

SCHEDULES

SCHEDULE 2

Article 13.

REMUNERATION OF PERSONS GIVING LEGAL AID UNDER PART II OF THIS ORDER

1.—(1) The sums allowed to counsel in connection with proceedings in the House of Lords, the Court of Appeal or the High Court, shall be^{F1} ninety#five per cent], or such larger percentage as may be prescribed, of the amount allowed on taxation of the costs.

(2) The sums allowed to counsel in connection with proceedings in the county court shall—

(a) where the costs are taxed, be the full amount allowed on taxation of the costs;

(b) where the costs are not taxed, be such amounts as the^{F2} Lord Chancellor], after consultation with the County Court Rules Committee, may by order determine.

(3) The sums allowed to counsel in connection with proceedings in courts of summary jurisdiction shall be such amounts as the^{F2} Lord Chancellor], after consultation with the Magistrates' Courts Rules Committee, may by order determine.

(4) The sums allowed to counsel in any other case shall be such as may be determined in the prescribed manner.

F1	SR 1988/417
F2	SI 1982/159

2.—(1) The sums allowed to a solicitor in connection with proceedings in the House of Lords, the Court of Appeal or the High Court shall be the full amount allowed on taxation of the costs on account of disbursements and^{F3} ninety#five per cent], or such larger percentage as may be prescribed, of the amount so allowed on account of profit costs.

(2) The sums allowed to a solicitor in connection with proceedings in the county court shall—

(a) where the costs are taxed, be the full amount allowed on taxation of the costs;

(b) where the costs are not taxed, be such amounts as the^{F4} Lord Chancellor], after consultation with the County Court Rules Committee, may by order determine.

(3) The sums allowed to solicitors in connection with proceedings in courts of summary jurisdiction shall be such amounts as the^{F4} Lord Chancellor], after consultation with the Magistrates' Courts Rules Committee, may by order determine.

(4) The sums allowed to a solicitor in any other case shall be such as may be determined in the prescribed manner.

F3	SR 1988/417
F4	SI 1982/159

3. For the purpose of sub-paragraphs (1) and (2)(a) of paragraph 1, counsel's fees shall be taxed as if they had been paid by the solicitor, but shall not by reason thereof be treated as disbursements for the purposes of paragraph 2.

Changes to legislation: *Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

4. Subject to paragraph 3,^[F5] and to any statutory provision to the contrary, costs shall be taxed for the purposes of this Schedule on the standard basis within the meaning of the Rules of the Supreme Court (Northern Ireland) 1980], but no question shall be raised as to the propriety of any act for which prior approval was obtained as required by regulations.

F5 SR 1988/70

5. Regulations may provide that for the purposes of this Schedule, instead of costs being taxed in the ordinary way, the amount of the costs shall be fixed (whether by an officer of the court or not) by an assessment made without taxation but with a view to allowing as nearly as may be the same amount as on a taxation.

6. The ^[F6]Lord Chancellor] in exercising any power under this Schedule to make an order as to the amounts of the sums allowed to counsel or a solicitor, and in making any regulations relating to such amounts for the purposes of the Schedule, and any person by whom any such amount is determined under any such order or regulations in any particular case, shall have regard ^[F7], among the matters which are relevant, to—

- (a) the time and skill which work of the description to which the order relates, or the regulations relate, requires;
- (b) the number and general level of competence of persons undertaking work of that description;
- (c) the cost to public funds of any provision made by the order or regulations; and
- (d) the need to secure value for money,

but nothing in this paragraph shall require him to have regard to any fees payable to solicitors and counsel otherwise than under this Schedule.]

F6 SI 1982/159

F7 Words in Sch. 2 para. 6 substituted (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), art. 1(2), **Sch. 4 para. 6(4)**; S.R. 2015/194, art. 2, **Sch.** (with art. 3)

7. Orders under this Schedule shall be subject to ^[F8]negative resolution].

F8 Words in Sch. 2 para. 7 substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), **Sch. 18 para. 130(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Changes to legislation:

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order power to amend conferred by [2011 c. 24 \(N.I.\) Sch. 5 para. 5\(a\)](#)
- Act rev.in pt. by [1996 c. 25 s.79Sch.4 paras.19\(2\)36](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 28(7)(c) inserted by [2011 c. 24 \(N.I.\) s. 83\(2\)\(a\)](#)
- art. 29(2A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 3](#)
- art. 29(2A) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 3](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(c\)](#)