

EXPLANATORY MEMORANDUM TO

The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2013

SR 2013 No. 293

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Justice (“the Department”) to accompany the above Statutory Rule, which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 and is subject to the negative resolution procedure. It makes amendments to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 (“the 2005 Rules”).

2. Purpose

- 2.1 The Rule introduces new fees for preparation work where, following the conviction of the assisted person, there is a change of representative and the court grants a fresh criminal aid certificate for the purposes of the sentencing hearing before the Crown Court.

3. Background

- 3.1 In September 2012, within the context of an individual on-going case, an issue was raised with the Department regarding the fees payable for preparation work in the scenario described in paragraph 2.1 above. In addition to its response to that specific query, the Department advised that this issue would be considered in the course of its biennial review of the 2005 Rules as a whole.

4. Consultation

- 4.1 In July 2013 the Department published a consultation document as part of its biennial review of the 2005 Rules. In addition to that consultation exercise with the legal profession and other stakeholders, the Department consulted the Committee for Justice in the Assembly. .

5. Equality Impact

- 5.1 An initial equality screening exercise was carried out as part of the review of the 2005 Rules. This indicated that a full equality impact assessment (“EQIA”) was not necessary. A further equality screening exercise was carried out by the Department on 6 November 2013 and the policy was

screened out on that date. A full EQIA exercise has, therefore, not been conducted.

6. Regulatory Impact

6.1 The amendments to the 2005 Rules will not impact upon business, the voluntary sector or the environment. Therefore, a Regulatory Impact Assessment was not required.

7. Financial Implications

7.1 The Rule provides for additional funding to be available in specific cases. The Department estimates that the cost of applying the Rule is unlikely to exceed £10,000 per annum.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers the Rule to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 Not applicable

11. Additional Information

11.1 Not applicable.

