STATUTORY RULES OF NORTHERN IRELAND

2013 No. 293

LEGAL AID AND ADVICE

The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2013

Made - - - -	*9th December 2013*
Coming into operation	*9th December 2013*

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 and the Attorney General, 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 Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2013 and shall come into operation on 9th December 2013.

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**).

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 9th December 2013.

(2) 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 been granted under Article 36(2), of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 before 9th December 2013 where the costs remain to be determined by the Northern Ireland Legal Services Commission under rule 8 or rule 11, as applicable.

(**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 and S.R. 2011 No. 152

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) after paragraph 15A, insert—

"**15B.**—(1) This paragraph applies where, following the conviction of the assisted person, there is a change of representative and the court grants a fresh criminal aid certificate for the purposes of the sentencing hearing.

(2) Subject to sub-paragraph (3), the fixed fee payable to the new representative for preparation work for attending at the sentencing hearing to which this paragraph applies shall be that set out in the Table following paragraph 19 as appropriate to the representative (including the category of counsel instructed, as applicable) and the PPE Range.

(3) Where the PPE Range exceeds 1,000 pages an additional fee shall be payable to the new representative of £1 per each additional page, up to a maximum of fifty per cent of the Basic Trial Fee as appropriate to the representative (including the category of counsel instructed, as applicable), the Class of Offence involved and the actual duration of the trial."

(b) following paragraph 19, for the Tables of Additional Fees, substitute the following Tables —

"TABLES OF ADDITIONAL FEES

SOLICITOR

Type of work	*Paragraph providing for fee*	*Fee*
PPE Enhanced Fee		
PPE Range		
751 – 1,000 pages		£1,150
1,001 – 1,250 pages		£2,300
1,251 – 1,500 pages		£3,450
1,501 – 1,750 pages	10A	£4,600
1,751 – 2,000 pages		£5,750
2,001 – 2,250 pages		£6,900
2,251 – 2,500 pages		£8,050
2,501 + pages		An additional £1,150 per additional 250 pages
Arraignment – Not Guilty	11	£90
Standby Fee	12(1)	£375

Type of work	*Paragraph providing for fee*	*Fee*
Appearing at deferred sentencing hearing	15(1)(a)	£188
Appearing at other sentencing hearing	15(1)(b)	£100
Late sitting fee	17	£188
Cases within paragraph 2	19	£563
Application Fee 1 (hearing not exceeding 1.5 hours)		£113
Application Fee 2 (hearing exceeding 1.5 hours but not exceeding 3 hours)	12(2), 13, 14 and 16	£188
Application Fee 3 (hearing exceeding 3 hours)		£375
Sentence Hearing Preparation Fee PPE Range		
Up to 500 pages	15B	£500
501 – 750 pages		£750
751 – 1,000 pages		£1,000
Court-ordered youth conference		
Lower standard fee (conferences lasting up to and including 1 hour)	18A	£70
Principal standard fee (conferences lasting more than 1 hour but not exceeding 2 hours)		£112.50