
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 112

**The Legal Aid for Crown Court Proceedings
(Costs) Rules (Northern Ireland) 2005**

Appeals to the taxing master

14.—(1) Where the Commission has given its reasons for its decision under rule 13, a representative who is dissatisfied with that decision may appeal to the taxing master.

(2) Subject to rule 19, an appeal shall be instituted within 21 days of receiving the Commission's reasons, by giving notice in writing to the taxing master.

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

(4) The notice of appeal shall be accompanied by –

- (a) a copy of the written representations given under rule 13(2);
- (b) the Commission's reasons for its decision given under rule 13(7); and
- (c) the particulars, information and documents supplied to the Commission under rule 13.

(5) The notice of appeal shall –

- (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 he 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 shall, 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 or oral representations to be made on his behalf and, if he intends to do so, he shall inform the taxing master and the appellant.

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

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

(10) The taxing master shall inform the appellant (or his representative) and the Lord Chancellor, where representations have been or are to be made on his 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 which he requires for the purpose of the appeal and, unless the taxing master otherwise directs, no further evidence shall be received on the hearing of the appeal and no ground of objection shall be valid which was not raised under rule 13.

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(12) The taxing master shall have 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 as he thinks fit.

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

(14) Except where he confirms or decreases the sums redetermined under rule 13 or confirms a decision to allow fixed fees, the taxing master may allow the appellant a sum in respect of part or all of any reasonable costs (including any fee payable in respect of an appeal) incurred by him in connection with the appeal.

(15) The provisions of this rule shall also apply with the necessary modifications to any decision of the taxing master given under rule 13(9).