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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 198**

**The Criminal Defence Services  
(Remuneration) Order (Northern Ireland) 2016**

**PART 1 N.I.**

**GENERAL**

**Citation and commencement N.I.**

1. This Order may be cited as the Criminal Defence Services (Remuneration) Order (Northern Ireland) 2016 and shall come into operation on 15th April 2016.

**Commencement Information**

II Art. 1 in operation at 15.4.2016, see [art. 1](#)

**Interpretation N.I.**

2. In this Order, unless the context otherwise requires –

“the 1980 Act” means the Criminal Appeal (Northern Ireland) Act 1980(1);

“criminal defence services” has the meaning given by Article 21(1) of the 2003 Order;

“the Department” means the Department of Justice;

“disbursements” means travelling and witness expenses and other out of pocket expenses incurred by a solicitor in providing criminal defence services;

“fee-earner” means a solicitor or any clerk who regularly does work for which it is appropriate to make a direct charge to the client;

“the 2003 Order” means the Access to Justice (Northern Ireland) Order 2003;

“relevant proceedings” means the proceedings listed in Schedule 2 to the Access to Justice (2003 Order) (Commencement No. 8) Order (Northern Ireland) 2015(2);

“remuneration” means –

- (a) in the case of a solicitor, the fees and disbursements payable under Article 24(3) of the 2003 Order,
- (b) in the case of counsel, the fees payable under that provision,

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(1) 1980 c. 47. Sections 19 and 37 of, together with paragraph 1 of Schedule 1 to, the 1980 Act were repealed by the Access to Justice (2003 Order) (Commencement No. 8) Order (Northern Ireland) 2015 – [S.R. 2015 No. 237 \(C. 17\)](#)

(2) [S.R. 2015 No. 237 \(C. 17\)](#)

and, in either case, includes the fees payable to the representative under Article 23(3) of that Order for any advice and assistance provided under regulation 4 of the Criminal Defence Services (General) Regulations (Northern Ireland) 2016(3);

“representative” means a solicitor or counsel who has been selected by an individual under Article 30(1) of the 2003 Order;

“right to representation” means a right to representation granted under Article 26(1) or (5) of the 2003 Order;

“the Taxing Master” means the Master (Taxing Office).

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**Commencement Information**

**I2** Art. 2 in operation at 15.4.2016, see [art. 1](#)

**Application** **N.I.**

**3.—(1)** This Order shall apply for the determination of the remuneration payable to representatives in respect of providing criminal defence services where the work is done under a right to representation granted on or after 15th April 2016.

(2) Where a right to representation is granted before 15th April 2016 for proceedings in the Court of Appeal, the provisions of section 28 of the 1980 Act apply.

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**Commencement Information**

**I3** Art. 3 in operation at 15.4.2016, see [art. 1](#)

**Scope** **N.I.**

**4.—(1)** Article 5 and Part 2 of this Order apply to proceedings in the Court of Appeal only.

(2) Article 6 applies to proceedings in the Supreme Court only.

(3) Article 7 applies to retrials in the Crown Court only.

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**Commencement Information**

**I4** Art. 4 in operation at 15.4.2016, see [art. 1](#)

**Proceedings in the Court of Appeal** **N.I.**

**5.** In proceedings in the Court of Appeal, the remuneration payable to a representative shall be determined by the Taxing Master in accordance with Part 2 of this Order and such Practice Directions as may be issued by the Master.

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**Commencement Information**

**I5** Art. 5 in operation at 15.4.2016, see [art. 1](#)

## Proceedings in the Supreme Court **N.I.**

6.—(1) In proceedings in the Supreme Court, the remuneration payable to a representative shall be determined by such officer as may be prescribed by order of the Supreme Court.

(2) Subject to paragraph (1), this Order does not apply to proceedings in the Supreme Court.

### Commencement Information

**I6** Art. 6 in operation at 15.4.2016, see [art. 1](#)

## Retrials in the Crown Court **N.I.**

7.—(1) Paragraph (2) applies in relation to the remuneration payable to a representative in respect of the case of an appellant who is to be retried before the Crown Court by virtue of an order of the Court of Appeal under section 6 of the 1980 Act.

(2) The provisions of the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005<sup>(4)</sup> apply for the determination of the remuneration payable for the retrial as they apply in relation to free legal aid under Article 29 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981<sup>(5)</sup>.

(3) Subject to paragraphs (1) and (2), this Order does not apply to proceedings in the Crown Court.

### Commencement Information

**I7** Art. 7 in operation at 15.4.2016, see [art. 1](#)

(4) S.R. 2005 No. 112, which was amended by S.R. 2009 No. 267, S.R. 2011 No. 152, S.R. 2013 No. 293, S.R. 2015 No. 215, S.R. 2016 No. 200 and S.R. 2016 No. 201

(5) S.I. 1981/228 (N.I. 8)

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Defence Services (Remuneration) Order (Northern Ireland) 2016, PART 1.