STATUTORY RULES OF NORTHERN IRELAND

2016 No. 397

LEGAL AID AND ADVICE

The Legal Aid for Crown Court Proceedings (Costs) (Amendment No. 3) Rules (Northern Ireland) 2016

Made - - - -	*9th November 2016*
Coming into operation	*1st December 2016*

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(**1**), and now vested in it(**2**).

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 No. 3) Rules (Northern Ireland) 2016 and shall come into operation on 1st December 2016.

2. In these Rules a reference to a rule or Schedule by number alone is a reference to the rule or Schedule so numbered in or to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005(**3**).

Application and transitional arrangements

3.—(1) Without prejudice to paragraph (2), these Rules apply for the determination of costs which are payable in respect of work done under a criminal aid certificate granted under Article 29, or deemed to have been granted under Article 36(2), of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 on or after 1st December 2016.

(2) Rules 4, 5 and 6 of these Rules also apply for the determination of costs which are payable in respect of work done under a criminal aid certificate granted under Article 29, or deemed to have

(**1**) S.I. 1981/228 (N.I. 8)
(**2**) S.I. 1982/159 and S.I. 2010/976
(**3**) 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 and S.R. 2016 No. 201

been granted under Article 36(2), of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 before 1st December 2016 where the costs remain to be determined by the Department of Justice under rule 8 or 11, as applicable.

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

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

5. In Schedule 1–

(a) In paragraph 15C(1)(c), after ";" omit "and";

(b) In paragraph 15C(1)(d), for "." substitute ";";

(c) In paragraph 15C(1), after sub-paragraph (d), insert—

"(e) the hearing of an application for a Slavery and Trafficking Prevention Order under paragraph 2, 6 or 7 of Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(**4**); and

(f) the hearing of an application for a Violent Offences Prevention Order under section 57, 60 or 61 of the Justice Act (Northern Ireland) 2015(**5**).".

6. In Schedule 3, under the heading "**Class H – Miscellaneous lesser offences**", after

Being drunk when in aircraft	Air Navigation (No. 2) Order 1995 Art. 57	1995 No. 1970

insert—

Breach of a Slavery and Trafficking Prevention Order	Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015	2015 c. 9 (N.I.)
Breach of a Violent Offences Prevention Order	Justice Act (Northern Ireland) 2015	2015 c. 2 (N.I.)

Sealed with the Official Seal of the Department of Justice on 9th November 2016

L.S.

Claire Sugden
Minister of Justice

(**4**) 2015 c. 2 (N.I.)
(**5**) 2015 c. 9 (N.I.)