
STATUTORY RULES OF NORTHERN IRELAND

2010 No.

LEGAL AID AND ADVICE

**The Crown Court (Criminal Legal Aid) (Costs) Rules (Northern
Ireland) 2010**

Made - - - - 2010
Coming into operation - 2010
To be laid before Parliament

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The Lord Chancellor makes the following Rules in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice, and Assistance (Northern Ireland) Order 1981(a), and now vested in The Lord Chancellor(b).

In accordance with Article 36(3) of that Order, the Lord Chancellor has consulted with the Lord Chief Justice, the Attorney General and the Crown Court Rules Committee and has obtained the approval of the Treasury.

In accordance with Article 37 of that Order, the Lord Chancellor has had regard to the matters specified in that Article.

Citation and commencement

1. These Rules may be cited as the Crown Court (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2010 and shall come into operation on...2010.

Interpretation

2. In these Rules, unless the context otherwise requires—

“advocate” means—

- (a) counsel, or
- (b) a solicitor who is exercising the right of audience under section 50 of the Judicature (Northern Ireland) Act 1978(c), or who has been certified by the Law Society as an Advanced Advocate;

“apprentice or fee earner of equivalent experience” means an apprentice solicitor or other fee earner who, in the judgment of the Commission, carries out the routine work on a case;

“assisted person” means a person in receipt of legal aid;

“case” means proceedings in the Crown Court against one assisted person—

- (a) on one or more counts of a single indictment; or
- (b) arising out of a single alleged breach of an order of the Crown Court,

and a case falling within paragraph (b) shall be treated as a separate case from the proceedings in which the order was made;

“Class of Offence” has the meaning given by paragraphs 4 and 5 of Schedule 1;

(a) S.I. 1981/228 (N.I. 8)
(b) S.I. 1982/159
(c) 1978 c. 23

“the Commission” means the Northern Ireland Legal Services Commission established under Article 3 of the Access to Justice (Northern Ireland) Order 2003(a);

“costs” means, in the case of a solicitor, the fees and disbursements payable under Article 36 of the Order and, in the case of an advocate, the fees payable under that Article;

“counsel” means counsel assigned under a criminal aid certificate granted under Article 29 of the Order, or counsel who undertook the defence of a person at the request of the judge under Article 36(2) of the Order;

“the Court Service” means the Northern Ireland Court Service established under section 69 of the Judicature (Northern Ireland) Act 1978;

“disbursements” means travelling and witness expenses and other out of pocket expenses incurred by a solicitor in giving legal aid;

“fee-earner” means a solicitor or any clerk who regularly does work for which it is appropriate to make a direct charge to the client;

“instructed advocate” means–

- (a) where a criminal aid certificate provides for a single advocate, the first counsel or solicitor advocate instructed in the case, who has primary responsibility for the case; or
- (b) where a criminal aid certificate provides for more than one advocate, each of–
 - (i) the leading instructed advocate; and
 - (ii) the led instructed advocate;

“leading instructed advocate” means the first leading counsel or solicitor advocate instructed in the case, who has primary responsibility for those aspects of a case undertaken by a leading advocate;

“led instructed advocate” means the first led counsel or solicitor advocate instructed in the case, who has primary responsibility for those aspects of the case undertaken by a led advocate;

“legal aid” means legal aid given under a criminal aid certificate granted under Article 29, or deemed to have been granted under Article 36(2), of the Order;

“Newton hearing” means a hearing at which evidence is heard for the purpose of determining the sentence of a convicted person in accordance with the principles of *R v Newton* (1982) 77 Cr App R 13;

“the Order” means the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(b);

“related proceedings” means–

- (a) two or more sets of proceedings involving the same defendant which are prepared, heard or dealt with together; or
- (b) proceedings involving more than one defendant which arise out of the same incident, so that the defendants are charged, tried or disposed of together;

“representative” means a solicitor or an advocate, including, where appropriate, an instructed advocate;

“the 1992 Rules” means the Legal Aid in Criminal Proceedings (Costs) Rules (Northern Ireland) 1992(c);

“the 2005 Rules” means the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005(d);

“senior solicitor” means a solicitor who has not less than eight years post qualification experience in criminal defence work;

(a) S.I. 2003/435 (N.I. 10)

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

(c) S.R. 1992 No. 314; to which the most recent relevant amendment was made by S.R. 2008 No. 248

(d) S.R. 2005 No. 112, as amended by S.R. 2009 No. 267

“solicitor” means a solicitor assigned under a criminal aid certificate granted under Article 29 of the Order, or a solicitor who undertook the defence of a person at the request of the judge under Article 36(2) of the Order;

“Table of Offences” has the meaning given by paragraphs 4 and 5 of Schedule 1;

“taxing master” means the Master (Taxing Office);

“a Very High Cost Case” is a case in respect of which a Very High Cost Case Certificate has been granted, either by the Commission under rule 16A or the taxing master under rule 16C of the 2005 Rules, or which went to trial where the trial exceeded 25 days.

Application and transitional arrangements

3.—(1) Subject to paragraph (4), where a criminal aid certificate is granted on or after [the commencement date] the provisions of these Rules apply.

(2) Where a criminal aid certificate is granted on or after 4 April 2005, but before [the commencement date] the provisions of the 2005 Rules apply.

(3) Where a criminal aid certificate is granted before 4 April 2005, the provisions of the 1992 Rules apply.

(4) These Rules do not apply to a Very High Cost Case.

Claims for fees and disbursements by solicitors

4.—(1) Claims for fees by solicitors in proceedings in the Crown Court must be made and determined in accordance with the provisions of Schedule 1 to these Rules.

(2) Claims for disbursements by solicitors in proceedings in the Crown Court must be made and determined in accordance with the provisions of rules 9 to 11.

(3) Subject to rule 22, a claim by a solicitor for fees in respect of work done under a criminal aid certificate must not be entertained unless the solicitor submits it within three months of the conclusion of the proceedings to which it relates.

(4) Subject to paragraph (5), a claim for fees in proceedings in the Crown Court must be submitted to the Commission in such form and manner as it may direct and must be accompanied by the criminal aid certificate and any receipts or other documents in support of any disbursement claimed.

(5) A claim under paragraph 14 or 20 of Schedule 1 to these Rules must—

(a) summarise the items of work done by a fee earner in respect of which fees are claimed according to the classes specified in paragraph 2(1) of Schedule 1;

(b) state, where appropriate, the dates on which the items of work were done, the time taken, the sums claimed and whether the work was done for more than one assisted person;

(c) specify, where appropriate, the level of fee earner who undertook each of the items of work claimed; and

(d) give particulars of any work done in relation to more than one indictment or a retrial.

(6) Where the solicitor claims that paragraph 23 of Schedule 1 applies in relation to an item of work, the solicitor must give full particulars in support of the claim.

(7) The solicitor must specify any special circumstances which the solicitor considers should be drawn to the attention of the Commission.

(8) The solicitor must supply such further information and documents as the Commission may require.

Claims for fees by advocates

5.—(1) Claims for fees by an instructed advocate in proceedings in the Crown Court must be made and determined in accordance with the provisions of Schedule 2 to these Rules.

(2) A claim for fees under this rule and Schedule 2 must be made by each instructed advocate.

(3) Subject to rule 22, a claim by an instructed advocate for fees in respect of work done under a criminal aid certificate must not be entertained unless that advocate submits it within three months of the conclusion of the proceedings to which it relates.

(4) An instructed advocate must submit a claim for fees to the Commission in such form and manner as it may direct.

(5) An instructed advocate must supply further information and documents as the Commission may require.

(6) Where a confiscation hearing under Part 4 of the Proceeds of Crime Act 2002(a) (Confiscation: Northern Ireland) is to be held more than 28 days after—

- (a) the conclusion of the trial to which the criminal aid certificate relates; or
- (b) the entering of a guilty plea,

an instructed advocate may submit any claim for fees in respect of the trial or guilty plea as soon as the trial has concluded or the guilty plea has been entered.

(7) Where a criminal aid certificate provides for representation by—

- (a) a single advocate other than a QC, and a QC agrees to appear as the single advocate; or
- (b) two or more advocates other than QC, and a QC agrees to appear as a leading junior,

that QC must be treated for all the purposes of these Rules as having been instructed under that criminal aid certificate, and his remuneration must be determined as if he were not a QC.

Payments from other sources

6. Where a criminal aid certificate has been granted in respect of any proceedings to which these Rules apply, a representative must not receive or be a party to the making of any payment for work done in connection with those proceedings, except such payments as may be made—

- (a) by the Commission; or
- (b) in respect of any expenses or fees incurred in preparing, obtaining or considering any report, opinion or further evidence, whether provided by an expert witness or otherwise, where an application for an authority to incur such fees or expenses has been refused by the Commission.

Indictable-only offences

7.—(1) Where a case is returned for trial to the Crown Court when a notice of transfer has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(b) or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995(c), the payment in relation to work carried out in the magistrates’ court is included within the applicable fee payable under Schedule 1 or Schedule 2.

Proceedings for contempt

8. Proceedings for contempt committed, or alleged to have been committed, by an individual in the face of the Court, will be remunerated as set out in the relevant paragraphs of Schedules 1 and 2.

(a) 2002 c. 29
(b) S.I. 1988/1846 (N.I. 16)
(c) S.I. 1995/757 (N.I. 3)

Interim payment of disbursements

9.—(1) A solicitor may submit a claim to the Commission for payment of a disbursement for which the solicitor has incurred liability in criminal proceedings in the Crown Court in accordance with the provisions of this rule.

(2) A claim for payment under paragraph (1) may be made where—

- (a) the disbursement falls within any guidance issued by the Commission in respect of criminal proceedings in the Crown Court, or the solicitor has obtained prior authority from the Commission to incur the expenditure;
- (b) the total liability for such disbursement exceeds £500; and
- (c) the solicitor has discharged such liability.

(3) Without prejudice to rule 11(4) and (5), a claim under paragraph (1) shall not exceed £2,500 or the maximum fee authorised under the prior authority, whichever is the greater.

(4) A claim for payment under paragraph (1) may be made at any time before the solicitor submits a claim for costs under rule 5(1).

(5) A claim under paragraph (1) shall be submitted to the Commission in such form and manner as it may direct and shall be accompanied by the authority to incur the expenditure (if applicable) and any invoices or other documents in support of the claim.

(6) The Commission shall allow the disbursement, subject to the limit in paragraph (3), if it appears to have been reasonably incurred and discharged in accordance with the guidance or prior authority.

(7) The Commission must notify the solicitor and, where the disbursement claimed includes the fees or charges of any person may notify that person, of its decision.

(8) Where the Commission allows the disbursement, it shall notify the solicitor and authorise payment to him accordingly.

(9) Rules 19 to 21 (redetermination etc.) shall not apply to a payment under this rule.

Interim disbursements and final determination of fees

10.—(1) On a final determination of costs, rules 4(2) and 11 apply notwithstanding that a payment has been made under rule 9.

(2) Where the amount found to be due under rule 11 in respect of a disbursement is less than the amount paid under rule 9 (“the interim payment”), the Commission must deduct the difference from the sum otherwise payable to the solicitor on the determination of costs, and where the amount due under rule 11 exceeds the interim payment, the Commission must add the difference to the amount otherwise payable to the solicitor.

Determination of solicitors’ disbursements

11.—(1) Subject to the provisions of this rule, the Commission must allow such disbursements claimed under rule 4(2) as appear to it to have been reasonably incurred.

(2) If the disbursements claimed are abnormally large by reason of the distance of the court or the assisted person’s residence or both from the solicitor’s place of business, the Commission may limit reimbursement of the disbursements to what otherwise would, having regard to all the circumstances, be a reasonable amount.

(3) No question as to the propriety of any step or act in relation to which prior authority has been obtained under these Rules may be raised on any determination of disbursements, unless the solicitor knew or ought reasonably to have known that the purpose for which the authority was given had failed or had become irrelevant or unnecessary before the disbursements were incurred.

(4) Where disbursements are reasonably incurred in accordance with and subject to the limit imposed by a prior authority given under these Rules, no question may be raised on any

determination of fees as to the amount of the payment to be allowed for the step or act in relation to which the authority was given.

(5) Where costs are incurred in taking any steps or doing any act for which authority may be given under these Rules, without such authority having been given or in excess of any fee so authorised, payment in respect of those disbursements may nevertheless be allowed on a determination of disbursements payable under rule 4.

Interim payments in cases awaiting determination of fees

12.—(1) The Commission must make an interim payment in respect of a claim for fees in proceedings in the Crown Court in accordance with this rule.

(2) Entitlement to a payment arises in respect of a claim for fees by an instructed advocate, where—

- (a) the graduated fee claimed in accordance with Schedule 2 is £4,000 or more (exclusive of VAT); and
- (b) the claim for fees is for less than the amount mentioned in (a) but is related to any claim for fees falling under (a).

(3) For the purposes of this rule, the following claims for fees are related to each other—

- (a) the claims of instructed advocates acting in the same proceedings for a defendant; and
- (b) the claims of any instructed advocate acting for any assisted person in related proceedings.

(4) Entitlement to a payment under paragraph (1) does not arise until three months have elapsed from the earlier of—

- (a) the date on which the claim for fees is received by the Commission for determination, except that where there are related claims for fees, the date on which the last claim is received by the Commission; or
- (b) three months after the conclusion of the last of any related proceedings.

(5) An instructed advocate may submit a claim for an interim payment under this rule where—

- (a) no payment has been made under paragraph (1); and
- (b) six months have elapsed from the conclusion of the proceedings against the assisted person.

(6) Subject to rule 22, payment must not be made under this rule unless the representative has submitted a claim for fees in accordance with rule 4(3) or 5(3), as appropriate.

Amount of interim payments in cases awaiting determination fees

13.—(1) Where entitlement to an interim payment arises under rule 12, the amount payable is 40 per cent of the total claim for fees, less any sum already paid.

(2) Rules 19 to 21 do not apply to an interim payment under this rule.

Hardship payments

14.—(1) Subject to paragraphs (5) and (6), the Commission may allow a hardship payment to a representative in the circumstances set out in paragraph (2).

(2) Those circumstances are that the representative—

- (a) represents the assisted person in proceedings in the Crown court;
- (b) applies for such payment, in such form and manner as the Commission may direct, not less than six months from committal or transfer (or from the date of the criminal aid certificate, if later);

- (c) is unlikely to receive final payment in respect of the proceedings, as determined under Schedules 1 or 2, within the three months following the application for the hardship payment; and
- (d) satisfies the Commission that, by reason of the circumstance in sub-paragraph (c), the representative is likely to suffer financial hardship.

(3) Every application for a hardship payment by an advocate must be accompanied by such information and documents as the Commission may require as evidence of—

- (a) the work done by the advocate in relation to the proceedings up to the date of the application; and
- (b) the likelihood of financial hardship.

(4) Every application for a hardship payment by a solicitor must be accompanied by such information and documents as the Commission may require as evidence of—

- (a) the Class of Offence with which the assisted person is charged, in accordance with Schedule 3;
- (b) the length of the trial, where appropriate;
- (c) the number of pages of prosecution evidence, calculated in accordance with paragraph 1(2) of Schedule 1;
- (d) the total number of defendants in the proceedings who are represented by the solicitor; and
- (e) the likelihood of financial hardship.

(5) The amount of any hardship payment is at the discretion of the Commission, but must not exceed such sum as would be reasonable remuneration for the work done by the representative in the proceedings up to the date of the application.

(6) A hardship payment must not be made if it appears to the Commission that the sum which would be reasonable remuneration for the representative, or the sum required to relieve his financial hardship, is less than £5,000 (excluding VAT).

(7) Where the Commission allows a hardship payment under paragraph (1), it must authorise payment accordingly.

(8) Where the application for a hardship payment is made by an advocate other than an instructed advocate, and the Commission allows a hardship payment under paragraph (1)—

- (a) payment must be made to the leading instructed advocate or the led instructed advocate, as appropriate; and
- (b) the Commission must notify the advocate who made the application that payment has been made to the instructed advocate.

Computation of final claim where an interim payment has been made

15.—(1) At the conclusion of a case in which one or more payments have been made to an instructed advocate or a solicitor under rules 12 to 14, that representative must submit a claim under rule 4 or 5 for the determination of his overall remuneration, whether or not such a claim will result in any payment additional to those already made.

(2) In the determination of the amount payable to an instructed advocate or solicitor under rule 4 or 5—

- (a) the Commission must deduct the amount of any payment under rules 12 to 14 in respect of the same case from the amount that would otherwise be payable; and
- (b) if the amount of the interim payment is greater than the amount that would otherwise be payable, the Commission may recover the amount of the difference, either by way of repayment by the instructed advocate or solicitor or by way of deduction from any other amount that may be due to the representative.

Payment of fees to solicitors

16.—(1) Having determined the fees payable to a solicitor in accordance with Schedule 1, the Commission must authorise payment accordingly.

(2) Where the Commission determines that the fees payable under paragraph (1) are greater than or less than the amount claimed by the solicitor under rule 4(1), it must notify the solicitor of the amount it has determined to be payable.

(3) Where, as a result of any redetermination or appeal made or brought pursuant to rules 19 to 21—

- (a) the fees payable under paragraph (1) are increased, the Commission must authorise payment of the increase; or
- (b) the fees payable under paragraph (1) are decreased, the solicitor must repay the amount of such decrease.

(4) Where the payment of any fees of the solicitor is ordered under rule 20(12) or rule 21(8), the Commission must authorise payment.

Payment of fees to advocates

17.—(1) Having determined the fees payable to each instructed advocate in accordance with Schedule 2, the Commission must notify each instructed advocate of the fees payable and authorise payment accordingly.

(2) Where, as a result of any redetermination or appeal made or brought pursuant to rules 19 to 21—

- (a) the fees payable under paragraph (1) are increased, the Commission must authorise payment of the increase; or
- (b) the fees payable under paragraph (1) are decreased, the instructed advocate must repay the amount of such decrease.

(3) Where the payment of any fees of an instructed advocate is ordered under rule 20(12) or rule 21(8), the Commission must authorise payment.

Recovery of overpayments

18.—(1) This rule applies where a representative is entitled to be paid a certain sum (“the amount due”) by virtue of the provisions of Schedules 1 or 2 and, for whatever reason, the representative is paid an amount greater than that sum.

(2) Where this rule applies, the Commission may—

- (a) require immediate repayment of the amount in excess of the amount due (“the excess amount”) and the representative must repay the excess amount to the Commission; or
- (b) deduct the excess amount from any other sum which is or becomes payable to the representative by virtue of the provisions of Schedules 1 or 2.

