1966. No. 9 [C]

LEGAL AID: REMUNERATION OF SOLICITORS AND COUNSEL IN COUNTY COURT PROCEEDINGS UNDER SECTION 6(6) OF AND SCHEDULE 3 TO THE LEGAL AID AND ADVICE ACT (NORTHERN IRELAND) 1965

ORDER, DATED 11TH JANUARY, 1966, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SCHEDULE 3 TO THE LEGAL AID AND ADVICE ACT (NORTHERN IRELAND) 1965.

I, the Right Honourable Robert William Brian McConnell, Minister of Home Affairs for Northern Ireland, after consultation with the County Court Rules Committee, in exercise of the powers conferred on me by section 6(6) of and paragraphs 1(2)(*b*) and 2(2)(*b*) and paragraphs 5 and 6 of Schedule 3 to the Legal Aid and Advice Act (Northern Ireland) 1965(a) (hereinafter referred to as "the Act") and all other powers thereunto enabling, do hereby order as follows:—

Sums allowed to Solicitors and Counsel in proceedings in the County Court

1.—(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 paragraph 2, where no amount is so prescribed or regulated, shall not exceed £52 10s. 0d.

(3) The sums so allowed to counsel shall be not less than such amounts as are prescribed under any enactment relating to such proceedings and, subject to paragraph 2, shall not exceed £37 15s 0d.

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

2. Where a solicitor or counsel acting for an assisted person considers the sum allowable under paragraph 1 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 paragraph 1 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.

Documents, etc., to be lodged with the Legal Aid Committee

3.—(1) Where payment is sought in respect of the remuneration of a solicitor or counsel for work done on behalf of the assisted person in connection with proceedings in the county court the solicitor shall lodge with the Legal Aid Committee such papers and information as will enable that Committee to assess such remuneration including a report of the case in a form approved by the Committee and where necessary or if so directed by that Committee—

(a) 1965. c. 8 (N.I.).