1965. No. 244 [C]

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

ORDER, DATED 16TH NOVEMBER, 1965, 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 Magistrates' Courts Rules Committee, in exercise of the powers conferred on me by section 6(6) of and paragraphs 1(3), 2(3) 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 connection with authorised summary proceedings

1.—(1) Subject to this paragraph, the sums allowed to solicitors or counsel acting for assisted persons in connection with authorised summary proceedings shall be assessed by the Legal Aid Committee in accordance with the provisions of the schedule to this Order.

(2) With the leave of the Legal Aid Committee, any solicitor or counsel may, if aggrieved as to any sum allowed on an assessment in accordance with the Schedule to this Order, make written representations to the Council of the Law Society and that Council may allow such costs and fees in respect of the work to which the certificate relates as appears to it to represent fair remuneration according to the work reasonably undertaken and properly done.

Payment for work done in authorised summary proceedings

2.—(1) Where payment is sought in respect of the remuneration of a solicitor or counsel for work done on behalf of an assisted person in connection with authorised summary proceedings 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 on a form approved by the Legal Aid Committee and where necessary or if so directed by the Committee—

(*a*) a bill of costs setting out—

(i) a summary in narrative form of the work done including the time spent in the preparation and conduct of the case;

(ii) a basic fee for conducting the case which may be allowed in accordance with the provisions of the Schedule to this Order;

(iii) any additional fees which may be so allowed for attendance at court on every day on which an adjourned hearing takes place;

(iv) counsel's fees, where counsel is instructed;

(v) disbursements, travelling and other out-of-pocket expenses actually and reasonably incurred;

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

(vi) a fee for work done in accordance with the regulations and which may be allowed under paragraph 5 of the Schedule to this Order for work done in giving notice of appeal or in applying for a case to be stated;

(*b*) where application is made for a certificate under paragraph 4 of such Schedule that the sums payable by virtue of such Schedule would not provide fair remuneration, such fees, in lieu of the above, shall be included in the bill as are regarded as fair remuneration for the work reasonably undertaken and properly done;

(*c*) counsel's brief and a note indicating the time involved including time spent at the court on any day waiting for the case to be heard if the case was in that day's list;

(*d*) vouchers and receipts for out-of-pocket expenses incurred or paid;

(*e*) where appropriate, a statement in support of an application for a certificate referred to under sub-paragraph (*b*) above, setting out all relevant circumstances and the grounds upon which the application is made in relation to the whole or any part of the work carried out.

(2) Where costs are assessed by the Legal Aid Committee in accordance with such Schedule the secretary to the Committee shall notify counsel of any reduction in or disallowance of counsel's fees and where counsel is dissatisfied with any decision of the Committee he shall notify the Committee in writing.

Interpretation

3. In this Order—

"assisted person" means a person in respect of whom a certificate is in force;

"authorised summary proceedings" means proceedings specified in paragraph 3 of Part I of Schedule 1 to the Act;

"certificate" means a Civil Aid Certificate issued in accordance with a scheme made by the Law Society under section 10 of the Act or with regulations made under Part I thereof and includes an emergency certificate;

"Law Society" means the Incorporated Law Society of Northern Ireland;

"Legal Aid Committee" means the Committee established in accordance with section 10(4) of the Act under a scheme made by the Law Society;

"Regulations" means any regulations for the time being in force under the Act.

Citation and Commencement

4. This Order may be cited as the Legal Aid (Remuneration of Solicitors and Counsel in Authorised Summary Proceedings) Order (Northern Ireland) 1965 and shall come into force on the 1st day of December, 1965.

Dated this 16th day of November, 1965.

R. W. B. McConnell,
Minister of Home Affairs
for Northern Ireland.