(3) The Commission may proceed under paragraph (2)(b) without first proceeding under paragraph (2)(a).

(4) Paragraph (2) applies notwithstanding that the representative to whom the excess amount was paid is exercising, or may exercise, a right under rules 19 to 21.

Redetermination of fees by the Commission

19.—(1) Where—

- (a) an advocate in proceedings in the Crown Court is dissatisfied with the decision not to allow any of the following fees, or with the number of hours allowed in the calculation of such a fee, namely—
 - (i) a special preparation fee under paragraph 14 of Schedule 2; or

- (ii) a wasted preparation fee under paragraph 15 of Schedule 2; or
- (b) an instructed advocate in proceedings in the Crown Court is dissatisfied with—
 - (i) the decision not to allow an hourly fee in respect of attendance at consultations or views at the scene of the alleged offence under paragraph 16 of Schedule 2, or with the number of hours allowed in the calculation of such a fee;
 - (ii) the calculation by the Commission of the fee payable to the instructed advocate in accordance with Schedule 2; or
 - (iii) the decision of the Commission under paragraph 3(3) of Schedule 2 (reclassification of an offence not specifically listed in the relevant Table of Offences and so deemed to fall within Class H); or
- (c) a solicitor is dissatisfied with—
 - (i) the calculation by the Commission of the fee payable to the solicitor in accordance with Schedule 1; or
 - (ii) the decision of the Commission under paragraph 3(3) of Schedule 1 (reclassification of an offence not specifically listed in the relevant Table of Offences and so deemed to fall within Class H);

the advocate, instructed advocate or solicitor, as the case may be, may apply to the Commission to redetermine those fees, to review that decision or to reclassify the offence, as appropriate.

(2) An application under paragraph (1) may not challenge the quantum of any of the fees set out in Schedule 1 and Schedule 2.

(3) Subject to rule 22, an application under paragraph (1) must be made—

- (a) within 21 days of the receipt of the fees payable under rule 16 or rule 17, as appropriate;
- (b) by giving notice in writing to the Commission, specifying the matters in respect of which the application is made and the grounds of objection; and
- (c) in such form and manner as the Commission may direct.

(4) The notice of application must be accompanied by the information and documents supplied under rule 4 or 5, as appropriate.

(5) The notice of application must state whether the applicant wishes to appear or to be represented and, if the applicant so wishes, the Commission must notify the applicant of the hearing date and time.

(6) The applicant must supply such further information and documents as the Commission may require.

(7) The Commission must, in the light of the objections made by the applicant or on the applicants behalf—

- (a) redetermine the fees, whether by way of confirmation, or increase or decreased in the amount previously determined;
- (b) confirm the classification of the offence within Class H; or
- (c) reclassify the offence,

as the case may be, and must notify the applicant of its decision.

(8) Where the applicant so requests, the Commission must give reasons in writing for its decision.

(9) Subject to rule 22, any request under paragraph (8) must be made within 21 days of receiving notification of the Commission's decision under paragraph (7).

Appeals to the taxing master

20.—(1) Where the Commission has given its reasons for its decision under rule 19(8), a representative who is dissatisfied with that decision may appeal to the taxing master.

(2) Subject to rule 22, an appeal under paragraph (1) must be instituted within 21 days of the receipt of the Commission's reason, by giving notice in writing to the taxing master.

(3) The appellant must send a copy of any notice of appeal given under paragraph (2) to the Commission.

(4) The notice of appeal must be accompanied by—

- (a) a copy of any written representations given under rule 19(3);
- (b) the Commission's reasons for its decision given under rule 19(8); and
- (c) the information and documents supplied to the Commission under rule 19.

(5) The notice of appeal must—

- (a) be in such form as the taxing master may direct;
- (b) specify separately each item appealed against, showing (where appropriate) the amount claimed for the item, the amount determined and the grounds of the objection to the determination; and
- (c) state whether the appellant wishes to appear or to be represented or whether the appellant will accept a decision given in his absence.

(6) The taxing master may, and if so directed by the Lord Chancellor either generally or in a particular case must, send to the Lord Chancellor a copy of the notice of appeal together with copies of such other documents as the Lord Chancellor may require.

(7) With a view to ensuring that the public interest is taken into account, the Lord Chancellor may arrange for written representatives to be made and if intending to do so, the Lord Chancellor shall inform the taxing master and the appellant.

(8) Any written representations made on behalf of the Lord Chancellor under paragraph (7) must be sent to the taxing master and the appellant and, in the case of oral representations, the taxing master and the appellant must be informed of the grounds on which such representations will be made.

(9) The appellant must be permitted a reasonable opportunity to make representations in reply.

(10) The taxing master must inform the appellant (appellant's representative) and the Lord Chancellor, where representations have been or are to be made on the Lord Chancellor's behalf, of the date of any hearing and, subject to the provisions of this rule, may give directions as to the conduct of the appeal.

(11) The taxing master may consult the trial judge or the Commission and may require the appellant to provide any further information required for the purpose of the appeal and, unless the taxing master otherwise directs, no further evidence may be received on the hearing of the appeal and no ground of objection may be raised which was not raised under rule 29.

(12) The taxing master has the same powers as the Commission under these Rules and, in the exercise of such powers, may alter the redetermination of the Commission in respect of any sum allowed, whether by increase or decrease.

(13) The taxing master must communicate the decision and the reasons for it in writing to the appellant, the Lord Chancellor and the Commission.

(14) Where the sums determined under rule 4 or 5, as appropriate, are increased, the taxing master may allow the appellant a sum in respect of part or all of any reasonable costs incurred by the appellant in connection with the appeal (including any fee payable in respect of an appeal).

Appeals to the High Court

21.—(1) A representative who is dissatisfied with the decision of the taxing master on an appeal under rule 20 may apply to the taxing master to certify a point of principle of general importance.

(2) Subject to rule 22, an application under paragraph (1) must be made within 21 days of receiving notification of the taxing master's decision under rule 20(13).

(3) Where the taxing master certifies a point of principle of general importance the appellant may appeal to the High Court against the decision of the taxing master on an appeal under rule 20, and the Lord Chancellor must be a respondent to such an appeal.

(4) Subject to rule 22, an appeal under paragraph (3) must be instituted within 21 days of receiving notification of the taxing master's certificate under paragraph (1).

(5) Where the Lord Chancellor is dissatisfied with the decision of the taxing master on an appeal under rule 20, the Lord Chancellor may, if no appeal has been made by an appellant under paragraph (3), appeal to the High Court against that decision, and the appellant must be a respondent to the appeal.

(6) Subject to rule 22, an appeal under paragraph (5) must be instituted within 21 days of receiving notification of the taxing master's decision under rule 20(13).

(7) The decision of the High Court on an appeal under paragraph (3) or (5) shall be final.

(8) The judge has the same powers as the Commission and the taxing master under these Rules and may reverse, affirm or amend the decision appealed against or make such other order as the judge thinks fit.

Time limits

22.—(1) Subject to paragraph (2), the time limit within which any act is required or authorised to be done under these Rules may, for good reason, be extended—

- (a) in the case of acts required or authorised to be done under rule 20 or 21, by the taxing master or the High Court as the case may be; and
- (b) in the case of acts required or authorised to be done by a representative under any other rule, by the Commission.

(2) Where a representative without good reason has failed (or, if an extension were not granted, would fail) to comply with a time limit, the Commission, the taxing master or the High Court, as the case may be, may, in exceptional circumstances, extend the time limit and must consider whether it is reasonable in the circumstances to reduce the fees payable to the representative under rules 4 or 5, provided that the fees must not be reduced unless the representative has been allowed a reasonable opportunity to show cause orally or in writing why the fees should not be reduced.

(3) A representative may appeal to the taxing master against a decision made under this rule by the Commission and such an appeal must be instituted within 21 days of the decision being given by giving notice in writing to the taxing master specifying the grounds of appeal.

Signed by authority of the Lord Chancellor

Dated

We approve

Dated

Parliamentary Under-Secretary of State
Ministry of Justice

Two of the Lords Commissioners
of Her Majesty's Treasury

SCHEDULE 1

Rule 4(1)

Solicitors' Graduated Fee Scheme

PART 1

Definition and Scope

Interpretation

1.—(1) In this Schedule—

“cracked trial” means a case on indictment in which—

- (a) a first arraignment takes place and—
 - (i) the case does not proceed to trial (whether by reason of pleas of guilty or for other reasons) or the prosecution offers no evidence; and
 - (ii) either—
 - (aa) in respect of one or more counts to which the assisted person pleaded guilty, he did not so plead at first arraignment; or
 - (bb) in respect of one or more counts which did not proceed, the prosecution did not, before or at first arraignment, declare an intention of not proceeding with them; or
- (b) the case is listed for trial without an arraignment taking place;

“guilty plea” means a case on indictment which—

- (a) is disposed of without a trial because the assisted person pleaded guilty to one or more counts; and
- (b) is not a cracked trial;

“main hearing” means—

- (a) in relation to a case which goes to trial, the trial;
- (b) in relation to a guilty plea, the hearing at which pleas are taken or, where there is more than one such hearing, the last such hearing;
- (c) in relation to a cracked trial, the hearing at which—
 - (i) the case becomes a cracked trial by meeting the conditions in the definition of a cracked trial, whether or not any pleas were taken at that hearing; or
 - (ii) a formal verdict of not guilty was entered as a result of the prosecution offering no evidence, whether or not the parties attended the hearing;
- (d) in relation to proceedings arising out of an alleged breach of an order of the Crown Court, the hearing at which those proceedings are determined;

“PPE Cut-off” means the minimum number of pages of prosecution evidence for use in calculating the fee payable to a solicitor under this Schedule, as set out in the tables following paragraphs 4(1) and 4(2).

(2) For the purpose of this Schedule, the number of pages of prosecution evidence served on the court includes all—

- (a) witness statements;
- (b) documentary and pictorial exhibits;
- (c) records of interviews with the assisted person; and
- (d) records of interviews with other defendants,

which form part of the committal or served prosecution documents or which are included in any notice of additional evidence, but does not include any document provided on CD-ROM or by other means of electronic communication.

(3) In proceedings on indictment in the Crown Court initiated otherwise than by committal for trial, the Commission must determine the number of pages of prosecution evidence in accordance with sub-paragraph (2) or as nearly in accordance with sub-paragraph (2) as possible as the nature of the case permits.

(4) A reference to the Table of Offences in this Schedule is to the Table of Offences in Schedule 3 and a reference to a Class of Offence in this Schedule refers to the Class in which that offence is listed in the Table of Offences.

Application

2.—(1) Subject to sub-paragraphs (2) to (3), this Schedule applies to—

- (a) every case on indictment;
- (b) proceedings arising out of an alleged breach of an order of the Crown Court (whether or not this Schedule applies to the proceedings in which the order was made);
- (c) a sentencing hearing following a case on indictment to which this Schedule applies, where sentence has been deferred under Article 3 of the Criminal Justice (Northern Ireland) Order 1996(a);
- (d) any other post-sentence hearing.

(2) Sub-paragraph (3) applies where proceedings are transferred to the Crown Court under—

- (a) Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(b) (serious and complex fraud); or
- (b) Article 4 of the Children’s Evidence (Northern Ireland) Order 1995(c) (certain cases involving children).

(3) Where, at any time after proceedings are transferred to the Crown Court under the provisions referred to in sub-paragraph (2), the prosecution—

- (a) offered no evidence (or no further evidence) and which was discontinued; or
- (b) entered a nolle prosequi,
the provisions of paragraphs 15 and 16 apply.

(4) Where, the following a case on indictment, a Newton hearing takes place—

- (a) for the purposes of this Schedule the case will be treated as having gone to trial;
- (b) the length of the trial will be taken to be the combined length of the main hearing and the Newton hearing;
- (c) the provisions of this Schedule relating to cracked trials and guilty pleas will not apply.

(5) For the purposes of this Schedule, a case on indictment which discontinues at or before first arraignment otherwise than—

- (a) by reason of a plea of guilty being entered, or
- (b) in accordance with sub-paragraph (3) of this paragraph,

must be treated as a guilty plea.

(6) For the purposes of this Schedule, where the number of pages of prosecution evidence in a case which is not a Very High Cost Case exceeds—

- (a) the PPE Cut-off figure specified in the table following paragraph 4(2) as appropriate to the offence for which the assisted person is to be tried and the length of the trial, and

(a) S.I. 1996/3160 (N.I. 24)
 (b) S.I. 1988/1846 (N.I. 16)
 (c) S.I. 1995/757 (N.I. 3)

(b) 10,000,
the case must be treated as though it had 10,000 pages of prosecution evidence.

Class of Offences

3.—(1) For the purposes of this Schedule—

- (a) every indictable offence falls within the Class under which it is listed in the Table of Offences and, subject to sub-paragraph (2), indictable offences not specifically so listed will be deemed to fall within Class H;
 - (b) conspiracy to commit an indictable offence contrary to Articles 9 and 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983^(a) (the offence of conspiracy), incitement to commit an indictable offence and attempts to commit an indictable offence contrary to Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 fall within the same Class as the substantive offence to which they relate;
 - (c) where the Table of Offences specifies that the Class within which an offence falls depends on whether the value involved exceeds a stated limit, the value must be presumed not to exceed that limit unless the solicitor making the claim under rule 6 proves otherwise to the satisfaction of the Commission;
 - (d) where more than one count of the indictment is for an offence in relation to which the Class depends on the value involved, that value must be taken to be the total value involved in all those offences, but where two or more counts relate to the same property, the value of that property must be taken into account once only;
 - (e) where an entry in the Table of Offences specifies an offence as being contrary to a statutory provision, then subject to any express limitation in the entry that entry will include every offence contrary to that statutory provision whether or not the words of description in the entry are appropriate to cover all such offences;
 - (f) where in a case on indictment there is a hearing to determine the question of whether an assisted person is unfit to plead or unfit to stand trial, the solicitor must elect whether that hearing falls within the same Class as the indictable offence to which it relates or within Class D;
 - (g) where in a case on indictment a restriction order is made under Article 47 of the Mental Health (Northern Ireland) Order 1986^(b) (powers of court to restrict discharge from hospital), the offence falls within Class A, regardless of the Class under which the offence would be listed in the Table of Offences, but for this paragraph.
- (2) Where a solicitor in proceedings in the Crown Court is dissatisfied with the classification within Class H of an indictable offence not listed in the Table of Offences, the solicitor may apply to the Commission, when lodging his claim for fees, to reclassify the offence.
- (3) The Commission must, in light of the objections made by the solicitor—
- (a) confirm the classification of the offence within Class H; or
 - (b) reclassify the offence

and must notify the solicitor of its decision.

^(a) S.I. 1983/1120 (N.I. 13)
^(b) S.I. 1986/595 (N.I. 4)

PART 2

Graduated Fees For Guilty Pleas, Cracked Trials And Trials

Pages of prosecution evidence

4.—(1) For the purposes of this Part, the PPE Cut-off figures in a cracked trial or guilty plea are specified in the Table following this sub-paragraph, as appropriate to the offence with which the assisted person is charged.

PPE Cut-off figures in cracked trials and guilty pleas

<i>Class of offence</i>												
<i>Type</i>	<i>of</i>	A	B	C	D	E	F	G	H	I	J	K
<i>case</i>												
Cracked trial or guilty plea		150	70	40	80	40	50	120	40	40	80	120

(2) For the purposes of this Part, the PPE Cut-off figures in a trial are specified in the Table following this sub-paragraph, as appropriate to the offence for which the assisted person is tried, and the length of trial.

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PPE Cut-off figures in trials

<i>Trial length in days</i>	<i>PPE off A</i>	<i>Cut</i>	<i>PPE off B</i>	<i>Cut</i>	<i>PPE off C</i>	<i>Cut</i>	<i>PPE off D</i>	<i>Cut</i>	<i>PPE off E</i>	<i>Cut</i>	<i>PPE off F</i>	<i>Cut</i>	<i>PPE off G</i>	<i>Cut</i>	<i>PPE off H</i>	<i>Cut</i>	<i>PPE off I</i>	<i>Cut</i>	<i>PPE off J</i>	<i>Cut</i>	<i>PPE off K</i>	<i>Cut</i>
1	150		70		40		80		40		50		120		40		40		80		120	
2	150		70		40		80		40		50		120		40		40		80		120	
3	246		105		81		95		120		138		186		122		134		95		186	
4	341		139		120		126		158		173		252		157		185		126		252	
5	431		170		157		156		195		206		314		191		232		156		314	
6	523		203		193		186		229		240		372		225		281		186		372	
7	615		238		230		218		265		276		433		260		329		218		433	
8	716		274		267		257		301		310		495		301		376		257		495	
9	807		306		301		293		333		342		550		338		420		293		550	
10	898		338		339		330		365		373		606		374		464		330		606	
11	991		370		378		367		399		405		663		412		509		367		663	
12	1,084		402		417		404		433		437		721		449		554		404		721	
13	1,184		434		455		440		467		470		779		486		598		440		779	
14	1,286		465		493		477		500		501		836		523		642		477		836	
15	1,389		497		531		514		532		533		894		559		686		514		894	
16	1,491		535		569		551		565		564		951		596		730		551		951	
17	1,594		573		607		587		598		596		1,007		637		774		587		1,007	
18	1,696		611		646		624		646		627		1,063		687		818		624		1,063	
19	1,798		649		684		661		696		659		1,119		736		862		661		1,119	
20	1,901		687		722		697		746		690		1,174		786		907		697		1,174	
21	2,017		722		753		742		787		720		1,230		826		943		742		1,230	
22	2,132		757		785		786		828		752		1,286		867		980		786		1,286	
23	2,247		792		819		830		868		784		1,341		908		1,017		830		1,341	
24	2,362		826		857		874		908		816		1,396		948		1,053		874		1,396	
25	2,477		860		894		917		948		848		1,451		988		1,088		917		1,451	

Cracked trial or guilty plea where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off

5.—(1) Where in a cracked trial or guilty plea the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the Table following paragraph 4(1) as appropriate to the Class of Offence with which the assisted person is charged, the total fee payable to the solicitor will be—

- (a) the basic fee, calculated in accordance with the Table following sub-paragraph (2) of this paragraph;
- (b) the defendant uplift, if any, calculated in accordance with the Table following paragraph 9; and
- (c) the adjustment for transfers and retrials, if any, calculated in accordance with paragraph 10.

(2) For the purposes of sub-paragraph (1), the basic fee appropriate to a cracked trial or a guilty plea is specified in the Table following this sub-paragraph, in accordance with the type of case and Class of Offence with which the assisted person is charged.

