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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 178**

**The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2014**

**Amendments to the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009**

19. In Schedule 1—

- (a) in paragraph 1(1), omit “Subject to sub-paragraph (2),”;
- (b) omit paragraph 1(2);
- (c) in paragraph 3(2), omit the words “Subject to sub-paragraph (3),”;
- (d) omit paragraph 3(3);
- (e) after paragraph 6(1)(b), insert—
  - “(bb) where there was an application by the assisted person to the magistrates’ court for compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011(1);”;
- (f) in paragraph 6(2), after “as appropriate to the representative” insert “and the nature of the bail application”;
- (g) after paragraph 8, insert—

“**8A.**—(1) This paragraph applies to a case in the magistrates’ court which was listed for, but did not proceed as, a contest because the assisted person pleaded guilty to one or more charges.

(2) Subject to sub-paragraph (3), the additional fee set out in the Table following paragraph 9 shall be payable, as appropriate to the representative and the offence with which the assisted person was charged.

(3) Where the court assigned counsel under Article 28 of the 1981 Order, the additional fee shall be payable to counsel but not to the solicitor.

**8B.**—(1) This paragraph applies to a case which was listed for committal to the Crown Court, whether or not the assisted person was in fact returned for trial.

(2) Where the number of pages of prosecution evidence forming part of the committal bundle exceeds 750 pages, the additional fee set out in the Table following paragraph 9 shall be payable as appropriate to the representative.

(3) For the purposes of this paragraph the pages of prosecution evidence forming part of the committal bundle includes all witness statements, documentary and pictorial exhibits, records of interviews with the assisted person and records of interviews with other defendants.”;

- (h) following paragraph 9, for the Table of Standard Fees, substitute the following Table—

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“(1)	<i>Paragraph providing for fee</i>	<i>Solicitor’s Fee</i>	<i>Counsel’s Fee</i>
	(2)	(3)	(4)
<b>Cases heard in the magistrates’ court</b>			
<i>Category of offence and nature of disposal of the case</i>			
Summary offence			
-Guilty Plea Fee	4	£260	N/A
-Contest Fee		£470	N/A
Hybrid or I/TS offence			
-Guilty Plea Fee	4	£275	£275
-Contest Fee		£590	£550
Indictable only offence			
-Guilty Plea Fee	4	£300	£300
-Contest Fee		£600	£600
Hybrid, I/TS or indictable only offence			
-Committal Fee	4	£820	£800
Child charged with indictable only offence			
-Guilty Plea Fee	5	£820	£800
-Contest Fee		£1,000	£1,000
Compassionate Bail Application Fee	6(1)(bb)	£180	£180
Other Bail Application Fee	6	£75	£120

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“(1)	<i>Paragraph providing for fee</i>	<i>Solicitor’s Fee</i>	<i>Counsel’s Fee</i>
	(2)	(3)	(4)
Additional Hearing Fee	8	£200 per day	£200 per day
Additional Contest Preparation Fee	8A		
-Summary offence		£75	N/A
-Hybrid or I/TS offence		£100	£100
-Indictable only offence		£100	£100
Additional Committal Preparation Fee	8B	£410	£400
<b>Cases appealed to the county court</b>			
<i>Nature of disposal of the appeal</i>			
Appeal against sentence fee	7(1)	£265	£115
Appeal against conviction fee	7(1)	£355	£350
Withdrawn appeal	7(2)	£145	£50
Additional Hearing Fee	8	£200 per day	£200 per day
<b>Diversionary youth conferences (Preparation and Attendance)</b>	9(1)(a)		
Lower standard fee			
-Conferences lasting up to and including one hour		£112	£84
Principal standard fee			
-Conferences lasting more than one hour but not exceeding two hours		£180	£135
<b>Court-ordered youth conferences (Attendance only)</b>	9(1)(b)		
Lower standard fee			
-Conferences lasting up to and including one hour		£70	£70

“(1)”	<i>Paragraph providing for fee</i>	<i>Solicitor’s Fee</i>	<i>Counsel’s Fee</i>
	(2)	(3)	(4)

## Principal standard fee

-Conferences lasting more than one hour but not exceeding two hours		£112.50	£112.50”
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- (i) in paragraph 12(5), after “Subject to sub-paragraphs” insert “(5A),”;
- (j) after paragraph 12(5), insert—

“(5A) Where, after the arrest warrant is executed, the case is disposed of as a contest, the fee payable to the representative shall be the difference between the Contest Fee provided for under paragraph 4 or 5, as applicable, and the fee (if any) paid under sub-paragraph (2).”;

- (k) after paragraph 12, insert—

“**12A.**—(1) This paragraph applies where the assisted person failed to appear in court, the case proceeded as a contest and, upon conviction, an arrest warrant was issued.

(2) Without prejudice to any fee which may be payable under paragraph 4 or 5, as applicable, when the arrest warrant is executed and the assisted person is produced again in court, an additional fee shall be payable.

(3) Subject to sub-paragraph (4), the additional fee payable under sub-paragraph (2) shall be fifty per cent of the standard Guilty Plea Fee provided for in Part 2 as appropriate to the representative and the offence with which the assisted person was charged.

(4) Where a significant period of time had elapsed since the issuing of the arrest warrant, the Commission may, at its discretion, allow up to one hundred per cent of the standard Guilty Plea Fee.”;

- (l) after paragraph 14(1)(e), insert—

“(f) the hearing of an application for a witness anonymity order under section 87 of the Coroners and Justice Act 2009(2);

(g) the hearing of an application for severance under Article 155 of the Magistrates’ Courts (Northern Ireland) Order 1981(3); or

(h) the hearing of an application under Article 118A of the Magistrates’ Courts (Northern Ireland) Order 1981 for disclosure of material held by third parties.”;

- (m) after paragraph 15(2)(b), insert—

“(c) in any other circumstances, fifty per cent of the standard Guilty Plea Fee provided for in Part 2 as appropriate to the representative and the offence with which the assisted person was charged.”;

- (n) after paragraph 15, insert—

“**15A.**—(1) This paragraph applies where, following the conviction of the assisted person, there is a change of representative in the magistrates’ court and the court grants a fresh criminal aid certificate for the purposes of the sentencing hearing.

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(2) 2009 c. 25

(3) S.I. 1981/1675 (N.I. 26)

(2) The fee payable to the new representative shall be fifty per cent of the standard Guilty Plea Fee provided for in Part 2 as appropriate to the representative and the offence with which the assisted person was charged.”;

(o) after paragraph 18, insert—

**“Fine default Hearings**

**18A.**—(1) This paragraph applies where a criminal aid certificate was granted for a Fine Default Hearing at which the court will consider the exercise of its powers under Article 92 of the Magistrates’ Courts (Northern Ireland) Order 1981 in respect of the enforcement of a sum adjudged to be paid on conviction.

(2) The fixed fee of £75 shall be payable to the assigned solicitor for attending at the Fine Default Hearing.

**Newton Hearings**

**18B.**—(1) This paragraph applies where a Newton hearing took place in the magistrates’ court.

(2) An uplift of fifty per cent shall be payable on the standard Guilty Plea Fee provided for in Part 2 as appropriate to the representative and the offence with which the assisted person was charged.”.