

2016 No. 200

LEGAL AID AND ADVICE

**The Legal Aid for Crown Court Proceedings (Costs)
(Amendment) Rules (Northern Ireland) 2016**

Made - - - - - *23rd March 2016*

Coming into operation - *15th April 2016*

The Department of Justice 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 it(b).

In accordance with Article 36(3) of that Order, the Department has consulted with the Lord Chief Justice, the Attorney General and the Crown Court Rules Committee and it has obtained the approval of the Department of Finance and Personnel.

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

Citation and commencement

1. These Rules may be cited as the Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2016 and shall come into operation on 15th April 2016.

2. In these Rules a reference to a rule or Schedule by number alone is a reference to the rule or Schedule so numbered in or to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005(c).

Application and transitional arrangements

3.—(1) Without prejudice to paragraphs (2) to (5), these Rules apply for the determination of costs which are payable in respect of work done under a criminal aid certificate granted under Article 29, or deemed to have been granted under Article 36(2), of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 on or after 5th May 2015.

(2) Paragraphs (3) to (5) apply where –

- (a) a claim had been submitted to the Department under rule 8 or 11, as applicable, in respect of work done under a criminal aid certificate granted under Article 29, or deemed to have been granted under Article 36(2), of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 on or after 5th May 2015; and

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

(b) S.I. 1982/159 and S.I. 2010/976

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

(b) the costs payable to the representative had been determined and paid by the Department before 23rd March 2016.

(3) The Department shall, whether or not the representative applies under rule 13, redetermine the costs payable under rule 13(6)(b) as if the representative had applied under rule 13(1)(c).

(4) Where the costs are increased as a result of a redetermination made under paragraph (3) (“the new determination”), the Department shall authorise payment of the increase.

(5) Rules 13 to 15 (redetermination etc.) shall apply to the new determination as if that determination had been made under rule 8 or 11, as applicable.

(6) In this rule, “the Department” means the Department of Justice.

Amendments to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005

4. The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 are amended as follows.

5. In rule 2, in the definition of “main hearing”, omit the words “to counsel”.

6. In rule 8(3)(a), after “Basic Trial Fee” insert “or Trial Preparation Fee, as applicable”.

7. In Schedule 1 –

(a) in paragraph 3(2), after the words “one or more counts” insert the words “at the first arraignment”;

(b) in paragraph 3(3), omit the words “to counsel”;

(c) following paragraph 7, for the Tables of Basic Trial Fees, substitute the following Tables–

“SOLICITOR

<i>Offence falling within</i>	<i>PPE Range</i>	<i>Actual Duration of Trial</i>		
		<i>Trial Fee 1 1 to 8 days</i>	<i>Trial Fee 2 9 to 16 days</i>	<i>Trial Fee 3 17 to 80 days</i>
Class A	1 – 750	£5,607	£7,457	£11,159
Class A	751 – 1,500	£8,666	£10,517	£14,218
Class A	1,501 – 3,000	£11,725	£13,576	£17,277
Class B	1 – 750	£2,017	£2,904	£4,239
Class B	751 – 1,500	£3,227	£4,113	£5,449
Class B	1,501 – 3,000	£4,436	£5,323	£6,658
Class C	1 – 750	£1,235	£1,767	£2,562
Class C	751 – 1,500	£2,039	£2,570	£3,366
Class C	1,501 – 3,000	£2,842	£3,374	£4,169
Class D	1 – 750	£3,123	£4,683	£6,229
Class D	751 – 1,500	£4,987	£6,549	£8,095
Class D	1,501 – 3,000	£6,853	£8,415	£9,959
Class E	1 – 750	£1,235	£1,767	£2,562
Class E	751 – 1,500	£2,039	£2,570	£3,366
Class E	1,501 – 3,000	£2,842	£3,374	£4,169
Class F	1 – 750	£1,431	£2,047	£2,967
Class F	751 – 1,500	£2,290	£2,905	£3,826
Class F	1,501 – 3,000	£3,148	£3,764	£4,685