<i>Class of Offence</i>							
<i>Type of case</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	
Cracked trial	2785.18	1036.20	766.89	1255.67	340.50	327.63	
Guilty plea	1907.11	609.44	485.38	708.34	202.41	214.59	

<i>Class of Offence</i>						
<i>Type of case</i>	<i>G</i>	<i>H</i>	<i>I</i>	<i>J</i>	<i>K</i>	
Cracked trial	1074.22	346.31	370.66	1321.76	1130.76	
Guilty plea	667.17	209.28	191.34	745.63	702.29	

Trial where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off

6.—(1) Where in a trial the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the Table following paragraph 4(2) as appropriate to the Class of Offence for which the assisted person is tried and the length of trial, the total fee payable to the solicitor will be—

- (a) the basic fee, calculated in accordance with the Table following sub-paragraph (2) of this paragraph;
- (b) the length of trial proxy, if any, calculated in accordance with the Table following sub-paragraph (3);
- (c) the defendant uplift, if any, calculated in accordance with the Table following paragraph 9; and
- (d) the adjustment for transfers and retrials, if any, calculated in accordance with paragraph 10.

(2) For the purposes of sub-paragraph (1), the basic fee appropriate to a trial is specified in the table following this sub-paragraph, in accordance with the Class of Offence for which the assisted person is tried.

Basic Fees for trials (£)

<i>Class of Offence</i>							
<i>Type of case</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	
Trial	2785.18	1202.92	810.51	1527.89	386.54	391.89	

<i>Class of Offence</i>						
<i>Type of case</i>	<i>G</i>	<i>H</i>	<i>I</i>	<i>J</i>	<i>K</i>	
Trial	1074.22	392.05	391.75	1608.31	1130.76	

(3) For the purposes of sub-paragraph (1), the length of trial proxy is specified in the table below, in accordance with the Class of Offence for which the assisted person is tried and the length of trial.

Length of trial proxy

<i>Trial Length in days</i>	<i>Trial length proxy A</i>	<i>Trial length proxy B</i>	<i>Trial length proxy C</i>	<i>Trial length proxy D</i>	<i>Trial length proxy E</i>	<i>Trial length proxy F</i>	<i>Trial length proxy G</i>	<i>Trial length proxy H</i>	<i>Trial length proxy I</i>	<i>Trial length proxy J</i>	<i>Trial length proxy K</i>
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	1,567.39	496.31	473.98	262.93	785.29	706.78	597.73	771.17	945.08	276.76	629.18
4	3,125.99	964.00	924.20	801.42	1,132.77	984.95	1,187.50	1,106.66	1,447.59	843.60	1,250.00
5	4,606.67	1,408.31	1,351.90	1,312.99	1,462.86	1,249.21	1,747.80	1,425.36	1,924.97	1,382.09	1,839.79
6	6,102.89	1,858.61	1,776.66	1,833.56	1,772.17	1,519.38	2,270.67	1,741.43	2,411.61	1,930.05	2,390.18
7	7,586.15	2,303.80	2,203.87	2,346.50	2,099.12	1,789.40	2,824.77	2,059.74	2,890.57	2,469.99	2,973.44
8	9,069.42	2,748.97	2,631.09	2,859.44	2,426.07	2,055.07	3,378.86	2,378.05	3,369.53	3,009.93	3,556.69
9	10,404.37	3,149.63	3,015.57	3,342.88	2,720.32	2,294.19	3,877.54	2,664.53	3,806.50	3,518.82	4,081.63
10	11,739.31	3,550.30	3,400.07	3,826.32	3,014.59	2,533.30	4,376.22	2,951.00	4,243.47	4,027.71	4,606.55
11	13,101.98	3,951.50	3,794.99	4,313.36	3,322.37	2,779.24	4,897.29	3,245.35	4,689.34	4,540.38	5,155.06
12	14,465.79	4,352.20	4,190.10	4,797.10	3,630.24	3,025.17	5,418.70	3,539.33	5,135.58	5,049.58	5,703.89
13	15,805.12	4,752.90	4,576.22	5,280.84	3,937.70	3,270.12	5,940.11	3,826.93	5,574.00	5,558.78	6,252.75
14	17,144.46	5,153.61	4,962.33	5,764.59	4,235.69	3,510.51	6,461.49	4,114.53	6,012.41	6,067.98	6,801.57
15	18,483.80	5,554.31	5,348.45	6,248.32	4,532.77	3,750.89	6,982.85	4,402.14	6,450.82	6,577.18	7,350.37
16	19,823.13	5,955.02	5,734.56	6,732.06	4,829.87	3,991.29	7,503.38	4,689.74	6,889.23	7,086.38	7,898.30
17	21,162.47	6,355.73	6,120.68	7,215.80	5,126.96	4,231.68	8,010.04	4,977.34	7,327.64	7,595.57	8,431.63
18	22,501.80	6,756.43	6,506.79	7,699.54	5,424.05	4,472.07	8,516.70	5,264.94	7,766.05	8,104.77	8,964.95
19	23,841.14	7,157.13	6,892.90	8,183.28	5,721.14	4,712.46	9,023.36	5,552.54	8,204.46	8,613.97	9,498.27
20	25,180.48	7,557.84	7,279.02	8,667.02	6,018.23	4,952.85	9,530.02	5,840.14	8,642.88	9,123.17	10,031.60
21	26,528.83	7,927.97	7,596.29	9,159.97	6,263.74	5,149.52	10,036.68	6,076.67	9,003.14	9,642.08	10,564.93
22	27,868.58	8,298.07	7,913.63	9,652.84	6,509.26	5,346.28	10,543.34	6,313.31	9,363.42	10,160.89	11,098.26
23	29,208.32	8,668.15	8,231.00	10,137.38	6,747.46	5,543.04	11,050.01	6,549.95	9,723.73	10,670.92	11,631.58
24	30,548.08	9,029.83	8,548.37	10,621.91	6,985.68	5,739.80	11,556.66	6,786.59	10,080.08	11,180.95	12,164.91
25	31,887.82	9,391.50	8,864.09	11,106.44	7,223.89	5,936.55	12,063.32	7,019.41	10,431.95	11,691.00	12,698.24

Cracked trials and guilty pleas where the number of pages of prosecution evidence exceeds the PPE Cut-off

7.—(1) Where in a cracked trial or guilty plea the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the Tables following paragraph 4(1) as appropriate to the offence with which the assisted person is charged, the total fee payable to the solicitor will be—

- (a) the final fee, calculated in accordance with sub-paragraph (2) of this paragraph;
- (b) the defendant uplift, if any, calculated in accordance with the Table following paragraph 9; and
- (c) the adjustment for transfers and retrials, if any, calculated in accordance with paragraph 10.

(2) For the purposes of this sub-paragraph (1), the final fee payable to a solicitor in a cracked trial or guilty plea will be calculated in accordance with the following formula—

$$F = I + (D \times i)$$

(3) In the formula in sub-paragraph (2)—

F is the amount of the final fee;

I is the initial fee specified in the Tables following this paragraph, as appropriate to the type of case, the offence with which the assisted person is charged and the number of pages of prosecution evidence;

D is the difference between—

- (a) the number of pages of prosecution evidence in the case; and
- (b) the lower number in the PPE range as specified in the Tables following this paragraph, as appropriate to the type of case, the offence with which the assisted person is charged and the number of pages of prosecution evidence in the case;

i is the incremental fee per page of prosecution evidence specified in the Tables following this paragraph, as appropriate to the type of case, the offence with which the assisted person is charged and the number of pages of prosecution evidence in the case.

Table of final fees in cracked trials

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee (£)</i>	<i>Incremental fee per additional page of prosecution evidence (£)</i>
A	0-149	2,785.18	0
A	150-249	2,785.18	16.5771
A	250-499	4,442.89	16.2953
A	500-999	8,516.71	8.9555
A	1000-2799	12,994.44	5.7143
A	2800-4599	23,280.20	5.7143
A	4600-6399	33,565.95	5.7143
A	6400-8199	43,851.70	5.7143
A	8200-9999	54,137.46	5.7143
A	10000	64,417.49	0
B	0-69	1,036.20	0
B	70-249	1,036.20	11.4339
B	250-999	3,094.31	5.3516
B	1000-2799	7,108.03	3.5644
B	2800-4599	13,524.03	3.5644
B	4600-6399	19,940.03	2.9971
B	6400-8199	25,334.77	2.9971

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B	8200-9999	30,729.49	2.9971
B	10000	36,121.23	0
C	0-39	766.89	0
C	40-249	766.89	5.7329
C	250-999	1,970.80	3.2814
C	1000-2799	4,431.86	2.0898
C	2800-4599	8,193.57	2.0898
C	4600-6399	11,955.28	2.0898
C	6400-8199	15,716.99	2.0898
C	8200-9999	19,478.70	2.0898
C	10000	23,238.32	0
D	0-79	1,255.67	0
D	80-249	1,255.67	14.8109
D	250-999	3,773.52	8.9254
D	1000-2799	10,467.60	5.2700
D	2800-4599	19,953.59	5.2700
D	4600-6399	29,439.57	4.3244
D	6400-8199	37,223.44	4.3244
D	8200-9999	45,007.29	4.3244
D	10000	52,786.83	0
E	0-39	340.50	0
E	40-249	340.50	6.7242
E	250-999	1,752.59	2.1277
E	1000-2799	3,348.37	0.8919
E	2800-4599	4,953.80	0.8919
E	4600-6399	6,559.23	0.8919
E	6400-8199	8,164.66	0.8919
E	8200-9999	9,770.09	0.8919
E	10000	11,374.63	0
F	0-49	327.63	0
F	50-249	327.63	6.4534
F	250-999	1,618.30	2.6162
F	1000-2799	3,580.48	1.0182
F	2800-4599	5,413.21	1.0182
F	4600-6399	7,245.94	1.0182
F	6400-8199	9,078.67	1.0182
F	8200-9999	10,911.40	1.0182
F	10000	12,743.11	0
G	0-119	1,074.22	0
G	120-249	1,074.22	9.0709
G	250-999	2,253.44	6.8647
G	1000-2799	7,401.94	6.0530
G	2800-4599	18,297.33	6.0530
G	4600-6399	29,192.73	5.2019
G	6400-8199	38,556.20	5.2019
G	8200-9999	47,919.68	5.2019
G	10000	57,277.96	0
H	0-39	346.31	0
H	40-249	346.31	6.2247
H	250-999	1,653.49	2.2728
H	1000-2799	3,358.10	1.0168
H	2800-4599	5,188.37	1.0168
H	4600-6399	7,018.63	1.0168

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H	6400-8199	8,848.89	1.0168
H	8200-9999	10,679.16	1.0168
H	10000	12,508.40	0
I	0-39	370.66	0
I	40-249	370.66	8.6497
I	250-999	2,187.10	3.3804
I	1000-2799	4,722.43	1.3114
I	2800-4599	7,082.89	1.3114
I	4600-6399	9,443.34	1.3114
I	6400-8199	11,803.80	1.3114
I	8200-9999	14,164.26	1.3114
I	10000	16,523.40	0
J	0-79	1,321.76	0
J	80-249	1,321.76	15.6288
J	250-999	3,978.65	9.8095
J	1000-2799	11,335.74	5.7334
J	2800-4599	21,655.89	5.7334
J	4600-6399	31,976.05	4.5514
J	6400-8199	40,168.54	4.5514
J	8200-9999	48,361.04	4.5514
J	10000	56,548.99	0
K	0-119	1,130.76	0
K	120-249	1,130.76	9.5650
K	250-999	2,374.21	7.3335
K	1000-2799	7,874.30	6.4212
K	2800-4599	19,432.39	6.4212
K	4600-6399	30,990.49	5.4755
K	6400-8199	40,846.45	5.4755
K	8200-9999	50,702.41	5.4755
K	10000	60,552.89	0

Table of final fees in guilty pleas

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee (£)</i>	<i>Incremental fee per additional page of prosecution evidence (£)</i>
A	0-149	1,907.11	0
A	150-399	1,907.11	9.2742
A	400-999	4,225.66	5.3634
A	1000-2799	7,443.69	3.8000
A	2800-4599	14,283.77	3.8001
A	4600-6399	21,123.86	3.8001
A	6400-8199	27,963.96	3.8001
A	8200-9999	34,804.05	3.8001
A	10000	41,640.34	0
B	0-69	609.44	0
B	70-399	609.44	4.9497
B	400-999	2,242.84	2.4934
B	1000-2799	3,738.90	1.5916
B	2800-4599	6,603.75	1.5916
B	4600-6399	9,468.61	1.1661
B	6400-8199	11,567.51	1.1661

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B	8200-9999	13,666.41	1.1661
B	10000	15,764.14	0
C	0-39	485.38	0
C	40-399	485.38	2.9193
C	400-999	1,536.31	1.5971
C	1000-2799	2,494.54	0.8668
C	2800-4599	4,054.72	0.8668
C	4600-6399	5,614.91	0.8668
C	6400-8199	7,175.10	0.8668
C	8200-9999	8,735.29	0.8668
C	10000	10,294.60	0
D	0-79	708.34	0
D	80-399	708.34	5.7339
D	400-999	2,543.19	3.0095
D	1000-2799	4,348.90	1.8739
D	2800-4599	7,721.86	1.8739
D	4600-6399	11,094.83	1.1647
D	6400-8199	13,191.21	1.1646
D	8200-9999	15,287.57	1.1647
D	10000	17,382.78	0
E	0-39	202.41	0
E	40-399	202.41	3.2041
E	400-999	1,355.88	1.3732
E	1000-2799	2,179.80	0.5057
E	2800-4599	3,090.08	0.5057
E	4600-6399	4,000.36	0.5057
E	6400-8199	4,910.64	0.5057
E	8200-9999	5,820.92	0.5057
E	10000	6,730.69	0
F	0-49	214.59	0
F	50-399	214.59	3.1058
F	400-999	1,301.62	1.0840
F	1000-2799	1,952.01	0.3488
F	2800-4599	2,579.80	0.3488
F	4600-6399	3,207.59	0.3488
F	6400-8199	3,835.38	0.3488
F	8200-9999	4,463.17	0.3488
F	10000	5,090.61	0
G	0-119	667.17	0
G	120-399	667.17	4.7216
G	400-999	1,989.23	3.0953
G	1000-2799	3,846.43	2.7317
G	2800-4599	8,763.51	2.7317
G	4600-6399	13,680.59	2.1643
G	6400-8199	17,576.39	2.1643
G	8200-9999	21,472.20	2.1643
G	10000	25,365.84	0
H	0-39	209.28	0
H	40-399	209.28	3.0613
H	400-999	1,311.33	1.0852
H	1000-2799	1,962.46	0.3465
H	2800-4599	2,586.14	0.3465
H	4600-6399	3,209.84	0.3465

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H	6400-8199	3,833.53	0.3465
H	8200-9999	4,457.23	0.3465
H	10000	5,080.55	0
I	0-39	191.34	0
I	40-399	191.34	3.4214
I	400-999	1,423.04	1.4936
I	1000-2799	2,319.22	0.5581
I	2800-4599	3,323.86	0.5581
I	4600-6399	4,328.49	0.5581
I	6400-8199	5,333.13	0.5581
I	8200-9999	6,337.78	0.5581
I	10000	7,341.86	0
J	0-79	745.63	0
J	80-399	745.63	6.1572
J	400-999	2,715.93	3.2471
J	1000-2799	4,664.21	2.0766
J	2800-4599	8,402.07	2.0766
J	4600-6399	12,139.92	1.2255
J	6400-8199	14,345.86	1.2255
J	8200-9999	16,551.81	1.2255
J	10000	18,756.53	0
K	0-119	702.29	0
K	120-399	702.29	5.7624
K	400-999	2,315.76	3.2075
K	1000-2799	4,240.26	2.9871
K	2800-4599	9,617.04	2.9871
K	4600-6399	14,993.82	2.2779
K	6400-8199	19,094.01	2.2779
K	8200-9999	23,194.20	2.2779
K	10000	27,292.10	0

Trials where the number of pages of prosecution evidence exceeds the PPE Cut-off

8.—(1) Where in a trial the number of pages of prosecution evidence exceeds the PPE Cut-off figure specified in the table following paragraph 4(2) as appropriate to the offence for which the assisted person is tried and the length of trial, the total fee payable to the solicitor will be—

- (a) the final fee, calculated in accordance with sub-paragraph (2) of this paragraph;
- (b) the defendant uplift, if any, calculated in accordance with the Table following paragraph 9; and
- (c) the adjustment for transfers and retrials, if any, calculated in accordance with paragraph 10.

(2) For the purposes of sub-paragraph (1), the final fee will be calculated in accordance with the following formula—

$$F = I + (D \times i)$$

(3) In the formula in sub-paragraph (2)—

F is the amount of the final fee;

I is the initial fee specified in the Table following this paragraph, as appropriate to the offence for which the assisted person is tried and the number of pages of prosecution evidence;

D is the difference between—

- (a) the number of pages of prosecution evidence in the case; and
- (b) the lower number in the PPE range as specified in the Table following this paragraph, as appropriate to the offence for which the assisted person is tried and the number of pages of prosecution evidence in the case;

i is the incremental fee per page of prosecution evidence specified in the Table following this paragraph, as appropriate to the offence for which the assisted person is tried and the number of pages of prosecution evidence in the case.

