1953 No. 1429

The Poor Prisoners' Defence (Fees and Expenses) Regulations, 1953

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

In pursuance of the power conferred upon me by section twelve of the Costs in Criminal Cases Act, 1952(a), as that section applies in relation to costs directed by virtue of section three of the Poor Prisoners' Defence Act, 1930(b), to be paid out of local funds, I hereby make the following Regulations:—

Fees and expenses of solicitor assigned under defence or legal aid certificate

1.—(1) There shall be allowed to the solicitor assigned under a defence certificate a fee not exceeding £4 14s. 6d.:

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

(2) Where a trial has lasted more than two full days there shall be allowed to the solicitor, in addition to any fees allowed under the foregoing paragraph, a daily fee in respect of the third and every subsequent day not exceeding £2 16s. 0d.

(3) There shall be allowed to the solicitor assigned under a legal aid certificate a fee not exceeding £3 3s. 0d. and a further fee not exceeding £1 11s. 6d. in respect of every day on which an adjourned hearing takes place:

Provided that no fee shall be payable in respect of a hearing relating only to an application by either the prosecution or the defence for an adjournment or remand, or as to bail.

(4) The fees specified in the foregoing provisions of this Regulation 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.

(5) In addition to any fees payable under the foregoing provisions of this Regulation, 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 actually and reasonably incurred.

Fees of counsel assigned under defence certificate or undertaking defence at request of Judge

2.—(1) There shall be allowed to counsel assigned under a defence certificate or to counsel who have undertaken a defence at the request of the presiding Judge under subsection (3) of section three of the Poor Prisoners' Defence Act, 1930, a fee not exceeding £4 17s. 0d. or, in the case of two counsel being instructed, not exceeding £8 2s. 6d. for leading counsel and £4 17s. 0d. for junior counsel:

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 48. (b) 20 & 21 Geo. 5. c. 32.

Provided that the presiding Judge, after the conclusion of the trial, may, if he thinks fit and the trial has lasted more than one full day, certify that the case was one of exceptional length or difficulty, and thereupon the fee may be increased to such sum as he may direct, but not exceeding £16 5s. 0d. or, in the case of two counsel being instructed, not exceeding £24 7s. 6d. for leading counsel and £16 5s. 0d. for junior counsel.

(2) Where a trial has lasted more than two full days there shall be allowed to counsel, in addition to any fees allowed under the foregoing paragraph, a daily fee in respect of the third and every subsequent day not exceeding £5 10s. 0d. or, in the case of leading counsel, £7 12s. 0d.

(3) The fees allowed by the foregoing paragraphs to leading counsel shall not be payable unless the certifying authority has certified that in its opinion the interests of justice require that the prisoner shall have the assistance of two counsel.

Fees of counsel assigned under legal aid certificate

3. There shall be allowed to counsel assigned under a legal aid certificate a fee not exceeding £4 17s. 0d. and a further fee not exceeding £3 5s. 6d. in respect of every day on which an adjourned hearing takes place and, in addition, if he attends from a distance exceeding twenty miles measured in a straight line, a further fee not exceeding £1 14s. 0d. on the first occasion of his attendance and £1 11s. 6d. on each subsequent occasion:

Provided that no fee shall be payable in respect of a hearing relating only to an application by either the prosecution or the defence for an adjournment or remand, or as to bail.

Payment for copy of depositions

4. There shall be allowed to the clerk to justices or other person by whom a copy of the depositions is supplied to the prisoner's solicitor assigned in pursuance of a defence certificate payment for the copy at the rate of three half pence per folio of ninety words.

Interpretation

5.—(1) In these Regulations—

" certifying authority ", " defence certificate " and " legal aid certificate " have the same meanings as in the Poor Prisoners' Defence Act, 1930;

" presiding Judge " includes a recorder and a chairman of quarter sessions or their deputies;

" 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, replacing those Regulations.

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

Revocation

6. The Costs of Poor Prisoners' Defence Regulations, 1930(**c**), and the Costs of Poor Prisoners' Defence (Amendment) Regulations, 1944(**d**), are hereby revoked.

(**a**) S.I. 1948/1909; Rev. V, p. 414; 1948 I, p. 597. (**b**) 52 & 53 Vict. c. 63.
(**c**) S.R. & O. 1930/1065; Rev. V, p. 411; 1930, p. 431.
(**d**) S.R. & O. 1944/207; Rev. V, p. 411; 1944 I, p. 63.

Citation and commencement

7. These Regulations may be cited as the Poor Prisoners' Defence (Fees and Expenses) Regulations, 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 Regulations, but is intended to indicate their general purport.)

These Regulations, which supersede the Regulations revoked by Regulation 6, prescribe the fees and expenses payable to a solicitor, and the fees payable to counsel, assigned under a defence certificate granted in pursuance of section 1 of the Poor Prisoners' Defence Act, 1930, to a person committed for trial by a magistrates' court or assigned under a legal aid certificate granted in pursuance of section 2 of that Act to a person charged with an offence before a magistrates' court. The Regulations also prescribe the fees payable to counsel undertaking a defence at the request of the presiding Judge under section 3 (3) of the Act of 1930. The fees prescribed represent in each case an increase of fifty per cent. in the corresponding fees prescribed in the revoked Regulations.

New provision is made (Regulations 1 (2) and 2 (2)) whereby if a trial lasts more than two full days a daily fee for the third and every subsequent day will be payable to the solicitor and counsel assigned under a defence certificate or to counsel undertaking a defence at the request of the presiding Judge.

CUSTOMS AND EXCISE

CONTROL OF CRAFT

1953 No. 640

The Small Craft Regulations, 1953

Made - - - -	13*th April*, 1953
Laid before Parliament	1*st May*, 1953
Coming into Operation	1*st July*, 1953

The Commissioners of Customs and Excise in pursuance of the powers conferred upon them by subsection (1) of section sixty-eight of the Customs and Excise Act, 1952(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. No ship of less than forty tons register shall be used outside a distance of—

(*a*) twelve nautical miles seaward from that part of the coast of England which is between the North Foreland and Beachy Head, or

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.