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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 111**

**The Access to Justice (Northern Ireland) Order 2003  
(Commencement No. 3, Transitional Provisions  
and Savings) Order (Northern Ireland) 2005**

**Transitional provisions and savings**

4. Until the appointed day, paragraph 6(3) of Schedule 4 to the 2003 Order shall be modified so that Article 37 of the 1981 Order reads as follows:

“(1) The Lord Chancellor in exercising any power to make rules as to the amounts payable under this Part to counsel or a solicitor assigned to give legal aid in respect of proceedings before a court other than the Crown Court, and any person by whom any amount so payable is determined in respect of a particular case before such a court, shall have regard to the principle of allowing fair remuneration according to the work reasonably undertaken and properly done.

(2) The Lord Chancellor in exercising any power to make rules as to the amounts payable under this Part to counsel or a solicitor assigned to give legal aid in respect of proceedings before the Crown Court, and from 4th April 2005 any person by whom any amount so payable is determined in respect of a particular case before that Court, shall have regard, among the matters which are relevant, to –

- (a) the time and skill which work of the description to which the rules 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 rules; 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 in accordance with this paragraph.”