Table of final fees in trials

<i>Offence Class</i>	<i>PPE Range</i>	<i>Initial Fee</i>	<i>Incremental fee per additional page</i>
A	0-149	2,785.18	0
A	150-599	2,785.18	16.3759
A	600-1099	10,154.34	14.6753
A	1100-1899	17,491.98	13.0799
A	1900-3299	27,955.92	11.6330
A	3300-4999	44,242.16	11.6330
A	5000-5999	64,018.33	11.6331
A	6000-6999	75,651.38	11.6330
A	7000-7999	87,284.42	11.6330
A	8000-8999	98,917.44	11.6330
A	9000-9999	110,550.46	11.6330
A	10000	122,171.85	0
B	0-69	1,202.92	0
B	70-199	1,202.92	14.0353
B	200-499	3,027.51	12.5398
B	500-899	6,789.46	10.5557
B	900-1299	11,011.74	8.8680
B	1300-1999	14,558.94	7.7722
B	2000-3299	19,999.46	7.7722
B	3300-4999	30,103.28	7.7722
B	5000-5999	43,315.97	7.7722
B	6000-7999	51,088.14	7.7722
B	8000-8999	66,632.48	7.7722
B	9000-9999	74,404.65	7.7722
B	10000	82,169.05	0
C	0-39	810.51	0
C	40-299	810.51	11.5783
C	300-799	3,820.87	10.1155
C	800-1249	8,878.62	8.4660
C	1250-1999	12,688.32	7.4854
C	2000-3199	18,302.39	5.1761
C	3200-4559	24,513.74	5.1761
C	4560-5919	31,553.29	5.1761
C	5920-7279	38,592.83	5.1761
C	7280-8639	45,632.37	5.1761
C	8640-9999	52,671.91	5.1762
C	10000	59,706.30	0
D	0-79	1,527.89	0
D	80-209	1,527.89	17.2578
D	210-699	3,771.41	13.1781
D	700-1049	10,228.68	11.0609

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D	1050-1999	14,100.00	9.5912
D	2000-3599	23,211.67	8.7658
D	3600-5199	37,236.90	8.7658
D	5200-6799	51,262.14	8.7658
D	6800-8399	65,287.39	8.7658
D	8400-9999	79,312.63	8.7658
D	10000	93,329.10	0
E	0-39	386.54	0
E	40-69	386.54	10.4287
E	70-129	699.40	9.3950
E	130-599	1,263.10	9.0869
E	600-1349	5,533.96	5.9649
E	1350-2999	10,007.63	2.6174
E	3000-4749	14,326.32	2.6174
E	4750-6499	18,906.75	2.6174
E	6500-8249	23,487.17	2.6174
E	8250-9999	28,067.60	2.6174
E	10000	32,645.40	0
F	0-49	391.89	0
F	50-229	391.89	8.0098
F	230-699	1,833.66	7.6326
F	700-1399	5,420.98	6.1357
F	1400-1949	9,715.95	4.7354
F	1950-3549	12,320.41	2.3624
F	3550-5149	16,100.18	2.3624
F	5150-6749	19,879.95	2.3624
F	6750-8349	23,659.72	2.3624
F	8350-9999	27,439.49	2.3624
F	10000	31,335.02	0
G	0-119	1,074.22	0
G	120-734	1,074.22	9.0131
G	735-1289	6,617.28	9.0746
G	1290-2399	11,653.69	9.2375
G	2400-4499	21,907.31	9.2029
G	4500-7999	41,233.37	9.2029
G	8000-8399	73,443.48	9.2029
G	8400-8799	77,124.64	9.2029
G	8800-9199	80,805.79	9.2029
G	9200-9599	84,486.95	9.2029
G	9600-9999	88,168.10	9.2029
G	10000	91,840.06	0
H	0-39	392.05	0
H	40-249	392.05	9.4203
H	250-619	2,370.32	7.8338
H	620-1299	5,268.81	5.8194
H	1300-2999	9,226.02	4.6188
H	3000-4999	17,077.91	2.4911
H	5000-5999	22,060.10	2.4910
H	6000-6999	24,551.12	2.4911
H	7000-7999	27,042.22	2.4911
H	8000-8999	29,533.32	2.4911
H	9000-9999	32,024.42	2.4911
H	10000	34,513.02	0

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I	0-39	391.72	0
I	40-369	391.72	10.0165
I	370-799	3,697.16	9.9618
I	800-1299	7,980.75	9.8555
I	1300-2699	12,908.52	7.7641
I	2700-4199	23,778.23	3.3365
I	4200-5359	28,783.04	3.3365
I	5360-6519	32,653.42	3.3365
I	6520-7679	36,523.80	3.3366
I	7680-8839	40,394.20	3.3365
I	8840-9999	44,264.58	3.3365
I	10000	48,131.63	0
J	0-79	1,608.31	0
J	80-209	1,608.31	18.1662
J	210-699	3,969.91	13.8717
J	700-1049	10,767.03	11.6431
J	1050-1999	14,842.10	10.0960
J	2000-3599	24,433.34	9.2271
J	3600-5199	39,196.75	9.2271
J	5200-6799	53,960.15	9.2271
J	6800-8399	68,723.57	9.2271
J	8400-9999	83,486.98	9.2271
J	10000	98,241.16	0
K	0-119	1,130.76	0
K	120-734	1,130.76	9.4875
K	735-1289	6,965.55	9.5522
K	1290-2399	12,267.04	9.7237
K	2400-4499	23,060.31	9.6873
K	4500-7999	43,403.55	9.6873
K	8000-8399	77,308.93	9.6872
K	8400-8799	81,183.82	9.6872
K	8800-9199	85,058.72	9.6873
K	9200-9599	88,933.63	9.6872
K	9600-9999	92,808.53	9.6872
K	10000	96,673.74	0

Defendant uplifts

9.—(1) The defendant uplift payable to a solicitor will be calculated in accordance with the Table following sub-paragraph (3).

(2) Only one defendant uplift will be payable in each case.

(3) In the Table following this paragraph, the total fee means—

- (a) in a cracked trial or guilty plea where the number of pages of prosecution evidence does not exceed the PPE Cut-off specified in the Table following paragraph 4(1), the basic fee specified in the Table following paragraph 5(2);
- (b) in a trial where the number of pages of prosecution evidence does not exceed the PPE Cut-off specified in the Table following paragraph 4(2), the basic fee specified in the table following paragraph 6(2) plus the length of trial proxy specified in the Table following paragraph 6(3);
- (c) in a cracked trial or guilty plea where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the Table following paragraph 4(1), the final fee, as calculated in accordance with paragraph 7(2); and

- (d) in a trial where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the Table following paragraph 4(2), the final fee, as calculated in accordance with paragraph 8(2).

Defendant uplifts

<i>Total number of defendants represented by solicitor</i>	Percentage uplift to total fee
2 – 4	20%
5+	30%

Retrials and Transfers

10.—(1) Where following a trial an order is made for a retrial and the same solicitor acts for the assisted person at both trials that solicitor will receive—

- (a) in respect of the first trial, a fee calculated in accordance with the provisions of this Schedule; and
- (b) in respect of the retrial, 25% of the fee, as appropriate to the circumstances and timing of the retrial, in accordance with the provisions of this Schedule.

(2) Where—

- (a) a case is transferred to a new solicitor; or
- (b) a retrial is ordered and a new solicitor acts for the assisted person at the retrial;

the original solicitor and the new solicitor must receive a percentage of the total fee, in accordance with the Table following sub-paragraph (7), as appropriate to the circumstances and timing of the retrial, transfer or withdrawal of the criminal aid certificate

(3) In sub-paragraph (2) “transfer” includes the grant of a criminal aid certificate to an individual who immediately before the grant of the certificate—

- (a) had represented himself; or
- (b) had been represented (otherwise than under a criminal aid certificate) by the solicitor named in the certificate,

and for the purposes of that sub-paragraph the solicitor shall be treated as a new solicitor.

(4) For the purposes of sub-paragraph (2), a case is not transferred to a new solicitor where—

- (a) a firm of solicitors is named as solicitor in the criminal aid certificate and the solicitor or other appropriately qualified person with responsibility for the case moves to another firm;
- (b) a firm of solicitors is named as solicitor in the criminal aid certificate and the firm changes (whether by merger or acquisition or in some other way), but so that the new firm remains closely related to the firm named in the certificate; or
- (c) a solicitor or other appropriately qualified person is named as solicitor in the criminal aid certificate and responsibility for the case is transferred to another solicitor or appropriately qualified person in the same firm or a closely related firm.

(5) For the purposes of sub-paragraph (2), where a case which has been transferred to a new solicitor is transferred again, that new solicitor—

- (a) shall be treated as an original solicitor, where the transfer takes place at any time before the trial or any retrial;
- (b) shall be treated as a new solicitor, where the transfer takes place during the trial or any retrial; and
- (c) shall not receive any fee, where the transfer takes place after the trial or any retrial but before the sentencing hearing.

(6) Where a criminal aid certificate is revoked before the case ends, a solicitor must receive a percentage of the total fee, in accordance with the Table following sub-paragraph (7), as appropriate to the circumstances and timing of a transfer.

(7) In the Table following this paragraph, the total fee means—

- (a) in a cracked trial or guilty plea where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the Table following paragraph 4(1), the basic fee as set out in the Table following paragraph 5(2);
- (b) in a trial where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the Table following paragraph 4(2), the basic fee specified in the Table following paragraph 6(2) plus the length of trial proxy specified in the Table following paragraph 6(3);
- (c) in a cracked trial or guilty plea where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the Table following paragraph 4(1), the final fee, as calculated in accordance with paragraph 7(2); and
- (d) in a trial where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the Table following paragraph 4(2), the final fee, as calculated in accordance with paragraph 8(2).

Retrials and Transfers

<i>Scenario</i>	<i>Percentage of the total fee</i>	<i>Case type used to determine total fee</i>	<i>Claim period</i>
Cracked trial before retrial, where there is no change of solicitor	25%	Cracked trial	-
Retrial, where there is no change of solicitor	25%	Trial	-
Up to and including first arraignment (original solicitor)	25%	Cracked trial	-
Up to and including first arraignment – guilty plea (new solicitor)	100%	Guilty plea	-
Up to and including first arraignment – cracked trial (new solicitor)	100%	Cracked trial	-
Up to and including first arraignment– trial (new solicitor)	100%	Trial	-
Before trial transfer (original solicitor)	75%	Cracked trial	-
Before trial transfer – cracked trial (new solicitor)	100%	Cracked trial	-
Before trial transfer – trial (new solicitor)	100%	Trial	-
During trial transfer (original solicitor)	100%	Trial	Claim up to and including the day before the transfer
During trial transfer (new solicitor)	50%	Trial	Claim for the full trial length
Transfer after trial and	100%	Trial	Claim for the full trial

before sentencing hearing (original solicitor)			length, excluding the length of the sentencing hearing
Transfer after trial and before sentencing hearing (new solicitor)	10%	Trial	Claim for one day, or for the length of the sentencing hearing if longer than one day
Transfer before retrial (original solicitor)	25%	Cracked trial	-
Transfer before cracked retrial (new solicitor)	50%	Cracked trial	
Transfer before retrial (new solicitor)	50%	Trial	Claim for the full retrial length
Transfer during retrial (original solicitor)	25%	Trial	Claim up to and including the day before the transfer
Transfer during retrial (new solicitor)	50%	Trial	Claim for the full retrial length
Transfer after retrial and before sentencing hearing (original solicitor)	25%	Trial	Claim for the full retrial length, excluding the length of the sentencing hearing
Transfer after retrial and before sentencing hearing (new solicitor)	10%	Trial	Claim for one day, or for the length of the sentencing hearing if longer than one day

PART 3

Fixed Fees

General provisions

11. Except as provided under this Part, remuneration for all work undertaken by a solicitor is included within the fee set out in Part 2 of this Schedule as appropriate to—

- (a) the offence for which the assisted person is charge or tried;
- (b) whether the case is a cracked trial, guilty plea or trial; and
- (c) the number of pages of prosecution evidence.

Fees for contempt proceedings

12.—(1) This paragraph applies to proceedings for contempt committed, or alleged to have been committed, by an individual in the face of the Court, and where a court grants legal aid to a person for the purposes of proceedings under this sub-paragraph it may assign to that individual, for the purposes of those proceedings, any representative who is within the precincts of the court.

(2) Where, in proceedings to which this paragraph applies, the contempt is alleged to have been committed by a person other than a defendant in a case to which this Schedule applies, remuneration for solicitors must be at the rate set out in the Table following paragraph 13.

(3) Where, in proceedings to which this paragraph applies, the contempt is alleged to have been committed by the defendant in a case to which this Schedule applies, all work undertaken by the solicitor is included within—

- (a) the fee payable under Part 2 of this Schedule, or
- (b) in proceedings under paragraph 13, the fixed fee set out in the Table following paragraph 13.

Fees for alleged breaches of a Crown Court order

13.—(1) This paragraph applies to proceedings in the Crown Court against one assisted person arising out of a single alleged breach of an order of the Crown Court.

(2) The fee payable to the solicitor in respect of the proceedings to which this paragraph applies is that set out in the Table following this sub-paragraph.

Fixed Fees

<i>Type of proceedings</i>	<i>Paragraph providing for fee</i>	<i>Fee payable (£ per proceedings)</i>
Contempt proceedings (where contempt is alleged to have been committed by a person other than the defendant)	12(2)	127.66
Alleged breach of a Crown Court order	13(2)	85.11

Fees for special preparation

14.—(1) This paragraph applies in any case on indictment in the Crown Court—

- (a) in respect of which a fee is payable under Part 2, where any or all of the prosecution evidence, as defined in paragraph 1(2), is served in electronic form only; or
- (b) in respect of which a fee is payable under Part 2 (other than paragraph 6), where the number of pages of prosecution evidence, as so defined, exceeds 10,000, and the Commission considers it reasonable to make a payment in excess of the fee payable under Part 2.

(2) Where this paragraph applies, a special preparation fee may be paid, in addition to the fee payable under Part 2.

(3) The amount of the special preparation fee must be calculated from the number of hours which the Commission considers reasonable—

- (a) where sub-paragraph (1)(a) applies, to view the prosecution evidence; and
- (b) where sub-paragraph (1)(b) applies, to read the excess pages,

and in each case using the rates specified in the Table following paragraph 21.

(4) A solicitor claiming a special preparation fee must supply such information and documents as may be required by the Commission in support of the claim.

(5) In determining a claim under this paragraph, the Commission must take into account all the relevant circumstances of the case.

Discontinuance or dismissal of transferred proceedings

15.—(1) This paragraph applies to proceedings which are transferred to the Crown Court under—

- (i) Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (serious and complex fraud)
- (ii) under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children).

(2) Where, at any time after proceedings are transferred to the Crown Court under the provisions referred to in sub-paragraph (1) the prosecution:

- (a) offered no evidence (or no further evidence) and which was discontinued; or
- (b) entered a nolle prosequi,

the solicitor must be paid 50 per cent of the Basic fee for a guilty plea, as specified in the table following paragraph 5, as appropriate to the offence for which the assisted person is charged.

(3) Where, at any time after proceedings are transferred to the Crown Court under the provisions referred to in sub-paragraph (1) the prosecution:

- (a) offered no evidence (or no further evidence) and which was discontinued; or
- (b) entered a nolle prosequi,

the solicitor must be paid a fee calculated in accordance with paragraph 5, or, where appropriate, paragraph 7, as appropriate for representing an assisted person in a guilty plea.

Defendant uplifts

16.—(1) Where a solicitor represents more than one assisted person in proceedings referred to in paragraph 15(2) or (3), a defendant uplift will be payable.

(2) The defendant uplift will be calculated in accordance with the table following this paragraph.

(3) In the table following this paragraph, the total fee means—

- (a) the fee specified in sub-paragraph (2) where that sub-paragraph applies; or
- (b) the Basic fee (B) specified in the Table following paragraph 5, or, where appropriate, the initial fee specified in paragraph 7, where paragraph 15(3) applies, as appropriate for the circumstances set out in that sub-paragraph.

Defendant uplifts

<i>Total number of defendants represented by solicitor</i>	<i>Percentage uplift to total fee</i>
2 – 4	20%
5+	30%

Warrant for arrest

17.—(1) This paragraph applies where—

- (a) the assisted person fails to attend a hearing;
- (b) at that hearing the court issues a warrant for the arrest of the assisted person (“the warrant”);
- (c) the case does not proceed in the absence of the assisted person.

(2) Where in a case on indictment the warrant is not executed within three months of the date on which it was issued, the fee payable to the solicitor is—

- (a) where the warrant is issued at or before the first arraignment, the fee payable for a guilty plea in accordance with paragraph 5, or where appropriate, paragraph 7;
- (b) where the warrant is issued after the first arraignment but before the trial, the fee payable for a cracked trial in accordance with paragraph 5 or where appropriate paragraph 7, as appropriate to the class of offence with which the assisted person is charged;
- (c) where the warrant is issued during the trial, and the trial is aborted as a result, the fee payable for a trial as if the trial had ended on the day the warrant was issued.

(3) Where the warrant is issued during the course of proceedings referred to in paragraph 13 the fee payable to the solicitor is the fee set out in the table following paragraph 13, as appropriate to the type of proceedings.

(4) Sub-paragraph (5) applies where—

- (a) a fee has been paid, or is payable, to the solicitor in accordance with sub-paragraph (2);
- (b) the warrant is executed within 15 months of the date on which it is issued;
- (c) the case proceeds after the warrant has been executed; and
- (d) the solicitor submits a claim for fees for the determination of his overall remuneration in the case, in accordance with rule 4.

(5) Where this sub-paragraph applies—

- (a) the Commission must deduct the amount paid or payable in accordance with sub-paragraph (2) from the amount payable to the solicitor on the final determination of fees in the case;
- (b) if the fee paid or payable in accordance with sub-paragraph (2) is greater than the amount payable to the solicitor on the final determination of fees in the case, the Commission may recover the amount of the difference by way of repayment by the solicitor.

PART 4

Miscellaneous

Additional charges and additional cases

18.—(1) Where an assisted person is charged with more than one offence on one indictment, the graduated fee payable to the solicitor under this Schedule will be based on whichever of those offences the solicitor selects.

(2) Where two or more cases to which this Schedule applies involving the same solicitor are heard concurrently (whether involving the same or different assisted persons)—

- (a) the solicitor must select one case (“the principal case”), which must be treated for the purposes of remuneration in accordance with this Schedule;
- (b) in respect of the main hearing in each of the other cases the solicitor must be paid a fixed fee of 20 per cent of—
 - (i) the initial fee (I) specified in the Table following paragraph 5 or paragraph 7, as appropriate, for the principal case, where that is a case falling within paragraph 2(1)(a), or
 - (ii) the fixed fee for the principal case, where that is a case falling within paragraph 2(1)(b).

Assisted person unfit to plead or stand trial

19. Where in any case a hearing is held to determine the question of whether the assisted person is unfit to plead or to stand trial (a “fitness hearing”)—

- (a) if a trial on indictment is held, or continues, at any time thereafter, the length of the fitness hearing is included in determining the length of the trial for the calculation of the fee in accordance with Part 2;
- (b) if a trial on indictment is not held, or does not continue, thereafter by reason of the assisted person being found unfit to plead or to stand trial, the solicitor must be paid—
 - (i) a fee calculated in accordance with paragraph 6 or where appropriate paragraph 8, as appropriate to the length of the fitness hearing; or
 - (ii) a fee calculated in accordance with paragraph 5, or where appropriate paragraph 7, as appropriate, for representing an assisted person in a cracked trial,

whichever the solicitor elects; and

- (c) if at any time the assisted person pleads guilty to the indictable offence, the solicitor must be paid either—
- (i) a fee calculated in accordance with paragraph 6, or where appropriate, paragraph 8, as appropriate to the length of the fitness hearing; or
 - (ii) a fee calculated in accordance with paragraph 5 or, where appropriate, paragraph 7, as appropriate of representing an assisted person in a guilty plea,
- whichever the solicitor elects.

