

SCHEDULE 3

Article 9

REPRESENTATION (LOWER COURTS)

PART 1

General

1. This Schedule applies to the determination of the remuneration payable to representatives for providing representation (lower courts).

2. Where the remuneration or fees properly chargeable for the representation including charges for disbursements exceed any contribution payable by the client to the solicitor under Part 3 of the Financial Regulations together with the value of any charge arising under Article 17(7) of the 2003 Order, the solicitor shall submit a claim to the Department requesting payment of the deficiency.

3.—(1) The Department shall determine the claim submitted under Article 8 in accordance with the rates or fees set out in the relevant Table in Part 2 or 3 of this Schedule, as applicable, and pay the assessed deficiency, if any, to the solicitor.

(2) In this paragraph “assessed deficiency” means the amount by which the sum allowed to the representatives by the Department in assessing the claim under sub-paragraph (1) exceeds any contribution payable by the client to the solicitor under Part 3 of the Financial Regulations together with the value of any charge arising under Article 17(7) of the 2003 Order.

PART 2

Family and Children Order Proceedings

Children (Northern Ireland) Order 1995(1)

Solicitor’s remuneration can be claimed on the basis of either Hourly Rates (Table 1) or Composite Fees (Table 2), at the election of the solicitor

Table 1:

Solicitor – Hourly Rates

<i>Work Type</i>	<i>Rate</i>
Preparation	£58 per hour
Letters Written	£3.65 per item
Letters Received	£1.85 per item
Telephone Calls	£3.65 per call
Non Standard Telephone Call (over 5 minutes)	£58 per hour
Advocacy – Solicitor Alone	£64 per hour
Consultation with Counsel	£32.50 per hour

(1) [S.I. 1995/755 \(N.I. 2\)](#)

Status: This is the original version (as it was originally made).

<i>Work Type</i>	<i>Rate</i>
Advocacy – Solicitor attending Counsel	£32.50 per hour

Table 2:

Solicitor – Composite Fees

<i>Work Type</i>	<i>Composite Fee</i>
Private Law	£250
Public Law	£400

Table 3:

Counsel – Composite Fees

<i>Work Type</i>	<i>Composite Fee</i>
On an unopposed application or a procedural issue	Standard £76.25 Maximum £127
On the trial of a cause or matter, or the hearing of an application:	
-Where the hearing lasts for up to half a day	Standard £140 Maximum £268
- Full Day	Standard £317.75 Maximum £508.50
-Refresher	£140 for each additional day
Consultation	£35.50 per hour
Complex items of work (opinion, affidavits)	£82.75 per item
All other written work	£50.25 per item

The Family Homes and Domestic Violence (Northern Ireland) Order 1998(2)

Solicitor’s remuneration can be claimed on the basis of either Hourly Rates (Table 4) or Composite Fees (Table 5), at the election of the solicitor

Table 4:

Solicitor – Hourly Rates

<i>Work Type</i>	<i>Rate</i>
Preparation	£58 per hour
Letters Written	£3.65 per item

(2) [S.I. 1998/1071 \(N.I. 6\)](#)

<i>Work Type</i>	<i>Rate</i>
Letters Received	£1.85 per item
Telephone Calls	£3.65 per call
Non Standard Telephone Call (over 5 minutes)	£58 per hour
Advocacy – Solicitor Alone	£64 per hour
Consultation with Counsel	£32.50 per hour
Advocacy – Solicitor attending Counsel	£32.50 per hour

Table 5:**Solicitor – Composite Fees**

<i>Work Type</i>	<i>Composite Fee</i>
Non-Molestation Order	£352
Occupation Order	£352
Non-Molestation/Occupation application withdrawn with undertakings	£352
Non-Molestation and Occupation Order	£416
Second Hearing – Contested	£192
Second Hearing – Uncontested	£96
Variation/Discharges – Contested	£352
Variation/Discharges – Uncontested	£192
Adjournments	£30
Nominal Adjournment Fee – no court attendance	£15
Withdrawn	£30
Summons not served	£30
Letters Written	£3.65 per item
Letters Received	£1.85 per item
Telephone Calls	£3.65 per call
Non-routine telephone calls in excess of 5 minutes	£58 per hour

Table 6:**Counsel – Composite Fees**

<i>Work Type</i>	<i>Composite Fee</i>
On an unopposed application or a procedural issue	Standard £76.25 Maximum £127

Status: This is the original version (as it was originally made).