Class G	1 – 750	£2,341	£3,513	£4,672
Class G	751 – 1,500	£3,746	£4,917	£6,076
Class G	1,501 – 3,000	£5,152	£6,322	£7,482
Class H	1 – 750	£1,235	£1,767	£2,562
Class H	751 – 1,500	£2,039	£2,570	£3,366
Class H	1,501 – 3,000	£2,842	£3,374	£4,169
Class I	1 – 750	£1,235	£1,767	£2,562
Class I	751 – 1,500	£2,039	£2,570	£3,366
Class I	1,501 – 3,000	£2,842	£3,374	£4,169

COUNSEL

		<i>Queen's Counsel</i>									
		<i>Actual Duration of Trial</i>									
<i>Offence falling within</i>	<i>Trial Fee 1 1 to 8 days</i>	<i>Trial Fee 2 9 to 16 days</i>	<i>Trial Fee 3 17 to 24 days</i>	<i>Trial Fee 4 25 to 32 days</i>	<i>Trial Fee 5 33 to 40 days</i>	<i>Trial Fee 6 41 to 48 days</i>	<i>Trial Fee 7 49 to 56 days</i>	<i>Trial Fee 8 57 to 64 days</i>	<i>Trial Fee 9 65 to 72 days</i>	<i>Trial Fee 10 73 to 80 days</i>	
Class A	£6,000	£8,000	£12,000	£16,000	£20,000	£28,000	£36,000	£48,000	£60,000	£72,000	
Class B	£2,886	£4,150	£6,044	£8,058	£10,072	£14,102	£18,136	£24,174	£30,218	£36,262	
Class C	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386	
Class D	£4,000	£6,000	£8,000	£12,000	£15,000	£21,000	£27,000	£36,000	£44,999	£53,999	
Class E	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386	
Class F	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386	
Class G	£3,609	£5,412	£7,216	£9,620	£12,026	£17,200	£21,651	£28,862	£36,077	£43,294	
Class H	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386	
Class I	£2,526	£3,609	£5,231	£6,975	£8,718	£12,205	£15,696	£20,924	£26,155	£31,386	

<i>Leading Junior Counsel</i>										
<i>Actual Duration of Trial</i>										
<i>Offence falling within</i>	<i>Trial Fee 1 1 to 8 days</i>	<i>Trial Fee 2 9 to 16 days</i>	<i>Trial Fee 3 17 to 24 days</i>	<i>Trial Fee 4 25 to 32 days</i>	<i>Trial Fee 5 33 to 40 days</i>	<i>Trial Fee 6 41 to 48 days</i>	<i>Trial Fee 7 49 to 56 days</i>	<i>Trial Fee 8 57 to 64 days</i>	<i>Trial Fee 9 65 to 72 days</i>	<i>Trial Fee 10 73 to 80 days</i>
Class A	£4,500	£6,000	£9,000	£12,000	£15,000	£21,000	£27,000	£36,000	£45,000	£54,000
Class B	£2,165	£3,112	£4,533	£6,044	£7,556	£10,577	£13,603	£18,131	£22,665	£27,198
Class C	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545
Class D	£3,000	£4,500	£6,000	£9,000	£11,250	£15,750	£20,250	£27,000	£33,750	£40,500
Class E	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545
Class F	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545
Class G	£2,707	£4,059	£5,412	£7,216	£9,019	£12,628	£16,239	£21,647	£27,059	£32,472
Class H	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545
Class I	£1,894	£2,707	£3,924	£5,233	£6,541	£9,157	£11,776	£15,696	£19,621	£23,545

