
STATUTORY RULES OF NORTHERN IRELAND

2008 No.

LEGAL AID AND ADVICE

The Legal Aid for Crown Court Proceedings
(Costs) (Amendment No. 2) Rules (Northern Ireland) 2008

Made - - - - - 2008

Coming into operation 2008

To be laid before Parliament

The Lord Chancellor makes the following Rules in exercise of the powers conferred by Article 36(3) of Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**a**¹), and now vested in him(**b**), and of all other powers enabling him in that behalf. In accordance with Article 36(3) of that Order, he has consulted with the Lord Chief Justice, the Attorney General and the Crown Court Rules Committee and he has obtained the approval of the Treasury.

Citation, commencement and application

1. These Rules may be cited as the Legal Aid for Crown Court Proceedings (Costs) (Amendment No. 2) Rules (Northern Ireland) 2008 and shall come into operation on.....2008.

2. In these Rules a reference to a rule or Schedule by number alone is a reference to the rule or Schedule so numbered in or to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005(**c**).

3. These Rules apply to cases in which the Commission grants a Very High Cost Case Certificate on or after [the No. 2 commencement date].

4. The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 continue to apply as if

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

(b) S.I. 1982/159

(c) S.R. 2005 No. 112

these Rules had not been made in respect of cases in which the Commission grants a Very High Cost Case Certificate before [the No. 2 commencement date].

Amendments to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005

5. The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 are amended as follows.

6. In rule 2–

(a) in the definition of “a Very High Cost Case”, omit the words “or which went to trial where the trial exceeded 25 days”;

(b) after the definition of “a Very High Cost Case Certificate”, insert–

“the Very High Cost Case Contract” means that form of contract which the Commission has developed from time to time, in consultation with the Court Service, for remunerating solicitors and advocates, as the case may be, in a Very High Cost Case.”.

7. In rule 3, after paragraph (3) insert–

“(4) Subject to rules 2, 16, 16A, 16C, 17 and 19, these Rules do not apply to Very High Cost Cases.”.

8. In rule 8–

(a) after paragraph (7)(c), omit “and”;

(b) after paragraph 7(d), insert–

“and (e) where the case proceeded to trial, the actual duration of the trial,”.

9. In rule 11–

(a) after paragraph (5)(c), omit “and”;

(b) after paragraph 5(d), insert–

“and (e) where the case proceeded to trial, the actual duration of the trial,”.

10. Omit rule 16B.

11. In rule 16C(1), omit “or 16B”.

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12. For rule 17 substitute–

“Where the Commission grants an application for a Very High Cost Case Certificate under rule 16A, the representative shall forfeit any entitlement to have his costs determined and paid in accordance with these Rules and the costs payable to him shall be determined and paid in accordance with the solicitors’ Very High Cost Case Contract or the advocates’ Very High Cost Case Contract, as applicable.”

13. In Schedule 1, in the Table below paragraph 7–

(a) in each place where it appears under the heading “*Trial Fee 3*”, for “*17 to 25 Days*” substitute “*Exceeded 16 Days*”;

(b) in each place where it appears under the heading “*Refresher Fee 3*”, for “*17 to 25 Days*” substitute “*Exceeded 16 Days*”.

14. Omit Schedule 2.

Signed by authority of the Lord Chancellor

Minister of State
Ministry of Justice

Dated

We approve

Two of the Lords Commissioners
of Her Majesty’s Treasury

Dated

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005.

They amend the provision made in respect of applications by solicitors and counsel for certification as a very high cost case; and provide that, from [the No. 2 commencement date], such cases will be remunerated in accordance with contractual arrangements entered into with the Northern Ireland Legal Services Commission.