1970. No. 10 **[C]**

MAGISTRATES' COURTS

Costs in Criminal Cases

RULES, DATED 21ST JANUARY 1970, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, the Right Honourable Robert Wilson Porter, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by Section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(**a**) and by Section 7(3) of the Costs in Criminal Cases Act (Northern Ireland) 1968(**b**) do hereby, upon the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Dated this 21st day of January 1970.

R. W. Porter,
Minister of Home Affairs
for Northern Ireland.

The Ministry of Finance hereby concurs in the making of these Rules.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 22nd day of January 1970.

(L.S.)

C. F. Darling,
Assistant Secretary.

Citation

1. These Rules shall be cited as the Magistrates' Courts (Costs in Criminal Cases) Rules (Northern Ireland) 1970.

Commencement

2. These Rules shall come into operation on the 1st day of February 1970.

Interpretation

3. In these Rules—

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

"the Ministry" means the Ministry of Home Affairs.

"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.

(a) 1964. c. 21 (N.I.). (b) 1968. c. 10 (N.I.).

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

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

Sums payable in connection with the attendance of witnesses

5. Where an order is made by a magistrates' court under Section 2 or 3 of the Act for the payment of an amount as compensation for the expense, trouble or loss of time properly incurred in, or incidental to the attendance of a witness to give evidence such amount shall be determined by the court in accordance with Schedule 2.

SCHEDULE 1

Amounts Payable for Fees of Solicitors or Counsel

1. The court may order the payment of—

(*a*) such amount not exceeding £21 0s. 0d. 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; and

(*b*) where it is reasonable to instruct counsel, such amount not exceeding £21 0s. 0d. as the court thinks just, in respect of counsel's fee.

2. Where the court, having regard to the exceptional length, difficulty or complexity of the proceedings, is satisfied that the amounts prescribed by 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.