<i>Work Type</i>	<i>Composite Fee</i>
On the trial of a cause or matter, or the hearing of an application:	
- Where the hearing lasts for up to half a day	Standard £140 Maximum £268
- Full Day	Standard £317.75 Maximum £508.50
- Refresher	£140 for each additional day
Consultation	£35.50 per hour
Complex items of work (opinion, affidavits)	£82.75 per item
All other written work	£50.25 per item

Domestic Proceedings (Northern Ireland) Order 1980(3)

Table 7:

Solicitor – Composite Fees

<i>Work Type</i>	<i>Composite Fee</i>
Separation and Maintenance	£140
Variation of Maintenance	£83.50
Case withdrawn at any stage before hearing and up to strikeout	£66
Part Hearings	£29
Adjourned Hearings:	
- less than 20 minutes	£15.50
- in excess of 20 minutes	£29
Nominal Adjournment Fee – no court attendance	£12
Dismissed Cases	£124.50
Letters and telephone calls (not included in the basic fee)	£3.35 per item
Discontinued cases (no proceedings issued)	
- advice less than one hour	£45
- advice of one hour	£50
- advice in excess of one hour	£55

Table 8:
Counsel – Composite Fees

<i>Work Type</i>	<i>Composite Fee</i>
On an unopposed application or a procedural issue	Standard £76.25 Maximum £127
On the trial of a cause or matter, or the hearing of an application:	
- Where the hearing lasts for up to half a day	Standard £140 Maximum £268
- Full Day	Standard £317.75 Maximum £508.50
- Refresher	£140 for each additional day
Consultation	£35.50 per hour
Complex items of work (opinions, affidavits)	£82.50 per hour
All other written work	£50.25 per item

PART 3

Other Proceedings

Police and Criminal Evidence (Northern Ireland) Order 1989(4) and Terrorism Act 2000(5)

Table 1:

Solicitor – Composite Fees

<i>Work Type</i>	<i>Composite Fee</i>
All Proceedings	£352

Proceedings before the Mental Health Review Tribunal

Table 2:

Solicitor – Composite Fees

<i>Work Type</i>	<i>Composite Fee</i>
Preparation and Negotiation	£330
Representation at Tribunal	£370 (per half day, or part thereof)

(4) S.I. 1989/1341 (N.I. 12)

(5) 2000 c. 11

Status: This is the original version (as it was originally made).

<i>Work Type</i>	<i>Composite Fee</i>
Adjourned Hearing	£76.25

Hearings held under Article 10 or 11 of the Life Sentences (Northern Ireland) Order 2001(6)

Table 3:

Solicitor – Hourly Rate

<i>Work Type</i>	<i>Solicitor</i>
Hourly fees for all work	£100 per hour up to a maximum fee of £800 ⁽¹⁾

(1) If additional hours are authorised by the Department, they are payable at the same rate.

Table 4:

Counsel – Composite Fees

<i>Work Type</i>	<i>Junior Counsel</i>	<i>Senior Counsel</i>
Composite fee	£2,666	£4,000

Other hearings before the Parole Commissioners

Table 5:

Solicitor – Hourly Rate

<i>Work Type</i>	<i>Solicitor</i>
Hourly fees for all work	£100 per hour up to a maximum fee of £800 ⁽¹⁾

(1) If additional hours are authorised by the Department, they are payable at the same rate.

Table 6:

Counsel – Composite Fees

<i>Work Type</i>	<i>Junior Counsel</i>	<i>Senior Counsel</i>
Composite Fee	£3,000	£4,500

Oral hearing before the Parole Commissioners under the Criminal Justice (Northern Ireland) Order 2008(7)

(6) S.I. 2001/2564 (N.I. 2)

(7) S.I. 2008/1216 (N.I. 1)

Table 7:**Solicitor – Composite Fee**

<i>Work Type – Stage 2</i>	<i>Composite Fee</i>
All case types	£250

Proceedings under sections 295, 297, 298, 301 or 302 of the Proceeds of Crime Act 2002**Table 8:****Solicitor – Composite Fees**

<i>Work Type</i>	<i>Composite Fee</i>
Composite Fee	£352 ⁽¹⁾
Second Hearing	£192
Adjournment	£30
Nominal Adjournment Fee – no court attendance	£15.50
Withdrawn	£30
Letters and telephone calls	£3.65 per item / call
Non-routine telephone calls	£58 per hour

- (1) The Composite Fee will remunerate a solicitor for all work associated with the particular case, excluding disbursements and VAT. The fee is taken to include up to the first 7 letters and telephone calls under 5 minutes. Any further letters or telephone calls can be claimed in addition to the composite fee provided they are itemised.

Table 9:**Counsel – Composite Fees**

<i>Work Type</i>	<i>Composite Fee</i>
On the trial of a cause or matter, or the hearing of an application	
– Where the hearing lasts for up to half a day	Standard £140
	Maximum £268
– Full Day	Standard £317.75
	Maximum £508.50
Part Hearing (standard)	£76.25
Part Hearing (maximum)	£127
Refresher	£140 for each additional day
Consultation	£35.50 per hour
Complex items of work (opinions, affidavit)	£82.75 per item
All other written work	£50.25 per item

Status: This is the original version (as it was originally made).

Proceedings regarding an order under sections 89, 90, 97, 100, 104, 108, 109, 114, 118, 123, 125 or 126 of the Sexual Offences Act 2003(8) and Proceedings under Articles 3 and 4 of the Anti-social Behaviour (Northern Ireland) Order 2004(9)

Table 10:

Interim Fees

<i>Proceedings Type</i>	<i>Solicitor</i>	<i>Junior Counsel</i>
All proceedings	£180	£180

(8) 2003 c. 42
(9) S.I. 2004/1988 (N.I. 12)