

2021 No. 311

LEGAL AID AND ADVICE

The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2021

Made - - - - - *25th November 2021*

Coming into operation - - - - - *6th January 2022*

The Department of Justice makes the following Rules in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a) and now vested in it(b).

In accordance with Article 36(3) of that Order, the Department has consulted with the Lady Chief Justice, the Attorney General, the County Court Rules Committee and the Magistrates' Courts Rules Committee and it has obtained the approval of the Department of Finance.

In accordance with Article 37 of that Order, the Department has had regard to the matters specified in that Article.

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2021 and shall come into operation on 6th January 2022.

Amendment to the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009

2. The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009(c) are amended as follows.

3. In rule 16, for paragraph (5), substitute—

“(5) In paragraph (2) “review period” means the period of three years beginning with 6th January 2022 and each subsequent period of three years.”.

4. In Schedule 1—

- (a) following paragraph 9., in Table 1, for “£115”, substitute “£230”;
- (b) for paragraph 14.(1)(d) substitute—

(a) S.I. 1981/228 (N.I. 8).

(b) S.I. 1982/159 and S.I. 2010/976.

(c) S.R.2009 No. 313 which was amended by S.R. 2014 No. 178, S.R. 2016 No. 398 and S.R. 2019 No.123.

“(d) the hearing of a special measures application under Article 11, 12, 15 or 17 of the Criminal Evidence (Northern Ireland) Order 1999(a);

(da) the hearing of an application under Article 21BA of the Criminal Evidence (Northern Ireland) Order 1999;”.

5. In paragraph 18B.(2), for “fifty per cent”, substitute “seventy five per cent”.

Sealed with the Official Seal of the Department of Justice on 25th November 2021



Naomi R Long
Minister of Justice

The Department of Finance approves the Rules

Sealed with the Official Seal of the Department of Finance on 25th November 2021



Patrick Neeson
A senior officer of the Department of Finance

(a) S.I. 1999/2789 (N.I. 8).

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules are the outworking of the second formal review of the Magistrates' Courts and County Courts Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 (S.R. 2009 No. 313) which prescribe the remuneration for solicitors and counsel assigned under Articles 28, 28A or 30 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (1981 No. 228 (N.I. 8)).

The Rules introduce a new date for the commencement of the next formal review of the Rules. They also increase the rate of remuneration for Counsel in respect of sentence only appeals in the County Court. An additional fee is introduced for the hearings of a special measures application for witnesses or the accused to be examined through a Registered Intermediary. Finally, the Rules provide for increased remuneration for cases which include a Newton Hearing. Previously such cases were remunerated by way of fifty per cent uplift on the relevant Guilty Plea Fee payable. The uplift has been increased to seventy five per cent of the relevant Guilty Plea Fee.

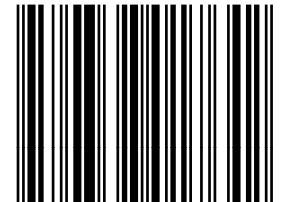
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