Fees for confiscation proceedings

20.—(1) This paragraph applies to proceedings under Part 4 of the Proceeds of Crime Act 2002 (confiscation: Northern Ireland);

(2) Where this paragraph applies, the Commission may allow work done in the following classes by a solicitor—

- (a) preparation, including taking instructions, interviewing witnesses, ascertaining the prosecution case, preparing and perusing documents, dealing with letters and telephone calls, instructing an advocate and expert witnesses, consultations and work done in connection with advice on appeal;
- (b) attending at court where an advocate is instructed, including consultations with the advocate at court;
- (c) travelling and waiting;
- (d) writing routine letters and dealing with routine telephone calls.

(3) The Commission must consider the claim, any further particulars, information or documents submitted by the solicitor under rule 4 and any other relevant information and must allow such work as appears to it to have been reasonably done in the proceedings.

(4) Subject to sub-paragraph (3), the Commission must allow fees under this paragraph in accordance with paragraph 21.

(5) The Commission must allow fees in accordance with paragraphs 21 to 23 as appropriate to such of the following grades of fee earner as it considers reasonable—

- (a) senior solicitor;
- (b) solicitor; or
- (c) apprentice or fee-earner of equivalent experience.

Prescribed fee rates

21. Subject to paragraphs 22 and 23, for proceedings in the Crown Court to which paragraph 20 applies the Commission must allow fees for work under paragraph 20(2) at the following prescribed rates—

Table 1

<i>Class of work</i>	<i>Grade of fee earner</i>	<i>Rate</i>
Preparation	Senior solicitor	£53.00 per hour
	Solicitor	£45.00 per hour
	Apprentice or fee earner of equivalent experience	£29.75 per hour
Attendance at court where more than one representative instructed	Senior solicitor	£42.25 per hour
	Solicitor	£34.00 per hour
	Apprentice or fee earner of equivalent experience	£20.50 per hour

Travelling and waiting	Senior solicitor	£24.75 per hour
	Solicitor	£24.75 per hour
	Apprentice or fee earner of equivalent experience	£12.50 per hour
Writing routine letters and dealing with routine telephone calls		£3.45 per item

Allowing fees at less than the prescribed rates

22. In respect of any item of work, the Commission may allow fees at less than the relevant prescribed rate specified in paragraph 21 where it appears to it reasonable to do so having regard to the competence and despatch with which the work was done.

Allowing fees at more than the prescribed rates

23.—(1) Upon a determination the Commission may, subject to the provisions of this paragraph, allow fees at more than the relevant prescribed rate specified in paragraph 21 for preparation, attendance at court where more than one representative is instructed, routine letters written and routine telephone calls, in respect of offences in Class A, B, C, D, G, I, J or K in the Table of Offences.

(2) The Commission may allow fees at more than the prescribed rate where it appears to it, taking into account all the relevant circumstances of the case, that—

- (a) the work was done with exceptional competence, skill or expertise;
- (b) the work was done with exceptional despatch; or
- (c) the case involved exceptional complexity or other exceptional circumstances.

(3) Where the Commission considers that any item or class of work should be allowed at more than the prescribed rate, it must apply to that item or class of work a percentage enhancement in accordance with the following provisions of this paragraph.

(4) In determining the percentage by which fees should be enhanced above the prescribed rate the Commission must have regard to—

- (a) the degree of responsibility accepted by the fee earner;
- (b) the care, speed and economy with which the case was prepared; and
- (c) the novelty, weight and complexity of the case.

(5) The percentage above the relevant prescribed rate by which fees for work may be enhanced must not exceed 100 per cent.

(6) The Commission may have regard to the generality of proceedings to which these Rules apply in determining what is exceptional within the meaning of this paragraph.

SCHEDULE 2

Rule 5(1)

Advocates' Graduated Fee Scheme

PART 1

Definitions and Scope

Interpretation**1.—(1) In this Schedule—**

“cracked trial” means a case on indictment in which—

- (a) a first arraignment takes place and—
 - (i) the case does not proceed to trial (whether by reason of pleas of guilty or for other reasons) or the prosecution offers no evidence; and
 - (ii) either—
 - (aa) in respect of one or more counts to which the assisted person pleaded guilty, he did not so plead at first arraignment; or
 - (bb) in respect of one or more counts which did not proceed, the prosecution did not, before or at first arraignment, declare an intention of not proceeding with them; or
- (b) the case is listed for trial without an arraignment taking place;

“guilty plea” means a case on indictment which—

- (a) is disposed of without a trial because the assisted person pleaded guilty to one or more counts; and
- (b) is not a cracked trial;

“main hearing” means—

- (a) in relation to a case which goes to trial, the trial;
- (b) in relation to a guilty plea, the hearing at which pleas are taken or, where there is more than one such hearing, the last such hearing;
- (c) in relation to a cracked trial, the hearing at which—
 - (i) the case becomes a cracked trial by meeting the conditions in the definition of a cracked trial, whether or not any pleas were taken at that hearing; or
 - (ii) a formal verdict of not guilty was entered as a result of the prosecution offering no evidence, whether or not the parties attended the hearing;
- (d) in relation to proceedings arising out of an alleged breach of an order of the Crown Court, the hearing at which those proceedings are determined;

“standard appearance” means an appearance by the trial advocate or substitute advocate in any of the following hearings which do not form part of the main hearing—

- (a) an arraignment, except the first arraignment;
- (b) a pre-trial review;
- (c) the hearing of a case listed for plea which is adjourned for trial;
- (d) any hearing (except a trial, a first arraignment, a pre-trial review or a hearing referred to in paragraph 2(1)(b)) which is listed but cannot proceed because of the failure of the assisted person or a witness to attend, the unavailability of a pre-sentence report or other good reason;

- (e) custody time limit applications;
- (f) bail and other applications (except where any such applications take place in the course of a hearing referred to in paragraph 2(1)(b)); or
- (g) the hearing of the case listed for mention only, including applications relating to the date of the trial (except where an application takes place in the course of a hearing referred to in paragraph 2(1)(b)),

provided that a fee is not payable elsewhere under this Schedule in respect of the hearing;

“substitute advocate” means an advocate who is not an instructed advocate or the trial advocate but who undertakes work on the case; and

“trial advocate” means an advocate instructed under a criminal aid certificate to represent the assisted person at the main hearing in any case, including a QC or a leading junior advocate so instructed after the hearing at which pleas are taken.

(2) For the purposes of this Schedule, the number of pages of prosecution evidence served on the court includes all—

- (a) witness statements;
- (b) documentary and pictorial exhibits;
- (c) records of interviews with the assisted person; and
- (d) records of interviews with other defendants,

which form part of the committal or served prosecution documents or which are included in any notice of additional evidence, but does not include any document provided on CD-ROM or by other means of electronic communication.

(3) In proceedings on indictment in the Crown Court initiated otherwise than by committal for trial, the Commission must determine the number of pages of prosecution evidence in accordance with sub-paragraph (2) or as nearly in accordance with sub-paragraph (2) as possible as the nature of the case permits.

(4) A reference to the Table of Offences in this Schedule is to the Table of Offences in Schedule 3 and a reference to a Class of Offence in this Schedule is to the Class in which that offence is listed in the Table of Offences.

Application

2.—(1) Subject to sub-paragraphs (3) to (8), this Schedule applies to—

- (a) every case on indictment; and
- (b) proceedings arising out of an alleged breach of an order of the Crown Court (whether or not this Schedule applies to the proceedings in which the order was made).

(2) Sub-paragraph (3) applies where, following a trial, an order is made for a new trial and the same trial advocate appears at both trials where—

- (i) the defendant is an assisted person at both trials; or
- (ii) the defendant is an assisted person at the new trial only; or
- (iii) the new trial is a cracked trial or guilty plea.

(3) In respect of a new trial, or if he so elects, in respect of the first trial, the trial advocate will receive a graduated fee calculated in accordance with Part 2 or Part 3, as appropriate, except that the fee will be reduced by—

- (a) 30 per cent, where the new trial started within one month of the conclusion of the first trial;
- (b) 20 per cent, where the new trial did not start within one month of the conclusion of the first trial;
- (c) 40 per cent where the new trial becomes a cracked trial or guilty plea within one month of the conclusion of the first trial; or

(d) 25 per cent where the new trial becomes a cracked trial or guilty plea more than one month after the conclusion of the first trial.

(4) Where a different trial advocate appears for the assisted person at each trial then, in respect of each trial, the trial advocate will receive a graduated fee calculated in accordance with Part 2 or Part 3, as appropriate.

(5) Where following a case on indictment a Newton hearing takes place—

- (a) for the purposes of this Schedule the case will be treated as having gone to trial;
 - (b) the length of the trial will be taken to be the combined length of the main hearing and the Newton hearing;
 - (c) the provisions of this Schedule relating to cracked trials and guilty pleas will not apply;
- and
- (d) no fee will be payable under paragraph 12 in respect of the Newton hearing.

(6) Sub-paragraph (7) applies where proceedings are transferred to the Crown Court under—

- (a) Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(a) (serious and complex fraud); or
- (b) Article 4 of the Children’s Evidence (Northern Ireland) Order 1995(b) (certain cases involving children).

(7) Where, at any time after proceedings are transferred to the Crown Court under the provisions referred to in sub-paragraph (6), the prosecution:

- (a) offered no evidence (or nor further evidence) and the proceedings were discontinued; or
 - (b) entered a nolle prosequi,
- the provisions of paragraph 19 apply.

(8) For the purposes of this Schedule, a case on indictment which discontinues at or before the first arraignment otherwise than—

- (a) by reason of a plea of guilty being entered, or
 - (b) in accordance with paragraph 2(7),
- must be treated as a guilty plea.

Class of offences

3.—(1) For purposes of this Schedule—

- (a) every indictable offence falls within the Class under which it is listed in the Table of Offences and, subject to sub-paragraph (2), indictable offences not specifically so listed will be deemed to fall within Class H;
- (b) conspiracy to commit an indictable offence contrary to Articles 9 and 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983(c), incitement to commit an indictable offence and attempts to commit an indictable offence contrary to Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, fall within the same Class as the substantive offence to which they relate;
- (c) where the Table of Offences specifies that the Class within which an offence falls depends on whether the value involved exceeds a stated limit, the value must be presumed not to exceed that limit unless the advocate making the claim under rule 5 proves otherwise to the satisfaction of the Commission;
- (d) where more than one count of the indictment is for an offence in relation to which the Class depends on the value involved, that value must be taken to be the total value

(a) S.I. 1988/1846 (N.I. 16)
(b) S.I. 1995/757 (N.I. 3)
(c) S.I. 1983/1120 (N.I. 13)

involved in all those offences, but where two or more counts relate to the same property, the value of that property must be taken into account once only;

- (e) where an entry in the Table of Offences specifies an offence as being contrary to a statutory provision, then subject to any express limitation in the entry that entry will include every offence contrary to that statutory provision whether or not the words of description in the entry are appropriate to cover all such offences;
- (f) where in a case on indictment there is a hearing to determine the question of whether an assisted person is unfit to plead or unfit to stand trial, the trial advocate must elect whether that hearing falls within the same Class as the indictable offence to which it relates or within Class D; and
- (g) where in a case on indictment a restriction order is made under Article 47 of the Mental Health (Northern Ireland) Order 1986^(a) (powers of court to restrict discharge from hospital), the offence falls within Class A, regardless of the Class under which the offence would be listed in the Table of Offences but for this paragraph.

(2) Where an advocate in proceedings in the Crown court is dissatisfied with the classification within Class H of an indictable offence not listed in the Table of Offences, he may apply to the Commission when lodging his claim for fees to reclassify the offence.

(3) The Commission must, in light of the objections made by the advocate—

- (a) confirm the classification of the offence within Class H; or
- (b) reclassify the offence,

and must notify the advocate of its decision.

PART 2

Graduated Fees for Trial

Calculation of Graduated Fees

4.—(1) The amount of the graduated fee for a single trial advocate representing one assisted person being tried on one indictment in the Crown Court in a trial lasting one to 25 days must be calculated in accordance with the following formula—

$$G = B + (d \times D) + (e \times E) + (w \times W)$$

(2) In the formula in sub-paragraph (1)—

G is the amount of the graduated fee;

B is the basic fee specified in the Table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

d is the number of days or parts of a day on which the advocate attends at court by which the trial exceeds 2 days but does not exceed 25 days;

D is the fee payable in respect of daily attendance at court for the number of days by which the trial exceeds two days but does not exceed 25 days, as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

e is the number of pages of prosecution evidence excluding the first 50, up to a maximum of 10,000;

E is the evidence uplift specified in the Table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

(a) S.I. 1986/595 (N.I. 4)

w is the number of prosecution witnesses excluding the first 10;

W is the witness uplift specified in the Table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate.

Table of fees

5. For the purposes of paragraph 4 the basic fee (B), the daily attendance fee (D), the evidence uplift (E) and the witness uplift (W) appropriate to any offence will be those specified in the Table following this paragraph in accordance with the Class within which that offence falls.

Table of Fees and Uplifts

<i>Class of Offence</i>	<i>Basic Fee (B)</i>	<i>Daily attendance fee (D)</i>	<i>Evidence uplift (E)</i>	<i>Witness uplift (W)</i>
QC				
A	£4,434	£1,321	£1.89	£7.55
B	£2,924	£991	£1.89	£7.55
C	£2,275	£943	£1.89	£7.55
D	£2,641	£943	£1.89	£7.55
E	£1,750	£708	£1.89	£7.55
F	£1,750	£708	£1.89	£7.55
G	£2,200	£943	£1.89	£7.55
H	£2,200	£943	£1.89	£7.55
I	£2,453	£943	£1.89	£7.55
J	£3,302	£1,132	£1.89	£7.55
K	£3,302	£1,132	£1.89	£7.55
Leading Junior				
A	£3,325	£991	£1.42	£5.66
B	£2,193	£743	£1.42	£5.66
C	£1,706	£708	£1.42	£5.66
D	£1,981	£708	£1.42	£5.66
E	£1,313	£531	£1.42	£5.66
F	£1,313	£531	£1.42	£5.66
G	£1,650	£708	£1.42	£5.66
H	£1,650	£708	£1.42	£5.66
I	£1,840	£708	£1.42	£5.66
J	£2,476	£849	£1.42	£5.66
K	£2,476	£849	£1.42	£5.66
Led Junior				
A	£2,217	£660	£0.94	£3.77
B	£1,462	£495	£0.94	£3.77
C	£1,038	£472	£0.94	£3.77
D	£1,300	£472	£0.94	£3.77
E	£802	£354	£0.94	£3.77
F	£802	£354	£0.94	£3.77
G	£1,100	£472	£0.94	£3.77
H	£943	£472	£0.94	£3.77
I	£1,132	£472	£0.94	£3.77
J	£1,887	£566	£0.94	£3.77
K	£1,651	£566	£0.94	£3.77

Junior alone

A	£2,547	£778	£1.13	£5.66
B	£1,509	£542	£1.13	£5.66
C	£1,038	£472	£1.13	£5.66
D	£1,300	£472	£1.13	£5.66
E	£755	£377	£1.13	£5.66
F	£802	£377	£1.13	£5.66
G	£1,415	£472	£1.13	£5.66
H	£943	£472	£1.13	£5.66
I	£1,132	£472	£1.13	£5.66
J	£1,887	£613	£1.13	£5.66
K	£1,887	£613	£1.13	£5.66

PART 3**Graduated Fees for Guilty Pleas and Cracked Trials****Calculation of graduated fees in guilty pleas and cracked trials**

6. The amount of the graduated fee for a single trial advocate representing one assisted person in a guilty plea or cracked trial is—

- (a) the basic fee specified in the Table following paragraph 7 as appropriate to the offence with which the assisted person is charged, the category of trial advocate and whether the case is a guilty plea or a cracked trial; and
- (b) the evidence uplift, as appropriate to the number of pages of prosecution evidence, calculated in accordance with the Table following paragraph 7.

Table of fees

7.—(1) Subject to sub-paragraphs (2) and (3), for the purposes of paragraph 6 the basic fee and evidence uplift appropriate to any offence are specified in the Tables following this paragraph in accordance with the class within which that offence falls.

(2) Where—

- (a) the trial of a case does not commence on the date first fixed; or
- (b) the case is not taken and disposed of from the first time it is listed as a standby trial, the basic fee and evidence uplift for the offence are specified for the last third in the Table referred to in sub-paragraph (1).

(3) In this paragraph, and in the Tables following this paragraph, references to the first, second and last third are references to the first, second and last third—

- (a) where a case is first listed for trial on a fixed date, of the period of time beginning after the date on which the case is so listed and ending before the date so fixed,
- (b) where the case is first listed as a standby trial, of the period of time beginning after the date on which the case is so placed and ending before the date of the start of that standby list, and

where the number of days in this period of time cannot be divided by three equally, any days remaining after such division must be added to the last third.

(4) Where a graduated fee is calculated in accordance with this Part for the purposes of paragraph 2(4), the fee must be calculated as if the trial had cracked in the final third.

