
STATUTORY INSTRUMENTS

2007 No. 1318

The Legal Aid (Asylum and Immigration Appeals) (Northern Ireland) Regulations 2007

Terms and effect of section 103D orders

7.—(1) Subject to paragraph (2), a section 103D order shall have effect as an order for payment of all the costs incurred by a solicitor representing the appellant in the proceedings to which the order relates, including the fees of counsel instructed by the solicitor, for which payment is allowable.

(2) In relation to proceedings in which a solicitor has instructed counsel, the High Court or the Tribunal may in special circumstances make a section 103D order—

(a) in respect of counsel's fees only; or

(b) in respect of the costs incurred by the solicitor excluding counsel's fees.

(3) Where paragraph (2) applies, the High Court or Tribunal must give reasons for its decision.

(4) Where an appellant has been represented by more than one solicitor or more than one counsel in the course of immigration review proceedings, a section 103D order shall, unless it provides otherwise, have effect as an order for the payment of the costs incurred by each solicitor and of the fees of each counsel while he was instructed to represent the appellant in the proceedings.

(5) A section 103D order must not specify—

(a) the amount to be paid by the Commission; or

(b) the person or persons to whom payment is to be made,

and the Commission shall determine those matters in accordance with the provisions of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 as if the section 103D order was a civil aid certificate issued in accordance with the Legal Aid (General) Regulations (Northern Ireland) 1965⁽¹⁾, save that the Commission may determine that an additional risk premium shall be payable in that case, together with the level of that risk premium.

(1) [S.R. 1965 No. 217](#), which has been modified by paragraph 4(3) of Schedule 3 to the Access to Justice (Northern Ireland) Order 2003, and to which there have been other amendments not relevant to these regulations