

SCHEDULE 4

REPRESENTATION (HIGHER COURTS)

PART 1

General

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

2. The Department shall determine the claim submitted under Article 8 in accordance with the rates or fees set out in the relevant Table in Parts 2 to 6 of this Schedule, as applicable, and pay the assessed remuneration to the solicitor.

3. For proceedings listed within Part 2 of this Schedule, where a representative considers that the sum allowable under Table 1 or Table 2, as applicable, would not provide reasonable remuneration according to the work reasonably undertaken and properly done, the representative may apply to the judge before whom the proceedings took place for a certificate that for any reason including the exceptional length, difficulty or complexity of the proceedings the limitation on the sums allowable under Table 1 or Table 2, as applicable, shall not apply and where such certificate is granted the Department shall allow remuneration under Table 3 to 19, as applicable.

4. Where a judge has granted a certificate under paragraph 3, and there is a combination of proceedings heard together, the highest applicable composite fee will be payable with an additional payment of 30% of the composite fee in respect of the first related proceedings and an additional payment of 20% of the composite fee in respect of the second related proceedings.

5. For proceedings listed within Part 3 of this Schedule, where the costs have been taxed by a district judge, the Department will pay remuneration to the solicitor on foot of the taxed bill. If the proceedings are withdrawn, abandoned or discontinued the representative's claim will be assessed by the Department in accordance with Tables 1 to 4, as applicable.

6. For proceedings listed within Parts 4, 5 and 6 of this Schedule, the sums allowed to representatives in any proceedings shall, subject to Article 5(2)(a) and (b), be assessed by the Department in accordance with the Tables set out in the relevant Part, as applicable to the nature of the proceedings and the items of work in question.