Excessive Rents Prevention Rules

COUNTY COURT RULES (NORTHERN IRELAND), DATED THE 11TH DAY OF MARCH, 1946, AMENDING THE EXCESSIVE RENTS (PREVENTION) COUNTY COURT RULES (NORTHERN IRELAND), 1945.

1946. No. 32

I, The Right Honourable Sir JAMES ANDREWS, Baronet, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred upon me by sub-section (2) of Section 4 of the Administration of Justice (Emergency Provisions) (Northern Ireland) Act, 1939, and of all other powers enabling me in that behalf, do hereby amend Rule 3 of the Rules known as The Excessive Rents (Prevention) County Court Rules (Northern Ireland), 1945, being Rules in force in proceedings in the County Courts under the Excessive Rents (Prevention) Act (Northern Ireland), 1941, as amended by the Rent Restriction Law (Amendment) Act (Northern Ireland), 1943, by substituting the word " ten " for the word " seven " in the said Rule 3.

Dated this 11th day of March, 1946.

(Signed) *James Andrews*,
Lord Chief Justice of Northern Ireland.

CRIMINAL PROCEDURE

Poor Prisoners, Counsel and Solicitors

RULES, DATED 26TH APRIL, 1946, MADE BY THE MINISTRY OF HOME AFFAIRS WITH THE APPROVAL OFTHE LORD CHIEF JUSTICE AND THE MINISTRY OF FINANCE UNDER SECTION 43 OF THE CRIMINAL JUSTICE ACT (NORTHERN IRELAND), 1945.

1946. No. 62

The Ministry of Home Affairs for Northern Ireland, (hereinafter referred to as " the Ministry ") in exercise of the powers conferred on it by section 43 of the Criminal Justice Act (Northern Ireland), 1945, (hereinafter referred to as " the Act "), and of all other powers in that behalf thereunto enabling the Ministry, hereby makes the following Rules :—

1. Every Clerk of the Crown and Peace shall keep a list of solicitors practising in the county who are willing to undertake the defence of poor prisoners. The name of any solicitor shall be removed from the list, either on the application of the solicitor himself or by direction of any Judge. A copy of such list shall be sent to every Clerk of Petty Sessions in the County.

2. Every Clerk of the Crown and Peace shall keep a list of the members of the Bar who are willing to appear as Counsel for poor prisoners. A copy of such list shall be sent to every Clerk of Petty Sessions in the County.

3. The Clerk of the Crown and Peace or Clerk of Petty Sessions acting for any Certifying Authority or Court of Summary Jurisdiction shall keep a list of all cases in which application is made to them for a Defence Certificate or Legal Aid Certificate or in which such a certificate is offered by them and all cases in which an Order is made under subsection (2) of section 43, and shall record therein (*a*) the name of the prisoner, (*b*) in general terms the charge or charges preferred, (*c*) the date and the result of such application or offer and (*d*) in the case of a Clerk of Petty Sessions, whether the application relates to the prisoner's defence before a Court of Summary Jurisdiction or before the Court to which he is committed for trial ; and every such Clerk shall send a copy of such list to the Ministry at such times as the Ministry may from time to time direct.

4.—(1) Any Defence Certificate granted by a Court of Summary Jurisdiction in pursuance of section 41 of the Act shall be in Form A (i) or A (ii) in the Schedule hereto ; and the Certificate shall as soon as it has been granted be sent by the Clerk of Petty Sessions to the Clerk of the Crown and Peace, together with the name of the solicitor assigned.

(2) Any Defence Certificate granted by a Judge shall be in Form B (i) or B (ii) in the Schedule hereto.

(3) Where the charge is one of murder or the case appears to present exceptional difficulty, a Certifying Authority in granting a Defence Certificate may certify that in its opinion the interests of justice require that the prisoner shall have the assistance of two Counsel.

5. Any Legal Aid Certificate granted by a Court of Summary Jurisdiction in pursuance of section 42 of the Act shall be in Form C in the Schedule hereto. If the prisoner is committed for trial, the Certificate shall be forwarded with the Depositions to the Clerk of the Crown and Peace together with the name of the solicitor and Counsel (if any) who has acted or appeared.

6.—(1) Any Court of Summary Jurisdiction or Judge granting any such certificate as aforesaid shall at the same time, after taking into consideration any representations which the prisoner may make, assign to him from the list kept under Rule 1 hereof a solicitor to whose services the prisoner shall be entitled.

(2) Whenever a Defence Certificate is granted, a copy of the Depositions shall be furnished to the solicitor so assigned by the Clerk of the Crown and Peace.

7. Any member of the Bar whose name appears upon the list kept under Rule 2 hereof may be instructed on behalf of the prisoner by the solicitor so assigned ; and, in any case where a Certifying Authority has certified in pursuance of paragraph (3) of Rule 4 hereof that in its opinion the interests of justice require that the prisoner shall have the assistance of two Counsel, two such members of the Bar, one of whom may be of His Majesty's Counsel who has expressed his willingness to undertake the defence, may be instructed.

8.—(1) There shall be allowed to the solicitor assigned under a Defence Certificate in the case of murder a fee of £6 6s. 0d. and in every other case a fee of £4 4s. 0d : Provided that the Judge, after the conclusion of the trial, may, if he think fit, certify that the case was one of exceptional length or difficulty, and thereupon the fee may be increased to such sum as he may direct, but not in any case exceeding £8 8s. 0d.

(2) There shall be allowed to the solicitor assigned under a Legal Aid Certificate a fee of £2 12s. 6d. and a further fee of £1 11s. 6d. in respect of every day on which an adjourned hearing takes place : Provided that no fees shall be payable in respect of a hearing relating only to an application by either the Prosecution or the Defence for an adjournment or remand, or as to bail.

(3) In addition to the foregoing fees, the solicitor may be allowed travelling expenses actually and necessarily incurred by himself and his Clerk on the scale applicable to the travelling expenses of ordinary witnesses for a prosecution, and also, subject to taxation thereof, any other out-of-pocket expenses actually and reasonably incurred.

9.—(1) There shall be allowed to Counsel assigned under a Defence Certificate in the case of murder a fee of £10 10s. 0d. or, where two Counsel are instructed, to a member of His Majesty's Counsel a fee of £15 15s. 0d. and in every other case to Counsel assigned under a Defence Certificate or to Counsel who has undertaken a defence at the request of the Judge under sub-section (2) of section 43 of the Act, a fee of £3 3s. 0d. or where two Counsel are instructed, to a member of His Majesty's Counsel £5 5s. 0d. : Provided that—

(*a*) the Judge after the conclusion of the trial may, if he think fit and if the trial has lasted more than one full day, certify that the case was one of exceptional length or difficulty, and thereupon the fee may be increased to such a sum not exceeding £10 10s. 0d. or, in respect of a member of His Majesty's Counsel £15 15s. 0d. as he may direct ; and

(*b*) the fee allowed by this Rule to a member of His Majesty's Counsel shall not be payable unless the Certifying Authority has certified that in its opinion the interests of justice require that the prisoner shall have the assistance of two Counsel.