Led Junior Counsel

<i>Offence falling within</i>	<i>Actual Duration of Trial</i>									
	<i>Trial Fee 1</i> <i>1 to 8</i> <i>days</i>	<i>Trial Fee 2</i> <i>9 to 16</i> <i>days</i>	<i>Trial Fee 3</i> <i>17 to 24</i> <i>days</i>	<i>Trial Fee 4</i> <i>25 to 32</i> <i>days</i>	<i>Trial Fee 5</i> <i>33 to 40</i> <i>days</i>	<i>Trial Fee 6</i> <i>41 to 48</i> <i>days</i>	<i>Trial Fee 7</i> <i>49 to 56</i> <i>days</i>	<i>Trial Fee 8</i> <i>57 to 64</i> <i>days</i>	<i>Trial Fee 9</i> <i>65 to 72</i> <i>days</i>	<i>Trial Fee 10</i> <i>73 to 80</i> <i>days</i>
Class A	£3,600	£4,800	£7,200	£9,600	£12,000	£16,800	£21,600	£28,800	£36,000	£43,200
Class B	£1,732	£2,489	£3,626	£4,834	£6,044	£8,460	£10,881	£14,503	£18,129	£21,755
Class C	£1,262	£1,804	£2,616	£3,488	£4,361	£6,044	£7,850	£10,465	£13,080	£15,696
Class D	£2,000	£3,000	£4,000	£6,000	£7,500	£10,500	£13,500	£18,000	£22,500	£27,000
Class E	£1,262	£1,804	£2,616	£3,488	£4,361	£6,044	£7,850	£10,465	£13,080	£15,696
Class F	£1,262	£1,804	£2,616	£3,488	£4,361	£6,044	£7,850	£10,465	£13,080	£15,696
Class G	£1,804	£2,707	£3,609	£4,811	£6,014	£8,420	£10,828	£14,433	£18,041	£21,650
Class H	£1,262	£1,804	£2,616	£3,488	£4,361	£6,044	£7,850	£10,465	£13,080	£15,696
Class I	£1,262	£1,804	£2,616	£3,488	£4,361	£6,044	£7,850	£10,465	£13,080	£15,696

Sole Junior Counsel

<i>Offence falling within</i>	<i>Actual Duration of Trial</i>									
	<i>Trial Fee 1</i> <i>1 to 8</i> <i>days</i>	<i>Trial Fee 2</i> <i>9 to 16</i> <i>days</i>	<i>Trial Fee 3</i> <i>17 to 24</i> <i>days</i>	<i>Trial Fee 4</i> <i>25 to 32</i> <i>days</i>	<i>Trial Fee 5</i> <i>33 to 40</i> <i>days</i>	<i>Trial Fee 6</i> <i>41 to 48</i> <i>days</i>	<i>Trial Fee 7</i> <i>49 to 56</i> <i>days</i>	<i>Trial Fee 8</i> <i>57 to 64</i> <i>days</i>	<i>Trial Fee 9</i> <i>65 to 72</i> <i>days</i>	<i>Trial Fee 10</i> <i>73 to 80</i> <i>days</i>
Class A	£3,900	£5,200	£7,800	£10,400	£13,000	£18,200	£23,400	£31,200	£39,000	£46,800
Class B	£1,877	£2,697	£3,929	£5,238	£6,548	£9,167	£11,788	£15,713	£19,641	£23,570
Class C	£1,642	£2,345	£3,401	£4,355	£5,667	£7,935	£10,203	£13,601	£17,002	£20,403
Class D	£2,600	£3,900	£5,200	£7,800	£9,750	£13,650	£17,550	£23,400	£29,250	£35,100
Class E	£1,642	£2,345	£3,401	£4,535	£5,667	£7,935	£10,203	£13,601	£17,002	£20,403
Class F	£1,642	£2,345	£3,401	£4,535	£5,667	£7,935	£10,203	£13,601	£17,002	£20,403
Class G	£2,345	£3,518	£4,690	£6,253	£7,817	£10,943	£14,072	£18,758	£23,448	£28,139
Class H	£1,642	£2,345	£3,401	£4,535	£5,667	£7,935	£10,203	£13,601	£17,002	£20,403
Class I	£1,642	£2,345	£3,401	£4,535	£5,667	£7,935	£10,203	£13,601	£17,002	£20,403**

