STATUTORY RULES OF NORTHERN IRELAND

2016 No. 200

LEGAL AID AND ADVICE

The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2016

Made - - - -	*23rd March 2016*
Coming into operation	*15th April 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 and Personnel.

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) Rules (Northern Ireland) 2016 and shall come into operation on 15th April 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 paragraphs (2) to (5), 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 5th May 2015.

(2) Paragraphs (3) to (5) apply where –

(**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 and S.R. 2015 No. 215

(a) a claim had been submitted to the Department under rule 8 or 11, as applicable, 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 5th May 2015; and

(b) the costs payable to the representative had been determined and paid by the Department before 23rd March 2016.

(3) The Department shall, whether or not the representative applies under rule 13, redetermine the costs payable under rule 13(6)(b) as if the representative had applied under rule 13(1)(c).

(4) Where the costs are increased as a result of a redetermination made under paragraph (3) ("the new determination"), the Department shall authorise payment of the increase.

(5) Rules 13 to 15 (redetermination etc.) shall apply to the new determination as if that determination had been made under rule 8 or 11, as applicable.

(6) In this rule, "the Department" means the Department of Justice.

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 rule 2, in the definition of "main hearing", omit the words "to counsel".

6. In rule 8(3)(a), after "Basic Trial Fee" insert "or Trial Preparation Fee, as applicable".

7. In Schedule 1 –

(a) in paragraph 3(2), after the words "one or more counts" insert the words "at the first arraignment";

(b) in paragraph 3(3), omit the words "to counsel";

(c) following paragraph 7, for the Tables of Basic Trial Fees, substitute the following Tables–

"**SOLICITOR**

Offence falling within	*PPE Range*	*Actual Duration of Trial*		
		Trial Fee 1	*Trial Fee 2*	*Trial Fee 3*
		1 to 8 days	*9 to 16 days*	*17 to 80 days*
Class A	1 – 750	£5,607	£7,457	£11,159
Class A	751 – 1,500	£8,666	£10,517	£14,218
Class A	1,501 – 3,000	£11,725	£13,576	£17,277
Class B	1 – 750	£2,017	£2,904	£4,239
Class B	751 – 1,500	£3,227	£4,113	£5,449
Class B	1,501 – 3,000	£4,436	£5,323	£6,658
Class C	1 – 750	£1,235	£1,767	£2,562
Class C	751 – 1,500	£2,039	£2,570	£3,366

Class C	1,501 – 3,000	£2,842	£3,374	£4,169
Class D	1 – 750	£3,123	£4,683	£6,229
Class D	751 – 1,500	£4,987	£6,549	£8,095
Class D	1,501 – 3,000	£6,853	£8,415	£9,959
Class E	1 – 750	£1,235	£1,767	£2,562
Class E	751 – 1,500	£2,039	£2,570	£3,366
Class E	1,501 – 3,000	£2,842	£3,374	£4,169
Class F	1 – 750	£1,431	£2,047	£2,967
Class F	751 – 1,500	£2,290	£2,905	£3,826
Class F	1,501 – 3,000	£3,148	£3,764	£4,685
Class G	1 – 750	£2,341	£3,513	£4,672
Class G	751 – 1,500	£3,746	£4,917	£6,076
Class G	1,501 – 3,000	£5,152	£6,322	£7,482
Class H	1 – 750	£1,235	£1,767	£2,562
Class H	751 – 1,500	£2,039	£2,570	£3,366
Class H	1,501 – 3,000	£2,842	£3,374	£4,169
Class I	1 – 750	£1,235	£1,767	£2,562
Class I	751 – 1,500	£2,039	£2,570	£3,366
Class I	1,501 – 3,000	£2,842	£3,374	£4,169

COUNSEL

	Queen's Counsel									
	Actual Duration of Trial									
Offence falling within	*Trial Fee 1*	*Trial Fee 2*	*Trial Fee 3*	*Trial Fee 4*	*Trial Fee 5*	*Trial Fee 6*	*Trial Fee 7*	*Trial Fee 8*	*Trial Fee 9*	*Trial Fee 10*
	1 to 8 days	*9 to 16 days*	*17 to 24 days*	*25 to 32 days*	*33 to 40 days*	*41 to 48 days*	*49 to 56 days*	*57 to 64 days*	*65 to 72 days*	*73 to 80 days*

Class A	£6,000	£8,000	£12,000	£16,000	£20,000	£28,000	£36,000	£48,000	£60,000	£72,000
Class B	£2,886	£4,150	£6,044	£8,058	£10,072	£14,102	£18,136	£24,174	£30,218	£36,262
Class C	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386
Class D	£4,000	£6,000	£8,000	£12,000	£15,000	£21,000	£27,000	£36,000	£44,999	£53,999
Class E	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386
Class F	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386
Class G	£3,609	£5,412	£7,216	£9,620	£12,026	£17,200	£21,651	£28,862	£36,077	£43,294
Class H	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386
Class I	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386

	Leading Junior Counsel									
	Actual Duration of Trial									
Offence falling within	*Trial Fee 1*	*Trial Fee 2*	*Trial Fee 3*	*Trial Fee 4*	*Trial Fee 5*	*Trial Fee 6*	*Trial Fee 7*	*Trial Fee 8*	*Trial Fee 9*	*Trial Fee 10*
	1 to 8 days	*9 to 16 days*	*17 to 24 days*	*25 to 32 days*	*33 to 40 days*	*41 to 48 days*	*49 to 56 days*	*57 to 64 days*	*65 to 72 days*	*73 to 80 days*
Class A	£4,500	£6,000	£9,000	£12,000	£15,000	£21,000	£27,000	£36,000	£45,000	£54,000

Class B	£2,165	£3,112	£4,533	£6,044	£7,556	£10,577	£13,603	£18,131	£22,665	£27,198
Class C	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545
Class D	£3,000	£4,500	£6,000	£9,000	£11,250	£15,750	£20,250	£27,000	£33,750	£40,500
Class E	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545
Class F	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545
Class G	£2,707	£4,059	£5,412	£7,216	£9,019	£12,628	£16,239	£21,647	£27,059	£32,472
Class H	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545
Class I	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545

	Sole Junior Counsel									
	Actual Duration of Trial									
Offence falling within	*Trial Fee 1* *1 to 8 days*	*Trial Fee 2* *9 to 16 days*	*Trial Fee 3* *17 to 24 days*	*Trial Fee 4* *25 to 32 days*	*Trial Fee 5* *33 to 40 days*	*Trial Fee 6* *41 to 48 days*	*Trial Fee 7* *49 to 56 days*	*Trial Fee 8* *57 to 64 days*	*Trial Fee 9* *65 to 72 days*	*Trial Fee 10* *73 to 80 days*
Class A	£3,900	£5,200	£7,800	£10,400	£13,000	£18,200	£23,400	£31,200	£39,000	£46,800
Class B	£1,877	£2,697	£3,929	£5,238	£6,548	£9,167	£11,788	£15,713	£19,641	£23,570