1985 No. 302

MAGISTRATES' COURTS

Magistrates' Courts (Costs in Criminal Cases) (No. 2) Rules (Northern Ireland) 1985

Made	*31st October 1985*
Coming into operation	*1st December 1985*

The Lord Chancellor in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and section 7 of the Costs in Criminal Cases Act (Northern Ireland) 1968(**b**) on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Costs in Criminal Cases) (No. 2) Rules (Northern Ireland) 1985 and shall come into operation on 1st December 1985.

Revocation

2. The Magistrates' Courts (Costs in Criminal Cases) Rules (Northern Ireland) 1985(**c**) are hereby revoked.

Interpretation

3. In these rules—

"the Act" means the Costs in Criminal Cases Act (Northern Ireland) 1968;

"witness" means a person properly attending to give evidence, whether or not he gives evidence, and includes a person accompanying a witness where the court is satisfied that it is reasonable that the witness should be accompanied by that person;

"session" means over three hours and up to three and a half hours;

"full day" means over seven hours.

Orders for the payment of costs of prosecution or defence fees for solicitors or council

4. Where a magistrates' court makes an order under section 2 or 3 of the Act for payment by a convicted person of the whole or any part of the costs of the prosecution or under section 3 of the Act for the payment by the Secretary of State or, as the case may be, by the prosecutor of the whole or any part of the costs of the defence, the amount ordered to be so paid for the fees of a solicitor or counsel or any party appearing in person shall be determined by the court in accordance with Schedule 1.

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) 1968 c. 10 (N.I.) as amended by 1978 c. 23
(**c**) S.R. 1985 No. 144

Sums payable in connection with the attendance of witnesses

5. Where an order is made by a magistrates' court under section 2 of the Act for the payment of an amount as compensation for the expenses, trouble or loss of time properly incurred in, or incidental to, the attendance of a witness to give evidence or of an interpreter such amount shall be determined by the court in accordance with Schedule 2.

Dated 31st October 1985 *Hailsham of St. Marylebone, C.*

SCHEDULE 1

Amounts payable for fees of solicitors or counsel

1. The court may order the payment of—

(*a*) such amount not exceeding £75 as the court thinks just, in respect of the remuneration and outlay (other than outlay incurred in connection with witnesses recoverable under rule 5 and Schedule 2) of the solicitor for the prosecution or, as the case may be, the defence in taking instructions, preparing the case, attending in court and where counsel is not instructed conducting the proceedings at the hearing and in respect of all other reasonable charges incidental to the proceedings.

(*b*) where it is reasonable to instruct counsel, such amount not exceeding £75 as the court thinks just, in respect of counsel's fees; or

(*c*) such amount for costs and outlay incurred by a party appearing in person as the court thinks fit.

2. Where the court, having regard to the exceptional length, difficulty or complexity of the proceedings, is satisfied that the amounts prescribed in paragraph 1 are inadequate, it may notwithstanding that paragraph, make a special order for the payment of a greater sum.

A special order under this paragraph shall contain a full statement of the reasons for making it.