- (d) after the Tables of Basic Trial Fees and Refresher Fees following paragraph 7, insert –
- “**7A.**—(1) This paragraph applies where a fee is payable to a solicitor under this Part.
- (2) Where the PPE Range exceeds 3,000 pages, an additional fee shall be payable to the solicitor of £1 per each additional page.”;
- (e) in paragraph 8, before paragraph (3) insert –
- “(1A) The amount of the standard fee for a representative representing one assisted person in a guilty plea shall be the fee specified in paragraph 9 as appropriate to whether the case was a Guilty Plea or a Trial Preparation case, the representative (including the category of counsel instructed, as applicable) and the offence with which the assisted person was charged.
- (2A) In a case where a Guilty Plea Fee is payable, subject to paragraphs 14, 15A, 18A, 18B, 29 and 30, the amount so payable shall be an all-inclusive fee.”;
- (f) in paragraph 8(3), omit the words “a Guilty Plea Fee or”;
- (g) in paragraph 8(4), in the definition of “G2”, omit the words –
- (i) “Guilty Plea Fee or”;
- (ii) “where applicable”;
- (h) for paragraph 9, substitute –
- “**9.** For the purposes of paragraph 8 the fee appropriate to any offence shall be that specified in the Table below as appropriate to whether the case was a Guilty Plea or a Trial Preparation case, the representative (including the category of counsel instructed, as applicable) and the Class within which that offence falls according to paragraph 5, including the PPE Range where applicable.”;
- (i) following paragraph 9, for the Tables of Guilty Plea Fees and Trial Preparation Fees, substitute the following Tables –

“(a) **Guilty Plea Fees**
SOLICITOR

<i>Offence falling within</i>	<i>Fee</i>
Class A	£5,729
Class B	£1,375
Class C	£913
Class D	£2,838
Class E	£913
Class F	£976
Class G	£1,597
Class H	£913
Class I	£913

COUNSEL

<i>Offence falling within</i>	<i>Queen's Counsel Fee</i>	<i>Leading Junior Counsel Fee</i>	<i>Led Junior Counsel Fee</i>	<i>Sole Junior Counsel Fee</i>
Class A	£2,860	£2,145	£1,430	£1,859
Class B	£1,440	£1,080	£720	£936
Class C	£1,234	£926	£617	£802
Class D	£1,976	£1,482	£988	£1,285
Class E	£1,234	£926	£617	£802
Class F	£1,234	£926	£617	£802
Class G	£1,563	£1,173	£782	£1,017
Class H	£1,234	£926	£617	£802
Class I	£1,234	£926	£617	£802

(b) Trial Preparation Fees**SOLICITOR**

<i>Offence falling within</i>	<i>PPE Range</i>	<i>Fee</i>
Class A	1 – 750	£6,371
Class A	751 – 1,500	£11,073
Class A	1,501 – 3,000	£24,915
Class B	1 – 750	£1,604
Class B	751 – 1,500	£2,788
Class B	1,501 – 3,000	£6,275
Class C	1 – 750	£1,053
Class C	751 – 1,500	£1,831
Class C	1,501 – 3,000	£4,119
Class D	1 – 750	£3,193
Class D	751 – 1,500	£5,549
Class D	1,501 – 3,000	£12,486
Class E	1 – 750	£1,053
Class E	751 – 1,500	£1,831
Class E	1,501 – 3,000	£4,119
Class F	1 – 750	£1,138
Class F	751 – 1,500	£1,978
Class F	1,501 – 3,000	£4,452

Class G	1 – 750	£1,863
Class G	751 – 1,500	£3,237
Class G	1,501 – 3,000	£7,283
Class H	1 – 750	£1,053
Class H	751 – 1,500	£1,831
Class H	1,501 – 3,000	£4,119
Class I	1 – 750	£1,053
Class I	751 – 1,500	£1,831
Class I	1,501 – 3,000	£4,119