Table A – Fees and uplifts in guilty pleas and trials which crack in the first third

<i>Class of Offence</i>	<i>Basic fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 1,000)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
QC			
A	£2,358.00	£2.53	£1.17
B	£1,509.00	£2.08	£1.04
C	£1,415.00	£1.48	£0.74
D	£1,509.00	£3.30	£1.65
E	£1,250.00	£1.06	£0.53
F	£1,250.00	£1.39	£0.70
G	£1,415.00	£1.84	£0.92
H	£1,415.00	£1.91	£0.95
I	£1,415.00	£1.86	£0.92
J	£1,981.00	£3.30	£1.65
K	£1,981.00	£1.84	£0.92
Leading Junior			
A	£1,768.50	£1.90	£0.88
B	£1,131.75	£1.56	£0.78
C	£1,061.25	£1.11	£0.56
D	£1,131.75	£2.48	£1.24
E	£937.50	£0.80	£0.40
F	£937.50	£1.04	£0.53
G	£1,061.25	£1.38	£0.69
H	£1,061.25	£1.43	£0.71
I	£1,061.25	£1.40	£0.69
J	£1,485.75	£2.48	£1.24
K	£1,485.75	£1.38	£0.69
Led Junior			
A	£1,179.00	£1.27	£0.59
B	£754.50	£1.04	£0.52
C	£707.50	£0.74	£0.37
D	£754.50	£1.65	£0.83
E	£625.00	£0.53	£0.27
F	£625.00	£0.70	£0.35
G	£707.50	£0.92	£0.46
H	£707.50	£0.96	£0.48
I	£707.50	£0.93	£0.46
J	£990.50	£1.65	£0.83
K	£990.50	£0.92	£0.46
Junior alone			
A	£1,312.00	£1.08	£0.54
B	£802.00	£0.94	£0.47
C	£519.00	£0.69	£0.35
D	£802.00	£1.37	£0.68
E	£472.00	£0.41	£0.20
F	£472.00	£0.63	£0.31
G	£755.00	£1.18	£0.59
H	£566.00	£0.63	£0.32
I	£660.00	£0.49	£0.25
J	£1,132.00	£1.37	£0.68
K	£1,132.00	£1.18	£0.59

Table B – Fees and uplifts in trials which crack in the second or final third

<i>Class of Offence</i>	<i>Basic Fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 250)</i>	<i>Evidence uplift per page of prosecution evidence (pages 251 to 1,000)</i>	<i>A case that cracks in the second third</i>	<i>A case that cracks in the final third</i>
				<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
QC					
A	£3,585.00	£4.70	£1.17	£1.55	£4.70
B	£2,264.00	£4.16	£1.04	£1.38	£4.16
C	£1,975.00	£2.95	£0.74	£0.97	£2.95
D	£2,264.00	£6.59	£1.65	£2.18	£6.59
E	£1,600.00	£2.11	£0.53	£0.70	£2.11
F	£1,600.00	£2.77	£0.70	£0.92	£2.77
G	£2,000.00	£3.68	£0.92	£1.22	£3.68
H	£2,000.00	£3.80	£0.95	£1.25	£3.80
I	£2,075.00	£3.72	£0.92	£1.23	£3.72
J	£3,019.00	£6.59	£1.65	£2.18	£6.59
K	£3,019.00	£3.68	£0.92	£1.22	£3.68
Leading Junior					
A	£2,688.75	£3.53	£0.88	£1.16	£3.53
B	£1,698.00	£3.12	£0.78	£1.04	£3.12
C	£1,481.25	£2.21	£0.56	£0.73	£2.21
D	£1,698.00	£4.94	£1.24	£1.64	£4.94
E	£1,200.00	£1.58	£0.40	£0.53	£1.58
F	£1,200.00	£2.08	£0.53	£0.69	£2.08
G	£1,500.00	£2.76	£0.69	£0.92	£2.76
H	£1,500.00	£2.85	£0.71	£0.94	£2.85
I	£1,556.25	£2.79	£0.69	£0.92	£2.79
J	£2,264.25	£4.94	£1.24	£1.64	£4.94
K	£2,264.25	£2.76	£0.69	£0.92	£2.76
Led Junior					
A	£1,792.50	£2.35	£0.59	£0.78	£2.35
B	£1,132.00	£2.08	£0.52	£0.69	£2.08
C	£987.50	£1.48	£0.37	£0.49	£1.48
D	£1,132.00	£3.30	£0.83	£1.09	£3.30
E	£800.00	£1.06	£0.27	£0.35	£1.06
F	£800.00	£1.39	£0.35	£0.46	£1.39
G	£1,000.00	£1.84	£0.46	£0.61	£1.84
H	£1,000.00	£1.90	£0.48	£0.63	£1.90
I	£1,037.50	£1.86	£0.46	£0.62	£1.86
J	£1,509.50	£3.30	£0.83	£1.09	£3.30
K	£1,509.50	£1.84	£0.46	£0.61	£1.84
Junior alone					
A	£1,981.00	£4.63	£2.15	£0.71	£2.15
B	£1,179.00	£4.03	£1.88	£0.62	£1.88
C	£755.00	£2.99	£1.39	£0.46	£1.39
D	£1,050.00	£5.87	£2.73	£0.90	£2.73
E	£660.00	£1.75	£0.82	£0.27	£0.82
F	£660.00	£2.70	£1.25	£0.42	£1.25
G	£1,132.00	£5.08	£2.37	£0.78	£2.37

H	£802.00	£2.71	£1.26	£0.42	£1.26
I	£943.00	£2.11	£0.98	£0.32	£0.98
J	£1,698.00	£5.87	£2.73	£0.90	£2.73
K	£1,604.00	£5.08	£2.37	£0.78	£2.37

PART 4

Fixed Fees

General provisions

8. Except as provided under this Part, all work undertaken by an advocate is included within the basic fee (B) specified in the Table following paragraph 5 or that following paragraph 7 as appropriate to—

- (a) the offence for which the assisted person is tried;
- (b) the category for advocate; and
- (c) whether the case is a cracked trial, guilty plea or trial.

Fees for first arraignment and standard appearances

9.—(1) The fee payable in respect of—

- (a) an appearance by the trial advocate or substitute advocate at the first arraignment or pre-trial review; and
- (b) up to four standard appearances by the trial advocate or substitute advocate,

is included within the basic fee (B) specified in paragraph 5 or 7 as appropriate to the offence for which the assisted person is tried and the category of trial advocate.

(2) The fee payable in respect of an appearance by the trial advocate or substitute advocate at an arraignment appearance not included in sub-paragraph (1) is specified in the Table following paragraph 20 as appropriate to the category of trial advocate or substitute advocate.

(3) This paragraph does not apply to a standard appearance which is or forms part of the main hearing in a case or to a hearing for which a fee is payable elsewhere under this Schedule.

Fees for abuse of process, disclosure, admissibility and withdrawal of plea hearings

10.—(1) This paragraph applies to—

- (a) the hearing of an application to stay the case on indictment or any count on the ground that the proceedings constitute an abuse of the process of the court;
- (b) any hearing relating to the question of whether any material should be disclosed by the prosecution to the defence or the defence to the prosecution (whether or not any claim to public interest immunity is made);
- (c) the hearing of an application under section 51A of the Judicature (Northern Ireland) Act 1978^(a) for disclosure of material held by third parties;
- (d) any hearing relating to the question of the admissibility as evidence of any material; and
- (e) the hearing of an application to withdraw a plea of guilty where the application is—
 - (i) made by an advocate other than the advocate who appeared at the hearing at which the plea of guilty was entered; and
 - (ii) unsuccessful.

(a) 1978 c. 23

(2) Where a hearing to which this paragraph applies is held on any day of the main hearing of a case on indictment, no separate fee is payable in respect of attendance at the hearing, but the hearing is included in the length of the main hearing for the purpose of calculating the fees payable.

(3) Where a hearing to which this paragraph applies is held prior to the first or only day of the main hearing, it is not included in the length of the main hearing for the purpose of calculating the fees payable and the trial advocate or substitute advocate must be remunerated for attendance at such a hearing—

- (a) in respect of any day where the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the Table following paragraph 20 as appropriate to the category of trial advocate or substitute advocate; or
- (b) in respect of any day where the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in the Table following paragraph 20 as appropriate to the category of trial advocate or substitute advocate.

Fees for confiscation hearings

11.—(1) This paragraph applies to a hearing under Part 4 of the Proceeds of Crime Act 2002 (Confiscation: Northern Ireland)(a).

(2) A hearing to which this paragraph applies is not included in the length of the main hearing or of any sentencing hearing for the purpose of calculating the fees payable, and the trial advocate or substitute advocate must be remunerated for attendance at such a hearing—

- (a) in respect of any day where the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the Table following paragraph 20 as appropriate to the category of trial advocate or substitute advocate; or
- (b) in respect of any day where the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in the Table following paragraph 20 as appropriate to the category of trial advocate or substitute advocate.

Fees for sentencing hearings

12.—(1) This paragraph applies to—

- (a) a sentencing hearing following a case on indictment to which this Schedule applies, where sentence has been deferred under Article 3 of the Criminal Justice (Northern Ireland) Order 1996(b); or
- (b) a sentencing hearing following a case on indictment to which this Schedule applies, other than a hearing within paragraph (a) or a sentencing hearing forming part of the main hearing.

(2) The fee payable to an advocate for appearing at a hearing to which this paragraph applies is that set out in the Table following paragraph 20 as appropriate to the category of trial advocate or substitute advocate and the circumstances of the hearing.

Fees for ineffective trials

13. The fee set out in the Table following paragraph 20 as appropriate to the category of trial advocate will be payable in respect of each day on which the case was listed for trial but did not proceed on the day for which it was listed, for whatever reason.

(a) 2002 c. 29

(b) S.I. 1996/3160 (N.I. 24)

Fees for special preparation

14.—(1) This paragraph applies where, in any case on indictment in the Crown Court in respect of which a graduated fee is payable under Part 2 or Part 3—

- (a) it has been necessary for an advocate to do work by way of preparation substantially in excess of the amount normally done for cases of the same type because the case involves a very unusual or novel point of law or factual issue;
- (b) the number of pages of prosecution evidence, as defined in paragraph 1(2), exceeds 10,000 and the Commission considers it reasonable to make a payment in excess of the graduated fee payable under this Schedule; or
- (c) any or all of the prosecution evidence, as defined in paragraph 1(2), is served in electronic form only, and the Commission considers it reasonable to make a payment in excess of the graduated fee payable under this Schedule.

(2) Where this paragraph applies, a special preparation fee may be paid, in addition to the graduated fee payable under Part 2 or Part 3.

(3) The amount of the special preparation fee must be calculated—

- (a) where sub-paragraph (1)(a) applies, from the number of hours preparation in excess of the amount the Commission considers reasonable for cases of the same type;
- (b) where sub-paragraph (1)(b) applies, from the number of hours which the Commission considers reasonable to read the excess pages; and
- (c) where sub-paragraph (1)(c) applies, from the number of hours which the Commission considers reasonable to view the prosecution evidence,

and in each case using the rates of hourly fees set out in the Table following paragraph 20 as appropriate to the category of trial advocate.

(4) Any claim for a special preparation fee under this paragraph must be made by an instructed advocate, whether or not he did the work claimed for.

(5) An instructed advocate claiming a special preparation fee must supply such information and documents as may be required by the Commission in support of the claim.

(6) In determining a claim under this paragraph, the Commission must take into account all the relevant circumstances of the case, including, where special preparation work has been undertaken by more than one advocate, the benefit of such work to the trial advocate.

Fees for wasted preparation

15.—(1) A wasted preparation fee may be claimed where a trial advocate in any case to which this paragraph applies is prevented from representing the assisted person in the main hearing by any of the following circumstances—

- (a) the trial advocate is instructed to appear in other proceedings at the same time as the main hearing in the case and has been unable to secure a change of date for either the main hearing or the other proceedings; and
- (b) the date fixed for the main hearing is changed by the court despite the trial advocate's objection; or
- (c) the trial advocate has been withdrawn from the case with the leave of the court because of his professional code of conduct or to avoid embarrassment in the exercise of his profession; or
- (d) the trial advocate has been dismissed by the assisted person or the solicitor; or
- (e) the trial advocate is obliged to attend at any place by reason of a judicial office held by him or other public duty.

(2) This paragraph applies to every case on indictment to which this Schedule applies provided that—

- (a) the case goes to trial, and the trial lasts for five days or more; or

(b) the case is a cracked trial, and the number of pages of prosecution evidence exceeds 150.

(3) The amount of the wasted preparation fee must be calculated from the number of hours of preparation reasonably carried out by the trial advocate, using the rates for hourly fees set out in the Table following paragraph 20 as appropriate to the category of trial advocate, but no such fee is payable unless the number of hours of preparation is eight or more.

(4) Any claim for a wasted preparation fee under this paragraph must be made by an instructed advocate, whether or not he did the work claimed for.

(5) An instructed advocate claiming a wasted preparation fee must supply such information and documents as may be required by the Commission as proof of the circumstances in which he was prevented from representing the assisted person and of the number of hours of preparation.

Fees for consultations and views

16.—(1) This paragraph applies to the following types of work—

- (a) attendance by the trial advocate at pre-trial consultations with prospective or actual expert witnesses not held at court;
- (b) attendance by the trial advocate at views at the scene of the alleged offence;
- (c) attendance by the trial advocate at pre-trial consultations with the assisted person not held at court;
- (d) reasonable travelling time by the trial advocate for the purpose of attending a view at the scene of the alleged offence; or
- (e) reasonable travelling time by the trial advocate for the purpose of attending a pre-trial consultation with the assisted person or prospective or actual expert witness, where the Commission is satisfied that the assisted person or prospective or actual expert witness was unable or could not reasonably have been expected to attend a consultation at the Bar Library or Royal Courts of Justice.

(2) The fees payable in respect of attendance at the first three pre-trial consultations or views, as set out in sub-paragraph (1)(a) to (c), are included in the basic fee (B) specified in the Table following paragraph 5 or paragraph 7, as appropriate to the offence for which the assisted person is tried, the category of trial advocate and whether the case is a guilty plea, cracked trial or trial, provided that the trial advocate satisfies the Commission that the work was reasonably necessary.

(3) The fee specified in the Table following paragraph 20 as appropriate to the category of trial advocate will be payable in the following circumstances, provided that the trial advocate satisfies the Commission that the work was reasonably necessary—

- (a) for trials lasting not less than 21 and not more than 25 days, and cracked trials where it was accepted by the court at first arraignment that the trial would last not less than 21 days and not more than 25 days, one further pre-trial consultation or view not exceeding two hours;
- (b) for trials lasting not less than 26 and not more than 35 days, and cracked trials where it was accepted by the court at first arraignment that the trial would last not less than 26 days and not more than 35 days, two further pre-trial consultations or views each not exceeding two hours; and
- (c) for trials lasting not less than 36 days, and cracked trials where it was accepted by the court at first arraignment that the trial would last not less than 36 days and not more than 40 days, three further pre-trial consultations or views each not exceeding two hours.

(4) Travel expenses must be paid for all consultations and views set out in sub-paragraph (1)(a) to (c), provided that the trial advocate satisfies the Commission that they were reasonably incurred.

(5) Travelling time must be paid for all consultations and views set out in sub-paragraph (1)(a) to (c), provided that the trial advocate satisfies the Commission that it was reasonable.

Fees for breach hearings

17.—(1) Subject to paragraph 22, the fee payable to a trial advocate in any of the hearings referred to in paragraph 2(1)(b) is the fixed fee specified in the Table following paragraph 19.

(2) Where a hearing referred to in paragraph 2(1)(b) is listed but cannot proceed because of the failure of the assisted person or a witness to attend, the unavailability of a pre-sentence report, or other good reason, the fee payable to the advocate is the fixed fee specified in the Table following paragraph 19.

(3) Where—

- (a) a bail application;
- (b) a mention hearing; or
- (c) any other application

takes place in the course of a hearing referred to in paragraph 2(1)(b), the fee payable to the advocate is the fixed fee specified in the Table following paragraph 20.

Fees for contempt proceedings

18.—(1) This paragraph applies to proceedings for contempt committed, or alleged to have been committed, by an individual in the face of the Court, and where a court grants legal aid to a person for the purposes of proceedings under this sub-paragraph it may assign to him, for the purposes of those proceedings, any representative who is within the precincts of the court.

(2) Proceedings for contempt disposed of in the Crown Court will be remunerated as detailed in the Tables preceding this paragraph:

- (a) Where only an advocate is instructed:

<i>Category of advocate</i>	<i>Payment rates (£ per day)</i>
QC	300
Leading Junior	225
Led Junior or junior acting alone	150

- (b) Where both an advocate and solicitor are instructed:

<i>Category of advocate</i>	<i>Payment rates (£ per day)</i>
QC	175
Leading Junior	125
Led Junior or junior acting alone	100

Discontinuance or dismissal of transferred proceedings

19.—(1) This paragraph applies to proceedings which are transferred to the Crown Court under—

- (a) Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(a) (serious and complex fraud)
- (b) under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995(b) (certain cases involving children).

(2) Where proceedings referred to in sub-paragraph (1) are discontinued at any time before the prosecution serves its evidence, the advocate must be paid 50 per cent of the Basic Fee (B) for a guilty plea, as specified in the Table following paragraph 7 as appropriate to the offence for which the assisted person is charged and the category of advocate.

(a) S.I. 1988/1846 (N.I. 16)
 (b) S.I. 1995/757 (N.I. 3)

(3) Where proceedings referred to in sub-paragraph (1) are discontinued at any time after the prosecution serves its evidence, the advocate must be paid a graduated fee calculated in accordance with paragraph 6, as appropriate for representing an assisted person in a guilty plea.

(4) Sub-paragraph (5) applies to—

- (a) a first arraignment that takes place after the prosecution serves its evidence; and
- (b) any other hearing that takes place before a first arraignment has taken place but after the prosecution has served its evidence.

(5) Where, at a hearing to which this sub-paragraph applies, the prosecution offers no evidence and the assisted person is discharged, the advocate instructed in the proceedings must be paid a graduated fee calculated in accordance with paragraph 6, as appropriate for representing an assisted person in a guilty plea.

(6) Where an application for dismissal is made, the advocate must be remunerated for attendance at the hearing of the application for dismissal—

- (a) in respect of any day where the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the Table following paragraph 20 as appropriate to the category of advocate; or
- (b) in respect of any day where the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in that Table as appropriate to the category of advocate,

provided that a fee is not payable elsewhere under this Schedule in respect of any day of the hearing.

(7) Where an application for dismissal is made and the charge, or charges, are dismissed and the assisted person is discharged, in respect of the first day of the hearing of the application to dismiss, the advocate instructed in the proceedings must be paid a graduated fee calculated in accordance with paragraph 6, as appropriate for representing an assisted person in a guilty plea.

(8) Where an advocate represents more than one assisted person in proceedings referred to in sub-paragraph (1), the advocate must be paid a fixed fee of 20 per cent of—

- (a) the fee specified in sub-paragraph (2) where that sub-paragraph applies; or
- (b) the Basic Fee (B) specified in the Table following paragraph 7 where sub-paragraph (3), (4) or (6) applies, as appropriate for the circumstances set out in the relevant sub-paragraph,

in respect of each additional assisted person he represents.

Noting brief fees

20. The fee payable to an advocate retained solely for the purpose of making a note of any hearing must be the daily fee set out in the Table following this paragraph.

