

1981 No. 179

LEGAL AID

Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1981

Made 1st June 1981

Coming into operation 23rd July 1981

To be laid before Parliament

The Secretary of State in pursuance of Article 13(2) of and paragraphs 1(2)(b), 2(2)(b) and 6 of Schedule 2 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a), hereby, after consultation with the County Court Rules Committee, makes the following Order:

Citation, operation and application

1.—(1) This Order may be cited as the Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1981.

(2) This Order shall come into operation on 23rd July 1981 and shall apply only to proceedings commenced after that date.

Sums allowed to solicitors and counsel in proceedings in the county court

2.—(1) The sums allowed to solicitors or counsel acting for assisted persons in any proceedings in the county court, other than under its equity jurisdiction or those remitted to it by the High Court, shall be such as are assessed by the Legal Aid Committee.

(2) The sums so allowed to solicitors shall be such as are prescribed or regulated on a solicitor and client basis under any enactment relating to such proceedings and, subject to Article 3, where no amount is so prescribed or regulated, shall not exceed £300 for profit costs together with an amount equal to all outlay reasonably incurred by the solicitor.

(3) The sums so allowed to counsel shall not be less than such amounts as are prescribed under any enactment relating to such proceedings and, subject to Article 3, where no amount is so prescribed or regulated, shall not exceed £70 together with the further amount (if any) specified in paragraph (4).

(4) The further amount referred to in paragraph (3) shall be one half of the amount allowed apart from this paragraph multiplied by the number of days (if any) on which an adjourned hearing takes place subsequent to its first day.

Judge may in exceptional cases certify that limit of assessment shall not apply

3. Where a solicitor or counsel acting for an assisted person considers the sum allowable under Article 2 would not provide fair remuneration according to the work reasonably undertaken and properly done, he 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 Article 2 shall not apply and where such certificate is granted the Legal Aid Committee shall allow such sums as appear to it to represent fair remuneration according to work reasonably undertaken and properly done.

Documents, etc., to be lodged with the Legal Aid Committee

4.—(1) Where payment is sought in respect of the remuneration of a solicitor or counsel for work done on behalf of the assisted person in connection with proceedings in the county court the solicitor shall lodge with the Legal Aid Committee such papers and information as will enable that committee to assess such remuneration including a report of the case in a form approved by the committee and, where necessary or if so directed by that committee—

(a) a bill of costs setting out—

(i) a summary in narrative form of the work done including the time spent in preparation and conduct of the case;

(ii) a basic sum for conducting the case which may be allowed in accordance with the foregoing provisions of this Order;

(iii) any court fees or fees for service of a process;

(iv) counsel's fees where counsel is instructed;

(v) disbursements with vouchers or receipts;

(b) counsel's brief and a note indicating the time involved including time spent at court;

(c) a statement in support of an application for a certificate referred to in Article 3.

(2) The Secretary to the Legal Aid Committee shall notify counsel of any reduction in or disallowance of counsel's fees and where counsel is dissatisfied with any decision of the committee he shall notify the committee in writing.

Interpretation

5. In this Order—

“assisted person” means a person in respect of whom a certificate is in force;

“certificate” means a civil aid certificate issued in accordance with a scheme made by the Law Society under Article 18 of the Legal Aid Advice and Assistance (Northern Ireland) Order 1981 or with regulations made under Part II thereof and includes an emergency certificate;

“Law Society” means the Incorporated Law Society of Northern Ireland;

“Legal Aid Committee” means the committee established in accordance with Article 18(4) of the Order under a scheme made by the Law Society.

Revocation

6. The Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1980(a) is hereby revoked except in its application to proceedings commenced before the coming into operation of this Order.

Northern Ireland Office
1st June 1981

Humphrey Atkins
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the remuneration of solicitors and counsel acting under a civil aid certificate for legally assisted persons in proceedings in the county court. It replaces, without altered effect, the Legal Aid (Remuneration of Solicitors and Counsel in County Court Proceedings) Order (Northern Ireland) 1980, made under the Legal Aid and Advice Act (Northern Ireland) 1965; that Act has been repealed and consolidated in the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

1981 No. 180

**Road Races (Killinchy 150) Order
(Northern Ireland) 1981**

This Order, being of a temporary character, is not printed at length in this volume.

1981 No. 181

**Road Races (Bushmills Kart Race) Order
(Northern Ireland) 1981**

This Order, being of a temporary character, is not printed at length in this volume.