

## SCHEDULE 1

### STANDARD FEES

#### PART 4

##### FIXED AND TIME-BASED FEES

10.—(1) The fixed fee set out in the Table following paragraph 19 as appropriate to the category of advocate instructed shall be payable to the advocate who completed a Trial Status Report form.

(2) Where the advocate acted for more than one assisted person, the Commission shall increase the fixed fee payable under sub-paragraph (1) by twenty per cent for each additional Trial Status Report form completed by the advocate.

11. The fixed fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) shall be payable where the assisted person pleaded not guilty to one or more counts at arraignment and the case was adjourned for trial.

12.—(1) Subject to sub-paragraphs (2) and (3), the fixed fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) shall be payable in respect of each occasion on which the case was listed for trial but did not proceed on the day for which it was listed (other than by reason of an application for an adjournment by the prosecution or the defence).

(2) Subject to paragraph 22, where the representative was advised prior to the day on which the case had been listed for trial that it was no longer on standby and that it was listed only for mention on that day, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the duration of the hearing on that day shall be payable.

(3) No standby fee shall be payable under sub-paragraph (1) where the assisted person pleaded guilty to one or more counts when the case was subsequently listed and it did not proceed to trial.

13.—(1) This paragraph applies to –

- (a) the hearing of a No Bill application;
- (b) the hearing of an application to stay the indictment on the ground that the assisted person is unfit to plead;
- (c) the hearing of an application to stay the indictment or any count on the ground that the proceedings constitute an abuse of the process of the court;
- (d) 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);
- (e) the hearing of an application under section 51A of the Judicature (Northern Ireland) Act 1978<sup>(1)</sup> for disclosure of material held by third parties; and
- (f) any hearing relating to the question of the admissibility as evidence of any material.

(2) Where a hearing to which this paragraph applies was held on any day of the main hearing of a case on indictment, no separate fee shall be payable in respect of attendance at the hearing (other than a hearing under sub-paragraph (1)(f)), but the hearing shall be included in the length of the main hearing for the purpose of calculating costs.

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(1) 1978 c. 23

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(3) Where a hearing to which this paragraph applies was held prior to the first or only day of the main hearing, it shall not be included in the length of the main hearing for the purpose of calculating costs, and, subject to sub-paragraph (5) and also to paragraph 22, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the duration of the hearing on that day shall be payable.

(4) In determining the duration of an application for the purpose of sub-paragraph (3), there shall be excluded the period of time during any luncheon adjournment.

(5) Where an application made under sub-paragraph (1)(a), (b) or (c) was successful and the case did not proceed, a Basic Trial Fee, together with Refresher Fees if applicable, shall be payable in accordance with paragraphs 6 and 7.

14.—(1) This paragraph applies to a hearing to which the court proceeded under Article 8 of the Proceeds of Crime (Northern Ireland) Order 1996(2) or section 156 of the Proceeds of Crime Act 2002(3).

(2) A hearing to which this paragraph applies shall not be included in the length of the main hearing or of any sentencing hearing for the purpose of calculating costs, and, subject to paragraph 22, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the duration of the hearing on that day shall be payable.

(3) In determining the duration of an application for the purpose of sub-paragraph (2), there shall be excluded the period of time during any luncheon adjournment.

15.—(1) This paragraph applies to –

- (a) a sentencing hearing following a case on indictment to which this Schedule applies, where sentence was deferred under Article 3 of the Criminal Justice (Northern Ireland) Order 1996(4); and
- (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 fixed fee payable to a representative for attending at a hearing to which this paragraph applies shall be that set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the circumstances of the hearing.

16.—(1) Subject to paragraph 22, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the duration of the hearing on that day shall be payable to a representative for attending at the following hearings in a case on indictment, when not forming part of the main hearing or a hearing for which a fee is provided elsewhere in this Schedule –

- (a) the hearing of a case listed for plea which is adjourned for trial;
- (b) any hearing (including a trial) which is listed but cannot proceed because of the failure of the assisted person or a witness to attend, an application for postponement by the prosecution or defence, the unavailability of a pre-sentence report or other good reason;
- (c) bail and other applications; and
- (d) the hearing of the case listed for mention only, including applications relating to the date of the trial.

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(2) [S.I. 1996/1299 \(N.I. 9\)](#)

(3) [2002 c. 29](#)

(4) [S.I. 1996/3160 \(N.I. 24\)](#)

(2) In determining the duration of an application for the purpose of sub-paragraph (1), there shall be excluded the period of time during any luncheon adjournment.

17. The fixed fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) shall be payable to a representative in respect of any day forming part of the main hearing of the case when the court sat more than 45 minutes beyond 4.30 pm.

18.—(1) The hourly fee set out in the Table following paragraph 19 as appropriate to the category of advocate instructed shall be payable in respect of work of the following types, provided that the advocate satisfies the Commission that the work was reasonably undertaken and properly done, namely –

- (a) attendance by an advocate at pre-trial consultations with the assisted person not held at court; or
- (b) attendance by an advocate at consultations with prospective or actual expert witnesses; or
- (c) attendance by an advocate at views,

and where that fee is allowed the advocate shall also be paid a travelling allowance for such attendance in accordance with paragraph 30.

(2) An advocate shall be entitled to a fee in accordance with the Table following paragraph 19 as appropriate to the category of advocate instructed for the number of periods or parts of a period of 10 minutes of running time of any disc, tape or video cassette or part thereof which he listened to or viewed as part of the evidence in the case.

19.—(1) The costs payable to a representative instructed in any case mentioned in paragraph 2 shall be the fixed fee set out in the Table following this paragraph as appropriate to the representative (including the category of advocate instructed, as applicable), together with any travelling allowance payable under paragraph 29(1) or 30(1) as applicable.

(2) Where the same solicitor attended court as an attending solicitor and as a solicitor advocate (whether certified or not), the solicitor shall be allowed one travelling allowance only in respect of that attendance.