1981 No. 179

LEGAL AID

Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1981

Made	*1st June 1981*
Coming into operation . . .	*23rd July 1981*
To be laid before Parliament	

The Secretary of State in pursuance of Article 13(2) of and paragraphs 1(2)(*b*), 2(2)(*b*) and 6 of Schedule 2 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**a**), hereby, after consultation with the County Court Rules Committee, makes the following Order:

Citation, operation and application

1.—(1) This Order may be cited as the Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1981.

(2) This Order shall come into operation on 23rd July 1981 and shall apply only to proceedings commenced after that date.

Sums allowed to solicitors and counsel in proceedings in the county court

2.—(1) The sums allowed to solicitors or counsel acting for assisted persons in any proceedings in the county court, other than under its equity jurisdiction or those remitted to it by the High Court, shall be such as are assessed by the Legal Aid Committee.

(2) The sums so allowed to solicitors shall be such as are prescribed or regulated on a solicitor and client basis under any enactment relating to such proceedings and, subject to Article 3, where no amount is so prescribed or regulated, shall not exceed £300 for profit costs together with an amount equal to all outlay reasonably incurred by the solicitor.

(3) The sums so allowed to counsel shall not be less than such amounts as are prescribed under any enactment relating to such proceedings and, subject to Article 3, where no amount is so prescribed or regulated, shall not exceed £70 together with the further amount (if any) specified in paragraph (4).

(4) The further amount referred to in paragraph (3) shall be one half of the amount allowed apart from this paragraph multiplied by the number of days (if any) on which an adjourned hearing takes place subsequent to its first day.

Judge may in exceptional cases certify that limit of assessment shall not apply

3. Where a solicitor or counsel acting for an assisted person considers the sum allowable under Article 2 would not provide fair remuneration according to the work reasonably undertaken and properly done, he may apply to the judge before whom the proceedings took place for a certificate that for any reason including the exceptional length, difficulty or complexity of the proceedings the limitation on the sums allowable under Article 2 shall not apply and where such certificate is granted the Legal Aid Committee shall allow such sums as appear to it to represent fair remuneration according to work reasonably undertaken and properly done.

(a) S.I. 1981/228 (N.I. 8)