EXPLANATORY MEMORANDUM TO

The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2025

S.R. 2025 No. 199

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 Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 ("the 2009 Rules") which prescribe the remuneration for solicitors and barristers assigned under Articles 28, 28A or 30 of the 1981 Order in Magistrates' Court criminal cases and County Court appeals.

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 Magistrates' Court criminal cases and County Court appeals; enhanced remuneration of indictable only offences at the Youth Court; and enhanced travel and mileage rates.

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 2009 Rules will cost around £2.7 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.