

2009 No. 314

LEGAL AID AND ADVICE

**The Legal Aid in Criminal Proceedings (Costs) (Amendment)
Rules (Northern Ireland) 2009**

Made - - - - - *29th August 2009*
Coming into operation - *30th September 2009*
To be laid before Parliament

The Lord Chancellor makes the following Rules in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a), and now vested in the Lord Chancellor(b).

In accordance with Article 36(3) of that Order, the Lord Chancellor has consulted with the Lord Chief Justice, the Attorney General, the County Court Rules Committee and the Magistrates' Courts Rules Committee and has obtained the approval of the Treasury.

In accordance with Article 37 of that Order, the Lord Chancellor has had regard to the matters specified in that Article.

Citation and commencement

1. These Rules may be cited as the Legal Aid in Criminal Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2009 and shall come into operation on 30th September 2009.

Interpretation

2. In these Rules "the principal rules" means the Legal Aid in Criminal Proceedings (Costs) Rules (Northern Ireland) 1992(c).

Amendments to the principal rules

3.—(1) For rule 4(1) of the principal rules, there shall be substituted the following new provision—

“Subject to paragraphs (1A) to (1C), costs in respect of work done under a criminal aid certificate shall be determined by the appropriate authority in accordance with these Rules and having regard to such directions as may be issued by the Lord Chancellor.”.

(a) S.I. 1981/228 (N.I. 8)
(b) S.I. 1982/159
(c) S.R. 1992 No. 314, which was amended by S.R. 2003 No. 511 and S.R. 2005 No. 113, and to which there have been other amendments not relevant to these Rules

(2) After rule 4(1B) of the principal rules, there shall be inserted—

“(1C) These Rules shall not apply to costs in respect of work done under a criminal aid certificate granted under Article 28 or 30 of the Order on or after 30th September 2009.”.

Signed by authority of the Lord Chancellor

Dated 29th August 2009

We approve

Dated 4th September 2009

Bridget Prentice
Parliamentary Under-Secretary of State
Ministry of Justice

Dave Watts
Bob Blizzard
Two of the Lords Commissioners
of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Legal Aid in Criminal Proceedings (Costs) Rules (Northern Ireland) 1992 to provide that those rules do not apply to the determination of costs in respect of Magistrates' Courts and County Court appeal proceedings.

The remuneration for solicitors and counsel assigned under Article 28 or 30 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 in respect of cases in the Magistrates' Courts and County Court appeals is prescribed under the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009.

© Crown Copyright 2009

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly.

2009 No. 314

LEGAL AID AND ADVICE

The Legal Aid in Criminal Proceedings (Costs) (Amendment)
Rules (Northern Ireland) 2009