

SCHEDULES

SCHEDULE 5

ENHANCED LEGAL AID FEES FOR CERTAIN SOLICITORS

Duties of solicitor

- 3.—(1) Sub-paragraph (2) applies where—
- (a) either—
 - (i) a criminal aid certificate or civil aid certificate is granted under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to a person in any proceedings in a court or tribunal to which this Schedule applies; or
 - (ii) assistance by way of representation is approved in respect of a person under Article 5 of that Order in relation to proceedings in such a court or tribunal;
 - (b) that certificate or approval entitles that person (“the client”) to be represented by counsel or by a solicitor accredited under paragraph 2 in relation to that court or tribunal; and
 - (c) either—
 - (i) the client’s solicitor is minded to arrange for another solicitor who is accredited in relation to that court or tribunal to provide that representation; or
 - (ii) the client’s solicitor is accredited in relation to that court or tribunal and is minded to provide that representation.
- (2) The client’s solicitor must advise the client in writing—
- (a) of the advantages and disadvantages of representation by an accredited solicitor and by counsel, respectively; and
 - (b) that the decision as to whether an accredited solicitor or counsel is to represent the client is entirely that of the client.
- (3) The Law Society shall make regulations with respect to the giving of advice under sub-paragraph (2).
- (4) A solicitor shall—
- (a) in advising a client under sub-paragraph (2), act in the best interest of the client; and

(b) give effect to any decision of the client referred to in sub-paragraph (2)(b).

(5) Where—

- (a) a solicitor has complied with sub-paragraph (2) in relation to the representation of a client in any proceedings in a court or tribunal, and
- (b) that client is to be represented in those proceedings by an accredited solicitor,

the solicitor shall inform the court or tribunal of the fact mentioned in paragraph (a) in such manner and before such time as the relevant rules may require.

(6) For the purposes of this paragraph compliance with sub-paragraph (2) or (5) in relation to any proceedings in a court or tribunal in any cause or matter is to be taken to be compliance with that sub-paragraph in relation to any other proceedings in that court in the same cause or matter.

(7) If a solicitor contravenes this paragraph, any person may make a complaint in respect of the contravention to the Solicitors Disciplinary Tribunal.