STATUTORY RULES OF NORTHERN IRELAND

2003 No. 512

LEGAL AID AND ADVICE

The Legal Aid for Youth Conferences (Costs) Rules (Northern Ireland) 2003

Made - - - -	*1st December 2003*
To be laid before Parliament	
Coming into operation	*26th December 2003*

The Lord Chancellor, 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 him(**2**), after consultation with the Lord Chief Justice, the Attorney General, the Crown Court Rules Committee, the County Court Rules Committee and the Magistrates' Courts Rules Committee and with the approval of the Treasury, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Aid for Youth Conferences (Costs) Rules (Northern Ireland) 2003 and shall come into operation on 26th December 2003.

Interpretation

2. In these Rules –

"the Commission" means the Northern Ireland Legal Services Commission;

"costs" means the fees payable to a solicitor or counsel under Article 36(1) of the Order;

"counsel" means counsel assigned under a criminal aid certificate;

"court-ordered youth conference" has the meaning given by Article 33A(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998(**3**);

"diversionary youth conference" has the meaning given by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;

"fee-earner" means a solicitor or any clerk who regularly does work for which it is appropriate to make a direct charge to the client;

(**1**) S.I.1981/228 (N.I. 8)
(**2**) S.I. 1982/159
(**3**) S.I. 1998/1504 (N.I. 9); Article 33A was inserted by section 59 of the Justice (Northern Ireland) Act 2002 (c. 26), Article 10A was inserted by section 58 of that Act and Article 3A was inserted by section 57 of that Act

"meeting" has the meaning given by Article 3A(1) and (2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;

"the Order" means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981;

"solicitor" means a solicitor assigned under a criminal aid certificate;

"youth conference" has the meaning given by Article 3A(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998;

"youth conference co-ordinator" has the meaning given by Article 3A(3) of the Criminal Justice (Children) (Northern Ireland) Order 1998.

General

3.—(1) Costs in respect of work done in relation to a diversionary youth conference under a criminal aid certificate granted under Article 28A of the Order, or in relation to attendance at a court-ordered youth conference under a criminal aid certificate granted under Articles 28, 29 or 30 of the Order, shall be paid by way of standard fees determined by the Commission in accordance with these Rules.

(2) Any costs payable to a solicitor or counsel under these Rules in relation to attendance at a court-ordered youth conference shall be paid together with those costs which are payable to that solicitor or counsel under rule 10 of the Legal Aid in Criminal Proceedings (Costs) Rules (Northern Ireland) 1992(**4**) in respect of the court proceedings for the offence in question.

Claims for costs by solicitors

4.—(1) Subject to rule 9, no claim by a solicitor for costs in respect of work done under a criminal aid certificate in respect of a youth conference shall be entertained unless the solicitor submits it within three months of the conclusion of the proceedings to which the criminal aid certificate relates.

(2) Subject to paragraph (3), a claim for costs shall be submitted to the Commission in such form and manner as the Lord Chancellor may direct and shall be accompanied by the criminal aid certificate.

(3) A claim shall state the dates on which the youth conference took place, the time taken where appropriate, the sums claimed and whether the work was done for more than one assisted person.

(4) Where there are any special circumstances which should be drawn to the attention of the Commission, the solicitor shall specify them.

(5) The solicitor shall supply such further particulars, information and documents as the Commission may require.

Determination of solicitors' fees

5.—(1) The Commission shall consider the claim, any further particulars, information or documents submitted by the solicitor under rule 4 and any other relevant information, including such information which it may have received from the youth conference co-ordinator regarding the duration and participants at the youth conference.

(2) Subject to paragraph (1), the Commission shall allow fees for work allowed by it under this rule in accordance with Schedule 1.

(**4**) S.R. 1992 No. 314, to which there are amendments not relevant to these Rules

Claims for fees by counsel

6.—(1) Subject to rule 9, no claim by counsel for fees for work done under a criminal aid certificate in respect of a youth conference shall be entertained unless counsel submits it within three months of the conclusion of the proceedings to which the criminal aid certificate relates.

(2) Subject to paragraph (3), a claim for fees shall be submitted to the Commission in such form and manner as the Lord Chancellor may direct.

(3) A claim shall state the dates on which the youth conference took place, the time taken where appropriate, the sums claimed and whether the work was done for more than one assisted person.

(4) Where there are any special circumstances which should be drawn to the attention of the Commission, counsel shall specify them.

(5) Counsel shall supply such further particulars, information and documents as the Commission may require.

Determination of counsel's fees

7.—(1) The Commission shall consider the claim, any further particulars, information or documents submitted by counsel under rule 6 and any other relevant information, including such information which it may have received from the youth conference co-ordinator regarding the duration and participants at the youth conference.

(2) Subject to paragraph (1), the Commission shall allow fees for work allowed by it under this rule in accordance with Schedule 2.

Payment of costs

8.—(1) Having determined the costs payable to a solicitor or counsel in accordance with these Rules, the Commission shall, subject to rule 3(2), notify the solicitor or counsel of the costs so determined and authorise payment accordingly.

(2) Where the costs payable under paragraph (1) are increased as a result of a review pursuant to these Rules, the Commission shall, subject to rule 3(2), authorise payment of the increase.

(3) Any payment in respect of counsel's fees determined under rule 7 shall be paid to counsel direct.

Time limits

9.—(1) Subject to paragraph (2), the time limit within which a solicitor's or counsel's claim is required to be submitted under rule 4(1) or rule 6(1) may, for good reason, be extended by the Commission.

(2) Where a solicitor or counsel without good reason has failed (or, if an extension were not granted, would fail) to comply with a time limit referred to in paragraph (1), the Commission may, in exceptional circumstances, extend the time limit and shall consider whether it is reasonable in the circumstances to reduce the costs; provided that costs shall not be reduced unless the solicitor or counsel has been allowed reasonable opportunity to show cause orally or in writing why the costs should not be reduced.

Signed by authority of the Lord Chancellor

Department for Constitutional Affairs
Dated 1st December 2003

Lord Filkin
Parliamentary Under-Secretary of State,

We approve

Nick Ainger
John Heppell
Two of the Lord's Commissioners of Her Majesty's Treasury

Dated 4th December 2003