COUNSEL

<i>Offence falling within</i>	<i>PPE Range</i>	<i>Queen's Counsel Fee</i>	<i>Leading Junior Counsel Fee</i>	<i>Led Junior Counsel Fee</i>	<i>Sole Junior Counsel Fee</i>
Class A	1 – 750	£4,500	£3,375	£2,250	£2,925
Class A	751 – 1,500	£8,400	£6,300	£4,200	£5,460
Class A	1,501 – 3,000	£18,900	£14,175	£9,450	£12,285
Class B	1 – 750	£2,028	£1,520	£1,014	£1,318
Class B	751 – 1,500	£4,134	£3,100	£2,067	£2,686
Class B	1,501 – 3,000	£9,804	£7,352	£4,902	£6,372
Class C	1 – 750	£1,781	£1,335	£891	£1,158
Class C	751 – 1,500	£3,623	£2,718	£1,812	£2,356
Class C	1,501 – 3,000	£8,095	£6,071	£4,047	£5,262
Class D	1 – 750	£3,000	£2,250	£1,500	£1,950
Class D	751 – 1,500	£6,337	£4,752	£3,168	£4,119
Class D	1,501 – 3,000	£13,424	£10,068	£6,712	£8,726
Class E	1 – 750	£1,781	£1,335	£891	£1,158
Class E	751 – 1,500	£3,623	£2,718	£1,812	£2,356
Class E	1,501 – 3,000	£8,585	£6,438	£4,293	£5,581
Class F	1 – 750	£1,781	£1,335	£891	£1,158
Class F	751 – 1,500	£3,623	£2,718	£1,812	£2,356
Class F	1,501 – 3,000	£8,585	£6,438	£4,293	£5,581
Class G	1 – 750	£2,600	£1,951	£1,300	£1,690
Class G	751 – 1,500	£5,233	£3,924	£2,616	£3,401
Class G	1,501 – 3,000	£12,320	£9,241	£6,160	£8,008
Class H	1 – 750	£1,781	£1,335	£891	£1,158
Class H	751 – 1,500	£3,623	£2,718	£1,812	£2,356
Class H	1,501 – 3,000	£8,585	£6,438	£4,293	£5,581
Class I	1 – 750	£1,781	£1,335	£891	£1,158
Class I	751 – 1,500	£3,623	£2,718	£1,812	£2,356
Class I	1,501 – 3,000	£8,585	£6,438	£4,293	£5,581”;

(j) in paragraph 9A, substitute –

“9A.—(1) This paragraph applies where a Trial Preparation Fee is payable to a representative under this Part.

(2) Where the PPE Range exceeds 3,000 pages, an additional fee shall be payable to the representative of £1 per each additional page.”;

(k) for paragraph 27, substitute –

“27. Where a solicitor was dismissed by the assisted person, or the Department is satisfied that he was obliged to withdraw from the case for compelling professional reasons, the Department may, in its discretion, allow the following fees to the solicitor –

- (a) if the solicitor was dismissed or withdrew within one week of the date of the first arraignment, a Guilty Plea Fee as appropriate to the offence with which the assisted person was charged;
- (b) if the solicitor was dismissed or withdrew after the first arraignment and before the trial (if any) commenced, a Trial Preparation Fee as appropriate to the offence with which the assisted person was charged;
- (c) in any other circumstances, such amount as it considers to be reasonable in all the circumstances.”.

Sealed with the Official Seal of the Department of Justice on 23rd March 2016



David Ford
Minister of Justice

The Department of Finance and Personnel hereby approves the foregoing Rules

Sealed with the Official Seal of the Department of Finance and Personnel on 23rd March 2016



Emer Morelli
A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005, which prescribe the remuneration for solicitors and counsel assigned under Articles 29 or 36(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

The Rules –

- introduce new standard fees, payable to solicitors as Trial Preparation Fees, for cases in which the assisted person pleads guilty to one or more offences after the first arraignment and the case does not proceed to trial (rules 4 and 7(i));
- substitute increased levels of standard fees for guilty pleas and trials (rules 4 and 7(c) and (i));
- substitute a new provision regarding the fees payable where a solicitor was dismissed or obliged to withdraw from a case for compelling professional reasons (rules 4 and 7(k)); and
- make other minor and consequential amendments.

The Rules come into operation on 15th April 2016.

The amendments made by these Rules apply for the determination of costs payable in respect of work done under a criminal aid certificate granted on or after 5th May 2015, subject to a transitional provision (rule 3).

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