Fixed Fees

<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Fee for QC</i>	<i>Fee for leading junior</i>	<i>Fee for led junior or junior alone</i>
Standard appearance	9(2)	£200 per day	£150 per day	£100 per day
Abuse of process hearing	10(1)(a)	Half day £300	Half day £225	Half day £150
		Full day £575	Full day £400	Full day £275
Hearings relating to disclosure	10(1)(b) and (c)	Half day £300	Half day £225	Half day £150
		Full day £575	Full day £400	Full day £275

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Hearings relating to the admissibility of evidence	10(1)(d)	Half day £300	Half day £225	Half day £150
		Full day £575	Full day £400	Full day £275
Hearings on withdrawal of a plea of guilty	10(1)(e)	Half day £300	Half day £225	Half day £150
		Full day £575	Full day £400	Full day £275
Confiscation hearings	11	Half day £300	Half day £225	Half day £150
		Full day £575	Full day £400	Full day £275
Deferred sentencing hearing	12(1)(a)	£375 per day	£275 per day	£200 per day
Other sentencing hearing	12(1)(b)	£300 per day	£200 per day	£125 per day
Ineffective trial payment	13	£325 per day	£225 per day	£150 per day
Special preparation	14	£85 per hour	£65 per hour	£45 per hour
Wasted preparation	15	£85 per hour	£65 per hour	£45 per hour
Consultations and views	16	£85 per hour	£65 per hour	£45 per hour
Proceedings relating to breach of an order of the Crown Court	17(1)	£250 per day	£175 per day	£125 per day
Adjourned breach hearings	17(2)	£200 per day	£150 per day	£100 per day
Bail applications, mentions and other applications in breach hearings	17(3)	£200 per day	£150 per day	£100 per day
Second and subsequent days of an application to dismiss	19(6)	Half day £300	Half day £225	Half day £150
		Full day £575	Full day £400	Full day £275
Noting brief	20	-	-	£125 per day

PART 5

Miscellaneous

Identity of instructed advocate

21.—(1) Where an instructed advocate is appointed before first arraignment, the advocate must notify the Court in writing as soon as he is appointed and, where appropriate, the advocate must confirm whether he is the leading instructed advocate or the led instructed advocate.

(2) Where the criminal aid certificate provides for a single advocate and no instructed advocate has been notified to the Court in accordance with sub-paragraph (1)—

(a) the counsel or solicitor advocate who attends the first arraignment will be deemed to be the instructed advocate; and

(b) the Court will make a written record of this fact.

(3) Where the criminal aid certificate provides for a single advocate and no counsel or solicitor advocate attends the first arraignment—

(a) the counsel or solicitor advocate who attends the next hearing in the case will be deemed to the instructed advocate; and

(b) the Court will make a written record of this fact.

(4) Where the criminal aid certificate provides for more than one advocate, and no leading instructed advocate has been notified to the Court in accordance with sub-paragraph (1), the leading advocate who attends—

(a) the first arraignment; or

(b) where no leading advocate attends the first arraignment, the next hearing in the case attended by a leading advocate,

will be deemed to be the leading instructed advocate, and the Court will make a written record of this fact.

(5) Where the criminal aid certificate provides for more than one advocate, and no led instructed advocate has been notified to the Court in accordance with sub-paragraph (1), the led advocate who attends—

(a) the first arraignment; or

(b) where no led advocate attends the first arraignment, the next hearing in the case attend by a led advocate,

will be deemed to be the led instructed advocate, the Court will make a written record of this fact.

(6) Where a criminal aid certificate is amended after the first arraignment to provide for more than one advocate—

(a) the additional instructed advocate must notify the Court in writing of the advocate appointment within 7 days of the date on which the criminal aid certificate is amended; and

(b) each instructed advocate must notify the Court whether the advocate is the leading instructed advocate or the led instructed advocate.

(7) Where no additional instructed advocate has been notified to the Court in accordance with sub-paragraph (6)(a), the advocate who attends the next hearing in the case will be deemed to be an instructed advocate and the Court will record in writing whether that advocate is the leading instructed advocate or the led instructed advocate, as appropriate to the circumstances of the case.

(8) The Court will attach—

(a) any notice received under sub-paragraph (1) or sub-paragraph (6); and

(b) any record made by it under sub-paragraph (2), (3), (4), (5) or (7),

to the criminal aid certificate.

- (9) An instructed advocate must remain as instructed advocate at all times, except where—
- (a) a date for trial is fixed at or before first arraignment and the instructed advocate is unable to conduct the trial due to that advocate’s other pre-existing commitments;
 - (b) that advocate is dismissed by the assisted person or the solicitor; or
 - (c) that advocate is required to withdraw because of the advocate’s professional code of conduct.

(10) Where, in accordance with sub-paragraph (9), an instructed advocate withdraws, the advocate must—

- (a) immediately notify the court of his withdrawal—
 - (i) in writing; or
 - (ii) where the withdrawal takes place at first arraignment, orally; and
- (b) within 7 days of the date of the advocate’s withdrawal, notify the court in writing of the identity of a replacement instructed advocate, who must fulfil all the functions of an instructed advocate in accordance with these Rules.

Payment of fees to instructed advocate

22.—(1) In accordance with rule 17 the Commission must notify each instructed advocate of the total fees payable and authorise payment to that advocate accordingly.

(2) Payment of the fees in accordance with sub-paragraph (1) must be made to each instructed advocate.

(3) Where the criminal aid certificate provides for a single advocate, the instructed advocate is responsibly for arranging payment of fees to the trial advocate and any substitute advocate who has undertaken work on the case.

(4) Where there are two instructed advocates for an assisted person, payment must be made to each instructed advocate individually, and—

- (a) the leading instructed advocate is responsible for arranging payment of fees to the trial advocate and any substitute advocate who have undertaken work on the case of a type for which a leading advocate is responsible; and
- (b) the led instructed advocate is responsible for arranging payment of fees to the trial advocate and any substitute advocate who have undertaken work on the case of a type for which a led advocate is responsible.

Additional charges and additional cases

23.—(1) Where an assisted person is charged with more than one offence on one indictment, the graduated fee payable to the trial advocate under this Schedule will be based on whichever of those offences the trial advocate selects.

(2) Where two or more cases to which this Schedule applies involving the same trial advocate are heard concurrently (whether involving the same or different assisted persons)—

- (a) the trial advocate must select one case (“the principal case”), which must be treated for the purposes of remuneration in accordance with this Schedule;
- (b) in respect of the main hearing in each of the other cases the trial advocate must be paid a fixed fee of 20 per cent of—
 - (i) the basic fee (B) specified in the Table following paragraph 5 or paragraph 7, as appropriate, for the principal case, where that is a case falling within paragraph 2(1)(a), or
 - (ii) the fixed fee for the principal case, where that is a case falling within paragraph 2(1)(b).

(3) Where a trial advocate or substitute advocate appears at a hearing specified in paragraph 9, 10, 11, 12 or 13, forming part of two or more cases involving different assisted persons, that advocate must be paid—

- (a) in respect of the first such case, the fixed fee for that hearing specified in the Table following paragraph 20; and
- (b) in respect of each of the other cases, 20 per cent of that fee.

(4) Subject to sub-paragraphs (1) to (3), where a trial advocate or substitute advocate appears at a hearing forming part of two or more cases, that advocate must be paid the fixed fee for that hearing specified in the Table following paragraph 20 in respect of one such case, without any increase in respect of the other cases.

(5) Where a trial advocate selects—

- (a) one offence, in preference to another offence, under sub-paragraph (1); or
- (b) one case as the principal case, in preference to another case, under sub-paragraph (2),

that selection does not affect the advocate's right to claim any of the fees set out in the Table following paragraph 20 to which he would otherwise have been entitled.

Multiple advocates

24. Where a criminal aid certificate provides for three advocates in a case the provisions of this Schedule will apply, and the fees payable to the led juniors in accordance with Part 2 or Part 3 will be payable to each led junior who is instructed in the case.

Non-local appearances

25. Where an advocate is instructed to appear in a court which is not within 20 miles from the Head Post Office, Belfast, the Commission may allow an amount for travelling and other expenses incidental to that appearance.

Assisted person unfit to plead or stand trial

26. Where in any case a hearing is held to determine the question of whether the assisted person is unfit to plead or to stand trial (a "fitness hearing")—

- (a) if a trial on indictment is held, or continues, at any time thereafter, the length of the fitness hearing is included in determining the length of the trial for the calculation of the graduated fee in accordance with Part 2 or Part 3;
- (b) if a trial on indictment is not held, or does not continue, thereafter by reason of the assisted person being found unfit to plead or to stand trial, the trial advocate must be paid—
 - (i) a graduated fee calculated with accordance with paragraph 4 for the hearing of an application to stay the indictment on the ground that the assisted person is unfit to plead; or
 - (ii) a graduated fee calculated in accordance with paragraph 6 as appropriate for representing an assisted person in a cracked trial,

whichever the trial advocate elects; and

- (c) if at any time the assisted person pleads guilty to the indictable offence, the trial advocate must be paid either—
 - (i) a graduated fee calculated in accordance with paragraph 4 as appropriate to the length of the fitness hearing; or
 - (ii) a graduated fee calculated in accordance with paragraph 6 as appropriate for representing an assisted person in a guilty plea,

whichever the trial advocate elects.

SCHEDULE 3

Table of Offences (a)

<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Class A – Homicide and related grave offences		
Murder	Common law	
Manslaughter	Common law	
Soliciting to murder	Offences against the Person Act 1861 s. 4	1861 c. 100
Child destruction	Criminal Justice Act (Northern Ireland) 1945 s. 25(1)	1945 c. 15
Infanticide	Infanticide Act (Northern Ireland) 1939 s. 1(1)	1939 c. 5
Causing explosion likely to endanger life or property	Explosive Substances Act 1883 s. 2	1883 C. 3
Attempt to cause explosion, making or keeping explosives etc.	Explosive Substances Act 1883 s. 3	as above
Class B – Offences involving serious violence or damage, and serious drugs offences		
Kidnapping	Common law	
False imprisonment	Common law	
Aggravated criminal damage	Criminal Damage (Northern Ireland) Order 1977 Art. 3(2)	1977 N.I. 4
Aggravated arson	Criminal Damage (Northern Ireland) Order 1977 Art. 3(2) and (3)	as above
Arson (where value exceeds £30,000)	Criminal Damage (Northern Ireland) Order 1977 Art. 3(3)	as above
Possession of firearm with intent to endanger life	Firearms (Northern Ireland) Order 2004 Art. 58	2004 N.I. 3
Use of firearm to resist arrest	Firearms (Northern Ireland) Order 2004 Art. 59(1)	as above
Possession of firearm with criminal intent	Firearms (Northern Ireland) Order 2004 Art. 60(1)	as above
Possession or acquisition of certain prohibited weapons etc.	Firearms (Northern Ireland) Order 2004 Art. 45(1) and (2)	as above
Aggravated burglary	Theft Act (Northern Ireland) 1969 s. 10	1969 c. 16
Armed robbery	Theft Act (Northern Ireland) 1969 s. 8(1)	as above
Assault with weapon with intent to rob	Theft Act (Northern Ireland) 1969 s. 8(2)	as above
Blackmail	Theft Act (Northern Ireland) 1969 s. 20	as above
Riot	Common law	
Contamination of goods with intent	Public Order Act 1986 s. 38	1986 c. 64
Causing death by dangerous driving	Road Traffic (Northern Ireland) Order 1995 Art. 9	1995 N.I. 18
Causing death by careless driving while under the influence of drink or drugs	Road Traffic (Northern Ireland) Order 1995 Art. 14	as above
Aggravated vehicle taking resulting in death	Road Traffic (Northern Ireland) Order 1981 Art. 172B	1981 N.I. 1

(a) It is proposed that, prior to the making of these Rules, the relevant entries in this draft Table in respect of Class D and Class J offences will be updated to reflect the changes made by way of the Sexual Offences (Northern Ireland) Order 2008 - S.I. 2008/1769 (N.I. 2)

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Causing danger to road users	Road Traffic (Northern Ireland) Order 1995 Art. 53	1995 N.I. 18
Attempting to choke, suffocate, strangle etc.	Offences against the Person Act 1861 s. 21	1861 c. 100
Causing miscarriage by poison, instrument	Offences against the Person Act 1861 s. 58	as above
Making threats to kill	Offences against the Person Act 1861 s. 16	as above
Wounding or grievous bodily harm with intent to cause grievous bodily harm etc.	Offences against the Person Act 1861 s. 18	as above
Endangering the safety of railway passengers	Offences against the Person Act 1861 ss. 32-34	as above
Impeding persons endeavouring to escape wrecks	Offences against the Person Act 1861 s. 17	as above
Administering chloroform, laudanum etc.	Offences against the Person Act 1861 s. 22	as above
Administering poison etc. so as to endanger life	Offences against the Person Act 1861 s. 23	as above
Cruelty to persons under 16	Children and Young Persons Act (Northern Ireland) 1968 s. 20	1968 c. 34
Aiding and abetting suicide	Criminal Justice Act (Northern Ireland) 1966 s. 13	1966 c. 20
Placing wood etc. on railway	Malicious Damage Act 1861 s. 35	1861 c. 97
Acquiring, possessing etc. the proceeds of criminal conduct	Proceeds of Crime Act 2002 s. 329	2002 c. 29
Producing or supplying a Class A or B drug	Misuse of Drugs Act 1971 s. 4	1971 c. 38
Possession of a Class A or B drug with intent to supply	Misuse of Drugs Act 1971 s. 5(3)	as above
Manufacture and supply of scheduled substances	Criminal Justice (International Co-operation) Act 1990 s. 12	1990 c. 5
Fraudulent evasion of controls on Class A and B drugs	Customs and Excise Management Act 1979 s. 170(2)(b) and (c)	1979 c. 2
Illegal importation of Class A and B drugs	Customs and Excise Management Act 1979 s. 50	as above
Offences in relation to money laundering investigations	Proceeds of Crime Act 2002 ss. 327-333	2002 c. 29
Practitioner contravening drug supply regulations	Misuse of Drugs Act 1971 ss. 12 and 13	1971 c. 38
Cultivation of cannabis plant	Misuse of Drugs Act 1971 s. 6	as above
Occupier knowingly permitting drugs offences etc.	Misuse of Drugs Act 1971 s. 8	as above
Activities relating to opium	Misuse of Drugs Act 1971 s. 9	as above
Drug trafficking offences at sea	Criminal Justice (International Co-operation) Act 1990 s. 18	1990 c. 5
Firing on Revenue vessel	Customs and Excise Management Act 1979 s. 85(2)	1979 c. 2
Making or possession of explosive in suspicious circumstances	Explosive Substances Act 1883 s. 4(1)	1883 c. 3
Causing bodily injury by explosives	Offences against the Person Act 1861 s. 28	1861 c. 100
Using explosive or corrosives with intent to cause grievous bodily harm	Offences against the Person Act 1861 s. 29	as above
Hostage taking	Taking of Hostages Act 1982 s. 1	1982 c. 28
Money laundering in relation to terrorist activities	Terrorism Act 2000 s. 18	2000 c.11

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Offences against international protection of nuclear material	Nuclear Material (Offences) Act 1983 s. 2	1983 c. 18
Placing explosives with intent to cause bodily injury	Offences against the Person Act 1861 s. 30	1861 c. 100
Membership of proscribed organisations	Terrorism Act 2000 s. 11	2000 c. 11
Support or meeting of proscribed organisations	Terrorism Act 2000 s. 12	as above
Uniform of proscribed organisations	Terrorism Act 2000 s. 13	as above
Fund-raising for terrorism	Terrorism Act 2000 s. 15	as above
Other offences involving money or property to be used for terrorism	Terrorism Act 2000 ss. 16-18	as above
Disclosure prejudicing, or interference of material relevant to, investigation of terrorism	Terrorism Act 2000 s. 39	as above
Weapons training	Terrorism Act 2000 s. 54	as above
Directing terrorist organisation	Terrorism Act 2000 s. 56	as above
Possession of articles for terrorist purposes	Terrorism Act 2000 s. 57	as above
Unlawful collection of information for terrorist purposes	Terrorism Act 2000 s. 58	as above
Incitement of terrorism overseas	Terrorism Act 2000 s. 60	as above
Endangering the safety of an aircraft	Aviation Security Act 1982 s. 2(1)(b)	1982 c. 36
Racially-aggravated arson (not endangering life)	Criminal Damage (Northern Ireland) Order 1977 Art. 3(3), as amended by Criminal Justice (No. 2) (Northern Ireland) Order 2004	1977 N.I. 4 2004 N.I. 15

Class C - Lesser offences involving violence or damage, and less serious drugs offences

Robbery (other than armed robbery)	Theft Act (Northern Ireland) 1969 s. 8	1969 c. 16
Unlawful wounding	Offences against the Person Act 1861 s. 20	1861 c. 100
Assault occasioning actual bodily harm	Offences against the Person Act 1861 s. 47	as above
Concealment of birth	Offences against the Person Act 1861 s. 60	as above
Abandonment of children under two	Offences against the Person Act 1861 s. 27	as above
Arson (other than aggravated arson) where value does not exceed £30,000	Criminal Damage (Northern Ireland) Order 1977 Art. 3(3)	1977 N.I. 4
Criminal damage (other than aggravated criminal damage)	Criminal Damage (Northern Ireland) Order 1977 Art. 3(1)	as above
Carrying firearm and ammunition in public place	Firearms (Northern Ireland) Order 2004 Art. 61	2004 N.I. 3
Trespassing with a firearm	Firearms (Northern Ireland) Order 2004 Art. 62	as above
Shortening of shotgun or converting imitation firearm into firearm	Firearms (Northern Ireland) Order 2004 Art. 67(1) and (3)	as above
Possession or acquisition of shotgun without certificate	Firearms (Northern Ireland) Order 2004 Art. 3	as above
Possession of firearms by person convicted of crime	Firearms (Northern Ireland) Order 2004 Art. 63(6)	as above
Prohibition of possession, etc. of firearm by certain persons	Firearms (Northern Ireland) Order 2004 Art. 63	as above
Manufacture, dealing in firearms	Firearms (Northern Ireland) Order 2004 Art. 45(1) and (2)	as above
Failure to comply with conditions of authority regarding prohibited	Firearms (Northern Ireland) Order 2004 Art. 45(6)	as above

