STATUTORY RULES OF NORTHERN IRELAND

2014 No. 178

LEGAL AID AND ADVICE

The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2014

Made - - - -	*17th June 2014*
Coming into operation	*26th June 2014*

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, the County Court Rules Committee and the Magistrates' Courts 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, commencement and application

1. These Rules may be cited as the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2014 and shall come into operation on 26th June 2014.

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 Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009(**3**).

3. These Rules apply for the determination of costs which are payable in respect of work done under a criminal aid certificate granted under Article 28, 28A or 30 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 on or after 26th June 2014.

Amendments to the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009

4. The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 are amended as follows.

(**1**) S.I. 1981/228 (N.I. 8)
(**2**) S.I. 1982/159 and S.I. 2010/976
(**3**) S.R. 2009 No. 313

5. In each place where it appears, for the term "Guilty Plea 1 Fee" substitute the term "Guilty Plea Fee".

6. In rule 2—

(a) omit the definition of "the Court Service";

(b) after the definition of "court-ordered youth conference", insert—

> ""the Department" means the Department of Justice established by the Department of Justice Act (Northern Ireland) 2010(**4**);";

(c) omit the definition of "Guilty Plea 2 Fee";

(d) after the definition of "meeting", insert—

> ""Newton hearing" means a hearing at which evidence is heard for the purpose of determining the sentence of a convicted person in accordance with the principles of R v Newton (1982) 77 Cr App R 13;";

(e) omit the definition of "a Very High Cost Case".

7. Omit rule 5(2).

8. In rule 6(1) omit "Subject to rules 9 and 10,".

9. In rule 6(4) omit "Subject to paragraph (5),".

10. Omit rule 6(5).

11. In rule 8(1) omit "Subject to rules 9 and 10,".

12. In rule 8(3) omit "Subject to paragraph (4),".

13. Omit rule 8(4).

14. Omit rules 9 and 10.

15. Omit rule 12(1)(c).

16. In rule 12(3) omit "or the determination of fees under rule 10".

17. In rule 13(14) omit "or 10".

18. In rule 16—

(a) in each place where it appears, for the term "the Court Service" substitute the term "the Department";

(b) in paragraph (4)(a), after "the Lord Chief Justice," insert "the Attorney-General,";

(c) for paragraph (5), substitute—

> "In paragraph (2) "review period" means the period of three years beginning with 26th June 2014 and each subsequent period of three years.".

19. In Schedule 1—

(a) in paragraph 1(1), omit "Subject to sub-paragraph (2),";

(b) omit paragraph 1(2);

(c) in paragraph 3(2), omit the words "Subject to sub-paragraph (3),";

(d) omit paragraph 3(3);

(e) after paragraph 6(1)(b), insert—

(**4**) 2010 c. 3 (N.I.)

"(bb) where there was an application by the assisted person to the magistrates' court for compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011(**5**);";

(f) in paragraph 6(2), after "as appropriate to the representative" insert "and the nature of the bail application";

(g) after paragraph 8, insert—

"**8A.**—(1) This paragraph applies to a case in the magistrates' court which was listed for, but did not proceed as, a contest because the assisted person pleaded guilty to one or more charges.

(2) Subject to sub-paragraph (3), the additional fee set out in the Table following paragraph 9 shall be payable, as appropriate to the representative and the offence with which the assisted person was charged.

(3) Where the court assigned counsel under Article 28 of the 1981 Order, the additional fee shall be payable to counsel but not to the solicitor.

8B.—(1) This paragraph applies to a case which was listed for committal to the Crown Court, whether or not the assisted person was in fact returned for trial.

(2) Where the number of pages of prosecution evidence forming part of the committal bundle exceeds 750 pages, the additional fee set out in the Table following paragraph 9 shall be payable as appropriate to the representative.

(3) For the purposes of this paragraph the pages of prosecution evidence forming part of the committal bundle includes all witness statements, documentary and pictorial exhibits, records of interviews with the assisted person and records of interviews with other defendants.";

(h) following paragraph 9, for the Table of Standard Fees, substitute the following Table—

"(1)	*Paragraph providing for fee* *(2)*	*Solicitor's Fee* *(3)*	*Counsel's Fee* *(4)*
Cases heard in the magistrates' court			
Category of offence and nature of disposal of the case			
Summary offence			
-Guilty Plea Fee	4	£260	N/A
-Contest Fee		£470	N/A
Hybrid or I/TS offence			
-Guilty Plea Fee	4	£275	£275
-Contest Fee		£590	£550

(**5**) 2011 c. 24 (N.I.)

"(1)	*Paragraph providing for fee* *(2)*	*Solicitor's Fee* *(3)*	*Counsel's Fee* *(4)*
Indictable only offence			
-Guilty Plea Fee	4	£300	£300
-Contest Fee		£600	£600
Hybrid, I/TS or indictable only offence			
-Committal Fee	4	£820	£800
Child charged with indictable only offence			
-Guilty Plea Fee	5	£820	£800
-Contest Fee		£1,000	£1,000
Compassionate Bail Application Fee	6(1)(bb)	£180	£180
Other Bail Application Fee	6	£75	£120
Additional Hearing Fee	8	£200 per day	£200 per day
Additional Contest Preparation Fee	8A		
-Summary offence		£75	N/A
-Hybrid or I/TS offence		£100	£100
-Indictable only offence		£100	£100
Additional Committal Preparation Fee	8B	£410	£400