STATUTORY RULES OF NORTHERN IRELAND

2019 No. 119

ACCESS TO JUSTICE

The Civil Legal Services (Remuneration) (Amendment) Order (Northern Ireland) 2019

Made - - - -	*18th June 2019*
Coming into operation	*1st July 2019*

The Department of Justice makes the following Order in exercise of the powers conferred by Articles 12(3) and 47 of the Access to Justice (Northern Ireland) Order 2003(**1**)and now vested in it(**2**).

In accordance with Article 47(2)(a) of the 2003 Order, the Department has consulted with the Lord Chief Justice, the Law Society and the General Council of the Bar of Northern Ireland.

In accordance with Article 47(1) of the 2003 Order, the Department has had regard to the matters specified in that provision.

Citation and commencement

1. This Order may be cited as the Civil Legal Services (Remuneration) (Amendment) Order (Northern Ireland) 2019 and shall come into operation on 1st July 2019.

Amendments to the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015

2. The Civil Legal Services (Remuneration) Order (Northern Ireland) 2015(**3**) is amended as follows.

3. In Article 6—

(1) in paragraph (3)—

(a) for sub-paragraph (b), substitute—

"(b) subject to paragraph (3A), the total liability for such disbursement exceeds £500; and";

(b) in sub-paragraph (c), for "discharged", substitute "incurred";

(2) following paragraph (3), insert—

(**1**) S.I. 2003/435 (N.I. 10). Articles 12 and 47 of the 2003 Order were amended by section 6 of, and paragraphs 6(12) and (38) of Schedule 2 to, the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014─2014 c. 11 (N.I.).

(**2**) S.I. 2010/976.

(**3**) S.R. 2015 No. 201 to which relevant amendments were made by S.R. 2016 No. 336 and by S.R. 2016 No. 396.

"(3A) For the purposes of this Article, where a liability has been incurred as a result of the joint instruction of an expert, sub-paragraph (3)(b) shall be deemed to be satisfied provided that the total cost as between those jointly instructing that expert exceeds £500.";

(3) in paragraphs (10) and (11), for "solicitor", substitute "representative".

4. In Article 8─

(1) omit paragraph (3);

(2) in paragraphs (4), (7) and (8) for "solicitor", substitute "representative".

5. In Article 9(1), for "solicitor", substitute "representative".

6. In Schedule 2—

(1) after paragraph 3(2) in Part 1, insert—

"(3) In respect of any claims for costs made for work done under Tables 2 and 3 of Part 2 of this Schedule, a solicitor may claim for mileage only at the rate of 35.7p per mile. No claim shall be entertained for travel and waiting time.

(4) Unless otherwise prescribed by this Schedule, travel and waiting time may be claimed at the rate of £24.25 per hour and mileage may be claimed at the rate of 35.7p per mile for matters falling within this Schedule.";

(2) for "Letters/Telephone Calls" (wherever occurring), substitute "Letters/Emails/Telephone Calls";

(3) in Table 1 of Part 2—

(a) for "£3.35 per hour", substitute "£3.35 per item / call";

(b) omit "Travel and waiting time £24.25 per hour"; and

(c) omit "Mileage rate 35.7p per mile".

7. In Schedule 3—

(1) in paragraph 2 in Part 1, for "the solicitor shall submit a claim", substitute "the representative shall submit a claim";

(2) in paragraph 3(1) in Part 1, for "solicitor", substitute "representative";

(3) after paragraph 3(2) in Part 1, insert—

"**4.** In this Schedule, any reference to "Letters" or "letters" shall be taken to include reference to emails.

5. In respect of claims for costs made under Table 2 of Part 2 of this Schedule, a solicitor may claim for mileage only at the rate of 35.7p per mile. No claim shall be entertained for travel and waiting time.

6. In respect of claims for costs made under Table 5 of Part 2 of this Schedule, no claim shall be entertained for waiting time.

7. In respect of claims for costs made under Table 7 of Part 2 of this Schedule, travel time may be claimed by solicitors at the rate of £24.25 per hour and no claim shall be entertained for waiting time.

8. In respect of claims for costs made under Tables 1, 2, 3, 5, 8 and 10 in Part 3 of this Schedule, travel time may be claimed by solicitors at the rate of £24.25 per hour.

9. In respect of claims for costs made under Tables 3 and 5 only in Part 3 of this Schedule, waiting time may be claimed by solicitors at the rate of £24.25 per hour. No other claims for waiting time by solicitors shall be entertained for proceedings in Part 3 of this Schedule.

10. In respect of claims for costs made under Table 7 in Part 3 of this Schedule, a solicitor may claim for mileage only at the rate of 35.7p per mile. No claim shall be entertained for travel and waiting time.

11. Unless otherwise prescribed by this Schedule, travel and waiting time, where payable may be claimed by solicitors at the rate of £29.25 per hour and mileage, where payable may be claimed at the rate of 35.7p per mile for proceedings falling within this Schedule.

12. Unless otherwise prescribed by this Schedule, travel time, where payable may be claimed by authorised counsel at the rate of £12 per hour and mileage, where payable may be claimed at the rate of 35.7p per mile for proceedings falling within this Schedule.

13. For the proceedings listed in Part 2 of this Schedule, any claim by a solicitor for travelling and mileage to attend Court shall be from the solicitor's office to which the certificate relates. Any claim by Counsel for travelling and mileage to attend Court shall be from the Bar Library, 91 Chichester Street Belfast BT1 3JQ.

14. For the proceedings listed in Part 3 of this Schedule, any claim by a solicitor for travelling and mileage to attend Court, Tribunal or hearing venue as applicable shall be from the solicitor's office to which the certificate relates. Any claim by Counsel for travelling and mileage to attend Court, Tribunal or hearing venue shall be from the Bar Library, 91 Chichester Street Belfast BT1 3JQ.".

(4) in Tables 3, 6 and 8 of Part 2, for "Consultation", substitute "Consultation and Preparation";

(5) in Tables 1 and 4 of Part 2, for "Preparation", substitute "Consultation (other than with Counsel) and Preparation";

(6) in Table 8 of Part 3, for "Non routine telephone calls", substitute "Non routine telephone calls (over 5 minutes)";

(7) in Table 9 of Part 3, for "Consultation", substitute "Consultation and Preparation".

8. In Schedule 4—

(1) in paragraph 2 in Part 1, for "solicitor", substitute "representative";

(2) after paragraph 6 in Part 1, insert—

"**7.** In this Schedule, any reference to "Letters" or "letters" shall be taken to include reference to emails.

8. For the proceedings listed in Part 2 of this Schedule, any claim by a solicitor for travelling and mileage to attend Court shall be from the solicitor's office to which the certificate relates. Any claim by Counsel for travelling and mileage to attend Court shall be from the Bar Library, 91 Chichester Street Belfast BT1 3JQ.

9. For proceedings falling to be remunerated under Tables 3 to 11 of Part 2 of this Schedule, no claims for waiting time shall be entertained.

10. For proceedings falling within Table 1 of Part 3, no claim for mileage shall be entertained. Any claim by a solicitor for travelling to attend Court shall be from the solicitor's office to which the certificate relates.

11.—(1) For proceedings listed within Tables 2, 3 and 4 of Part 3 of this Schedule and proceedings listed within Part 4 of this Schedule, travel may be claimed as follows and claims shall not be entertained for mileage or waiting—

(a) Counsel travelling to attend a court—

(i) 20 to 50 miles from the Head Post Office, Belfast, is entitled to an additional sum of £23;