

## 1980 No. 192

## LEGAL AID

**Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1980**

*Made* . . . . . 11th June 1980

*Coming into operation* . . . . . 23rd July 1980

*To be laid before Parliament*

The Secretary of State in pursuance of section 6(6) of and paragraphs 1(2)(b), 2(2)(b) and 6 of Schedule 3 to the Legal Aid and Advice Act (Northern Ireland) 1965(a), hereby, after consultation with the County Court Rules Committee, makes the following order:

*Citation, operation and application*

1.—(1) This order may be cited as the Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1980.

(2) This order shall come into operation on 23rd July 1980 and shall apply only to proceedings commenced after that date.

*Sums allowed to solicitors and counsel in proceedings in the county court*

2.—(1) The sums allowed to solicitors or counsel acting for assisted persons in any proceedings in the county court, other than under its equity jurisdiction or those remitted to it by the High Court, shall be such as are assessed by the Legal Aid Committee.

(2) The sums so allowed to solicitors shall be such as are prescribed or regulated on a solicitor and client basis under any enactment relating to such proceedings and, subject to article 3, where no amount is so prescribed or regulated, shall not exceed £300 for profit costs together with an amount equal to all outlay reasonably incurred by the solicitor.

(3) The sums so allowed to counsel shall be not less than such amounts as are prescribed under any enactment relating to such proceedings and subject to article 3, where no amount is so prescribed or regulated, shall not exceed £70 together with a further amount in respect of each day on which an adjourned hearing takes place of one half of the amount allowed apart from that further amount under paragraph (1).

*Judge may in exceptional cases certify that limit of assessment shall not apply*

3. Where a solicitor or counsel acting for an assisted person considers the sum allowable under article 2 would not provide fair remuneration according to the work reasonably undertaken and properly done, he may apply to the judge before whom the proceedings took place for a certificate that for any reason including the exceptional length, difficulty or complexity of the proceedings the limitation on the sums allowable under article 2 shall not apply and where such certificate is granted the Legal Aid Committee shall allow such sums as appear to it to represent fair remuneration according to work reasonably undertaken and properly done.

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(a) 1965 c. 8 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)

*Documents, etc., to be lodged with the Legal Aid Committee*

4.—(1) Where payment is sought in respect of the remuneration of a solicitor or counsel for work done on behalf of the assisted person in connection with proceedings in the county court the solicitor shall lodge with the Legal Aid Committee such papers and information as will enable that committee to assess such remuneration including a report of the case in a form approved by the committee and, where necessary or if so directed by that committee—

- (a) a bill of costs setting out—
  - (i) a summary in narrative form of the work done including the time spent in preparation and conduct of the case;
  - (ii) a basic sum for conducting the case which may be allowed in accordance with the foregoing provisions of this order;
  - (iii) any court fees or fees for service of a process;
  - (iv) counsel's fees where counsel is instructed;
  - (v) disbursements with vouchers or receipts;
- (b) counsel's brief and a note indicating the time involved including time spent at court;
- (c) a statement in support of an application for a certificate referred to in article 3.

(2) The Secretary to the Legal Aid Committee shall notify counsel of any reduction in or disallowance of counsel's fees and where counsel is dissatisfied with any decision of the committee he shall notify the committee in writing.

*Interpretation*

5. In this order—

- “assisted person” means a person in respect of whom a certificate is in force;
- “certificate” means a civil aid certificate issued in accordance with a scheme made by the Law Society under section 10 of the Legal Aid and Advice Act (Northern Ireland) 1965 or with regulations made under Part I thereof and includes an emergency certificate;
- “Law Society” means the Incorporated Law Society of Northern Ireland;
- “Legal Aid Committee” means the Committee established in accordance with section 10(4) of the Act under a scheme made by the Law Society.

*Revocation*

6. The Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1966(b) and the Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) (Amendment) Order (Northern Ireland) 1975(c) are hereby revoked except in their application to proceedings commenced before the coming into operation of this order.

Northern Ireland Office  
11th June 1980

*Humphrey Atkins*  
One of Her Majesty's Principal  
Secretaries of State

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(b) S.R. & O. (N.I.) 1966 No. 9 (p. 39)  
(c) S.R. 1975 No. 366 (II, p. 1797)

EXPLANATORY NOTE

*(This note is not part of the Order, but is intended to indicate its general purport.)*

This order provides for the remuneration of solicitors and counsel acting for legally assisted persons in proceedings in the county court. It raises certain maximum amounts allowable in respect of such remuneration in proceedings commenced after the coming into operation of the order.

The Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1966, as amended, will continue to apply to proceedings commenced before the coming into operation of this order.