("the 2005 Rules") which prescribe the remuneration for solicitors and barristers assigned under Article 29, or deemed to have been granted under Article 36(2), of the 1981 Order in the Crown Court.

2.2. The purpose is to give effect to Ministerial decisions following consideration of proposals arising from the Fundamental Review of Criminal Legal Aid, conducted by His Honour Judge Burgess CBE, the Working Group on Criminal Legal Aid, and other evidence. The amending rules make provision for the following changes: general uplift of 16% to legal aid fees in Crown Court cases; enhanced remuneration of indictable only offences at the Youth Court; enhanced travel and mileage rates; and adjusted arrangements for interim payment of disbursements.

3. Background

3.1. These amendments are part of the wider Enabling Access to Justice Reform Programme announced by the Minister on 2 December 2024. The Reform Programme aims to improve how access to justice is delivered and supported, generate the best possible outcomes for citizens, and ensure value for money and sustainability.

4. Consultation

4.1. The Department conducted a public consultation on proposals from 30 January 2025 to 27 March 2025. Substantive responses were received from bodies representing solicitors and barristers, victims organisations, individual practitioners, members of the public and other interested parties. Throughout the consultation period there was extensive engagement with representatives of the legal profession in relation to the policy proposals and other issues relating to remuneration. A post consultation report has been published on the Department's website.

5. Equality Impact

5.1. The Department has carried out full Equality Impact Assessment (EQIA) on the proposals and no significant adverse impacts have been identified. The EQIA has been published on the Department's website.

6. Regulatory Impact

6.1. The Department conducted regulatory impact screening and identified a positive impact on business due to the proposed uplift in rates. As a result, a full Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

7.1. It is estimated that the amendments to the 2005 Rules will cost around £2 million per year.

8. Section 24 of the Northern Ireland Act 1998

8.1. These provisions are compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.