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weapons		
Permitting an escape (by person failing to perform any legal or official duty)	Common law Prison Act (Northern Ireland) 1953 s. 31	1953 c. 18
Rescue	Common law Prison Act (Northern Ireland) 1953 s. 29	as above
Escaping from lawful custody without force	Common law Prison Act (Northern Ireland) 1953 s. 26	as above
Breach of prison	Common law Prison Act (Northern Ireland) 1953 s. 28	as above
Assisting prisoners to escape	Prison Act (Northern Ireland) 1953 s. 30	as above
Fraudulent evasion of agricultural levy	Customs and Excise Management Act 1979 s. 68A	1979 c. 2
Offender armed or disguised	Customs and Excise Management Act 1979 s. 86	as above
Making threats to destroy or damage property	Criminal Damage (Northern Ireland) Order 1977 Art. 4	1977 N.I. 4
Possessing anything with intent to destroy or damage property	Criminal Damage (Northern Ireland) Order 1977 Art. 5	as above
Child abduction by connected person	Child Abduction (Northern Ireland) Order 1985 Art. 3	1985 N.I. 17
Child abduction by other person	Child Abduction (Northern Ireland) Order 1985 Art. 4	as above
Bomb hoax	Criminal Law (Amendment) (Northern Ireland) Order 1977 Art. 3	1977 N.I. 16
Producing or supplying Class C drug	Misuse of Drugs Act 1971 s. 4	1971 c. 38
Possession of a Class C drug with intent to supply	Misuse of Drugs Act 1971 s. 5(3)	as above
Fraudulent evasion of controls on Class C drugs	Customs and Excise Management Act 1979 s. 170(2)(b) and (c)	1979 c. 2
Illegal importation of Class C drugs	Customs and Excise Management Act 1979 s. 50	as above
Possession of Class A drug	Misuse of Drugs Act 1971 s. 5(2)	1971 c. 38
Failure to disclose knowledge or suspicion of money laundering	Proceeds of Crime Act 2002 ss. 330-332	2002 c. 29
Tipping-off in relation to money laundering investigations	Proceeds of Crime Act 2002 s. 333	as above
Assaults on officers saving wrecks	Offences against the Person Act 1861 s. 37	1861 c. 100
Attempting to injure or alarm the Sovereign	Treason Act 1842 s. 2	1842 c. 51
Assisting illegal entry or harbouring persons	Immigration Act 1971 s. 25	1971 c. 77
Administering poison with intent to injure etc.	Offences against the Person Act 1861 s. 24	1861 c. 100
Neglecting to provide food for or assaulting servants etc.	Offences against the Person Act 1861 s. 26	as above
Setting spring guns with intent to inflict grievous bodily harm	Offences against the Person Act 1861 s. 31	as above
Supplying instrument etc. to cause miscarriage	Offences against the Person Act 1861 s. 59	as above
Failure to disclose information about	Terrorism Act 2000 s. 19	2000 c. 11

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terrorism		
Circumcision of females	Female Genital Mutilation Act 2003 s. 1	2003 c. 38
Breaking or injuring submarine telegraph cables	Submarine Telegraph Act 1885 s. 3	1885 c. 49
Failing to keep dogs under proper control resulting in injury	Dogs (Northern Ireland) Order 1983 Art. 29(1A) and (1B)	1983 N.I. 8
Making gunpowder etc. to commit offences	Offences against the Person Act 1861 s. 64	1861 c. 100
Stirring up racial hatred	Public Order (Northern Ireland) Order 1987 Arts. 8-13	1987 N.I. 7
Racially-aggravated assault	Offences Against the Person Act 1861 s. 47, as amended by the Criminal Justice (No. 2) (Northern Ireland) Order 2004	1861 c. 100 2004 N.I. 15
Racially-aggravated criminal damage	Criminal Damage (Northern Ireland) Order 1977 Arts. 3 and 6(2), as amended by the Criminal Justice (No. 2) (Northern Ireland) Order 2004	1977 N.I. 4 2004 N.I. 15
Class D - Sexual offences and offences against children		
Administering drugs to obtain intercourse	Criminal Law Amendment Act 1885 s. 3	1885 c. 69
Procurement of a defective	Mental Health (Northern Ireland) Order 1986 Art. 122(1)(b)	1986 N.I. 4
Incest	Punishment of Incest Act 1908 ss. 1 and 2	1908 c. 45
Intercourse with an animal	Sexual Offences Act 2003 s. 69	2003 c. 42
Indecent assault on a woman	Criminal Justice (Northern Ireland) Order 2003 Art. 20	2003 N.I. 13
Indecent assault on a man	Offences against the Person Act 1861 s. 62	1861 c. 100
Abuse of position of trust - sexual activity with child	Sexual Offences Act 2003 s. 16	2003 c. 42
Abuse of position of trust - causing or inciting child to engage in sexual activity	Sexual Offences Act 2003 s. 17	as above
Abuse of position of trust - sexual activity in presence of child	Sexual Offences Act 2003 s. 18	as above
Abuse of position of trust - causing a child to watch a sexual act	Sexual Offences Act 2003 s. 19	as above
Controlling prostitution for gain	Sexual Offences Act 2003 s. 53	2003 c. 42
Inciting girl under 16 to have incestuous intercourse	Criminal Justice (Northern Ireland) Order 1980 Art. 9	1980 N.I. 6
Ill-treatment of persons of unsound mind	Mental Health (Northern Ireland) Order 1986 Art. 121	as above
Abduction of unmarried girl under 18 from parent	Common Law Criminal Law Amendment Act 1885 s. 7	1885 c. 69
Abduction of defective from parent	Mental Health (Northern Ireland) Order 1986 Art. 122(1)(e)	1986 N.I. 4
Procurator of girl under 21	Criminal Law Amendment Act 1885 s. 2(1)	1885 c. 69
Permitting defective to use premises for intercourse	Mental Health (Northern Ireland) Order 1986 Art. 122(1)(d)	1986 N.I. 4
Causing or encouraging seduction of girl under 17	Children and Young Persons Act (Northern Ireland) 1968 s. 21	1968 c. 34
Causing or encouraging prostitution of defective	Mental Health (Northern Ireland) Order 1986 Art. 122(1)(c)	1986 N.I. 4

Class E - Burglary etc.

Burglary	Theft Act (Northern Ireland) 1969 s. 9	1969 c. 16
Going equipped to steal	Theft Act (Northern Ireland) 1969 s. 24	as above

Classes F, G and K - Other offences of dishonesty

The following offences are always in class F

Destruction of registers of births etc.	Forgery Act 1861 s. 36	1861 c. 98
Making false entries in copies of registers sent to register	Forgery Act 1861 s. 37	as above
Possession (with intention) of false identity documents	Identity Cards Act 2006 s. 25(1)	2006 c. 15
Possession (within intention) of apparatus or material for making false identity documents	Identity Cards Act 2006 s. 25(3)	as above
Possession (without reasonable excuse) of false identity documents or apparatus or material for making false identity documents	Identity Cards Act 2006 s. 25(5)	as above

The following offences are always in Class G

Undischarged bankrupt being concerned in a company	Insolvency Act 1986 s. 360	1986 c. 45
Counterfeiting notes and coins	Forgery and Counterfeiting Act 1981 s. 14	1981 c. 45
Passing counterfeit notes and coins	Forgery and Counterfeiting Act 1981 s. 15	as above
Offences involving custody or control of counterfeit notes and coins	Forgery and Counterfeiting Act 1981 s. 16	as above
Making, custody or control of counterfeiting materials etc.	Forgery and Counterfeiting Act 1981 s. 17	as above
Illegal importation - counterfeit notes or coins	Customs and Excise Management Act 1979 s. 50	1979 c. 2
Fraudulent evasion - counterfeit notes or coins	Customs and Excise Management Act 1979 s. 170(2)(b) and (c)	as above

The following offences are in Class G if the value involved exceeds £30,000, Class K if the value exceeds £100,000 and in Class F otherwise

VAT offences	Value Added Tax Act 1994 s. 72(1-8)	1994 c. 23
Fraudulent evasion of duty	Customs and Excise Management Act 1979 s. 170(1)(b)	1979 c. 2

Theft	Theft Act (Northern Ireland) 1969 s. 1	1969 c. 16
Removal of articles from places open to the public	Theft Act (Northern Ireland) 1969 s. 11	as above
Abstraction of electricity	Theft Act (Northern Ireland) 1969 s. 13	as above
Obtaining property by deception	Theft Act (Northern Ireland) 1969 s. 15	as above
Obtaining money transfer by deception	Theft Act (Northern Ireland) 1969 s. 15A	as above
Obtaining pecuniary advantage by deception	Theft Act (Northern Ireland) 1969 s. 16	as above
False accounting	Theft Act (Northern Ireland) 1969 s. 17	as above
Handling stolen goods	Theft Act (Northern Ireland) 1969 s. 21	as above
Obtaining services by deception	Theft (Northern Ireland) Order 1978 Art. 3	1978 N.I. 23
Evasion of liability by deception	Theft (Northern Ireland) Order 1978 Art. 4	as above
Illegal importation - not elsewhere specified	Customs and Excise Management Act 1979 s. 50	1979 c. 2

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Counterfeiting Customs documents	Customs and Excise Management Act 1979 s. 168	as above
Fraudulent evasion - not elsewhere specified	Customs and Excise Management Act 1979 s. 170(2)(b) and (c)	as above
Forgery	Forgery and Counterfeiting Act 1981 s. 1	1981 c. 45
Copying false instrument with intent	Forgery and Counterfeiting Act 1981 s. 2	as above
Using a false instrument	Forgery and Counterfeiting Act 1981 s. 3	as above
Using a copy of a false instrument	Forgery and Counterfeiting Act 1981 s. 4	as above
Custody or control of false instruments etc.	Forgery and Counterfeiting Act 1981 s. 5	as above
Offences in relation to dies or stamps	Stamp Duties Management Act 1891 s. 13	1891 c. 38
Counterfeiting of dies or marks	Hallmarking Act 1973 s. 6	1973 c. 43
Fraud by false representation	Fraud Act 2006 s. 2	2006 c. 35
Fraud by failing disclose information	Fraud Act 2006 S. 3	as above
Fraud by abuse of position	Fraud Act 2006 s. 4	as above
Possession etc of articles for use in frauds	Fraud Act 2006 s. 6	as above
Making or supplying articles for use in frauds	Fraud Act 2006 s. 7	as above
Participating in fraudulent business carried on by sole trader etc.	Fraud Act 2006 s. 9	as above
Obtaining services dishonestly	Fraud Act 2006 s. 11	as above
Class H - Miscellaneous lesser offences		
Possession of offensive weapon	Public Order (Northern Ireland) Order 1987 Art. 22(1)	1987 N.I. 7
Affray	Common law	
Assault with intent to resist arrest	Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 s. 7(1)(b)	1968 c. 28
Unlawful eviction and harassment of occupier	Rent (Northern Ireland) Order 1978 Art. 54	1978 N.I. 20
Publishing, exhibiting, selling an indecent or obscene thing	Common law	
Buggery of males of 17 or over otherwise than in private	Criminal Justice (Northern Ireland) Order 2003 Art. 20	2003 N.I. 13
Open and notorious lewdness	Common Law	
Publicly exposing the naked person	Common Law	
Offences of publication of obscene matter	Common law	
Keeping a disorderly house	Common law	
Procurement of intercourse by threats etc.	Criminal Law Amendment 1885 s. 3	1885 c. 69
Causing or inciting prostitution for gain	Sexual Offences Act 2003 s. 52	2003 c. 42
Detention of woman in brothel or other premises	Criminal Law Amendment Act 1885 s. 8	1885 c. 69
Procurement of a woman by false pretences	Criminal Law Amendment Act 1885 s. 3(2)	as above
Trade description offences (9 offences)	Trade Descriptions Act 1968 ss. 1, 8, 9, 12, 13, 14 and 18	1968 c. 29
Misconduct endangering ship or persons on board ship	Merchant Shipping Act 1995 s. 58	1995 c. 21
Obstructing engine or carriage on railway	Malicious Damage Act 1861 s. 36	1861 c. 97

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Offences relating to the safe custody of controlled drugs	Misuse of Drugs Act 1971 s. 11	1971 c. 38
Possession of Class B or C drug	Misuse of Drugs Act 1971 s. 5(2)	as above
Wanton or furious driving	Offences against the Person Act 1861 s. 35	1861 c. 100
Dangerous driving	Road Traffic (Northern Ireland) Order 1995 Art. 10	1995 N.I. 18
Forgery and misuse of driving documents	Road Traffic (Northern Ireland) Order 1981 Art. 174(2)	1981 N.I. 1
Mishandling or falsifying parking documents etc.	Road Traffic Regulation (Northern Ireland) Order 1997 Art. 23	1997 N.I. 2
Aggravated vehicle taking	Road Traffic (Northern Ireland) Order 1981 Art. 172A	1981 N.I. 1
Forgery, alteration, fraud of licences etc.	Vehicle Excise and Registration Act 1994 ss. 44 and 45	1994 c. 22
Making off without payment	Theft (Northern Ireland) Order 1978 Art. 5	1978 N.I. 23
Agreeing to indemnify sureties	Common Law	
Sending prohibited articles by post	Postal Services Act 2000 s. 85	2000 c. 26
Impersonating Customs officer	Customs and Excise Management Act 1979 s. 13	1979 c. 2
Obstructing Customs officer	Customs and Excise Management Act 1979 s. 16	as above
Breach of anti-social behaviour order	Anti-social Behaviour (Northern Ireland) Order 2004 Art. 7	2004 N.I. 12
Breach of sex offender order	Sexual Offences Act 2003 s. 113	2003 c. 42
Racially-aggravated harassment/putting another in fear of violence	Protection from Harassment (Northern Ireland) Order 1997 Arts. 3 and 6, as amended by Criminal Justice (No. 2) (Northern Ireland) Order 2004	1997 N.I. 9 2004 N.I. 15
Having an article with a blade or point in a public place	Criminal Justice Act 1988 s. 139	1988 c. 33
Breach of harassment injunction	Protection from Harassment (Northern Ireland) Order 1997 Art. 5(6)	1997 N.I. 9
Putting people in fear of violence	Protection from Harassment (Northern Ireland) Order 1997 Art. 6(1)	as above
Breach of restraining order	Protection from Harassment (Northern Ireland) Order 1997 Art. 7	as above
Being drunk when in aircraft	Air Navigation (No. 2) Order 1995 Art. 57	1995 No. 1970
Class I - Offences against public justice and similar offences		
Perverting the course of public justice	Common law	
Perjuries (7 offences)	Perjury (Northern Ireland) Order 1979 Arts. 3-12	1979 N.I. 19
Corrupt transactions with agents	Prevention of Corruption Act 1906 s. 1	1906 c. 34
Corruption in public office	Public Bodies Corrupt Practices Act 1889 s. 1	1889 c. 69
Embracery	Common law	
Fabrication of evidence with intent to mislead a tribunal	Common law	
Personation of jurors	Common law	
Concealing an arrestable offence	Criminal Law Act (Northern Ireland) 1967 s. 5	1967 c. 18
Assisting offenders	Criminal Law Act (Northern Ireland) 1967 s. 4(1)	as above
False evidence before European Court	European Communities Act 1972 s. 11	1972 c. 68

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Personating for purposes of bail etc.	Forgery Act 1861 s. 34	1861 c. 60
Intimidating a witness, juror etc.	Criminal Justice (Northern Ireland) Order 1996 Art. 47(1)	1996 N.I. 24
Harming, threatening to harm a witness, juror etc.	Criminal Justice (Northern Ireland) Order 1996 Art. 47(2)	as above
Offences of prejudicing investigation	Proceeds of Crime Act 2002 s. 342	2002 c. 29
False statement tendered under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968	Perjury (Northern Ireland) Order 1979 Art. 4	1979 N.I. 19
Statement tendered under Article 33 of the Magistrates' Courts (Northern Ireland) Order 1981	Perjury (Northern Ireland) Order 1979 Art. 4(1)(b)	as above
Making false statement to authorised officer	Trade Descriptions Act 1968 s. 29(2)	1968 c. 29
Conspiring to commit offences outside the United Kingdom	Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 Art. 9A	1983 N.I. 13
Class J - Serious Sexual Offences		
Rape	Common law Criminal Justice (Northern Ireland) Order 2003 Art. 18	2003 N.I. 13
Unlawful carnal knowledge of a girl under 14 years	Criminal Law Amendment Act 1885 s. 4	as above
Unlawful carnal knowledge of a girl under 17 years	Criminal Law Amendment Act 1885 s. 5	as above
Sexual intercourse with defective	Mental Health (Northern Ireland) Order 1986 Art. 122(1)(a)	1986 N.I. 4
Buggery of person under 16	Criminal Justice (Northern Ireland) Order 2003 Art. 19	2003 N.I. 13
Indecency with children under 17	Children and Young Persons Act (Northern Ireland) 1968 s. 22	1968 c. 22
Taking, having etc. indecent photographs of children	Protection of Children (Northern Ireland) Order 1978 Art. 3	1978 N.I. 17
Abduction of woman by force	Offences against the Person Act 1861 s. 54	1861 c. 100
Permitting young girl to use premises for sexual intercourse	Criminal Law Amendment Act 1885 s. 6	1885 c. 69
Trafficking into the UK for sexual exploitation	Sexual Offences Act 2003 s. 57	2003 c. 42
Trafficking within the UK for sexual exploitation	Sexual Offences Act 2003s. 58	as above
Trafficking out of the UK for sexual exploitation	Sexual Offences Act 2003 s. 59	as above
Sexual intercourse with patients	Mental Health (Northern Ireland) Order 1986 Art. 123	1986 N.I. 4
Abduction of unmarried girl under 16 from parent	Offences against the Person Act 1861 s. 55	1861 c. 100
Permitting girl under 17 to use premises for intercourse	Criminal Law Amendment Act 1885 s. 6	as above
Causing or inciting child prostitution or pornography	Sexual Offences Act 2003 s. 48	2003 c. 42

Class K – Other offences of dishonesty (high value)

Class K offences are listed under Class F and G

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the Crown Court remuneration for solicitors and counsel assigned under Articles 29 or 36(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

Rules 4 to 18 deal with the manner in which fees are to be claimed, determined and paid, including provisions permitting interim payments. They draw to a large extent on the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005, which are being superseded by these Rules insofar as they prescribe the costs payable for standard fee cases in the Crown Court. Initial determinations will be undertaken by the Northern Ireland Legal Services Commission.

Rules 19 to 21 provide for an appeal mechanism to challenge, in certain circumstances, the determination of the fees payable to a representative. The provisions deal with the redetermination of fees by the Commission, appeals from the Commission to the taxing master, and appeals from the taxing master to the High Court.

Schedule 1 sets out the graduated fees and fixed fees payable to solicitors.

Schedule 2 sets out the graduated fees and fixed fees payable to advocates.

A full impact assessment of the effect of this instrument on the costs of the business sector is available from www.courtsni.gov.uk or from the Public Legal Services Division, Northern Ireland Court Service, Bedford House, 16-22 Bedford Street, Belfast BT2 7FD.