1995 No. 243

LEGAL AID, ADVICE AND ASSISTANCE

The Legal Aid in Criminal Proceedings (Costs) (Amendment) Rules (Northern Ireland) 1995

Made . . . . . *5th June 1995*

Coming into operation . . *29th June 1995*

To be laid before Parliament

The Lord Chancellor, 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 him(**b**), and of all other powers enabling him in that behalf, after consultation with the Lord Chief Justice and the Attorney General, and with the approval of the Treasury, and having had regard to the principle of allowing fair remuneration according to the work reasonably undertaken and properly done, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Legal Aid in Criminal Proceedings (Costs) (Amendment) Rules (Northern Ireland) 1995 and shall come into operation on 29th June 1995.

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

Transitional provisions

2. Rules 4 and 5 shall apply for the purposes of work done on or after 30th June 1995 to which the principal Rules apply.

Alteration of date

3. In rules 6(3) and 9(5)(*a*) of the principal Rules for the date "30th June 1995" there shall be substituted "30th June 1996".

Amendment to the principal Rules

4. Schedule 1 to the principal Rules shall be amended as follows—

(*a*) for paragraph 1 of Part I, there shall be substituted the paragraph set out in Schedule 1;

(*b*) for the table set out in paragraph 4(3) of Part II, there shall be substituted the table set out in Schedule 2.

(**a**) S.I. 1981/228 (N.I. 8)
(**b**) S.I. 1982/159
(**c**) S.R. 1992 No. 314; as amended by S.R. 1994 No. 209

5. For the table set out in paragraph 8 of Part I of Schedule 2 to the principal Rules, there shall be substituted the table set out in Schedule 3.

Dated 5th June 1995 — *Mackay of Clashfern*, C.

We approve — *Timothy Kirkhope*
Timothy Wood

Dated 6th June 1995 — Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1 Rule 4(*a*)

1. Subject to paragraphs 2 and 3, the appropriate authority shall allow fees for work allowed by it under rule 6 at the following basic rates:

(a) Magistrates' court proceedings

Class of work	*Rate*
Preparation	£44·00 per hour
Advocacy	£55·50 per hour
Attendance at court where counsel assigned	£30·00 per hour
Travelling and waiting	£24·50 per hour
Routine letters written and routine telephone calls	£3·40 per item

(b) Crown Court proceedings, High Court bail applications and appeals to the county court

Class of work	*Grade of fee-earner*	*Rate*
Preparation	Senior solicitor	£52·25 per hour
	Solicitor or fee-earner of equivalent experience	£44·25 per hour
	An apprentice or a pupil to a solicitor or fee-earner of equivalent experience	£29·25 per hour
Advocacy	Senior solicitor	£63·50 per hour
	Solicitor	£55·25 per hour
Attendance at court where counsel assigned	Senior solicitor	£41·75 per hour
	Solicitor or fee-earner of equivalent experience	£33·50 per hour
	An apprentice or a pupil to a solicitor or fee-earner of equivalent experience	£20·25 per hour
Travelling and waiting	Senior solicitor	£24·50 per hour
	Solicitor or fee-earner of equivalent experience	£24·50 per hour
	An apprentice or a pupil to a solicitor or fee-earner of equivalent experience	£12·25 per hour
Routine letters written and routine telephone calls		£3·40 per item

SCHEDULE 2 Rule 4(*b*)

TABLE

Preparation

Type of Proceedings	*Lower standard fee*	*Lower fee limit*	*Principal standard fee*	*Upper fee limit*
Crown court trials (including any case prepared for trial which was otherwise disposed of)	£127·50	£176·00	£245·75	£307·00
Guilty pleas	£80·25	£108·00	£172·50	£222·00
Appeals to the county court against conviction	£50·25	£67·00	£150·75	£229·00
Appeals to the county court against sentence	£35·75	£51·00	£91·75	£129·00
Proceedings of the type described in paragraph 1(2)(*d*)	£41·75	£50·00	£96·25	£139·00

Class of Work	*Grade of fee-earner*	*Rate*
ADVOCACY	Senior solicitor	£63·50 per hour
	Solicitor	£55·25 per hour
ATTENDANCE AT COURT WHERE COUNSEL ASSIGNED	Senior solicitor	£41·75 per hour
	Solicitor or fee-earner of equivalent experience	£33·50 per hour
	An apprentice or a pupil to a solicitor or fee-earner of equivalent experience	£20·25 per hour
TRAVELLING AND WAITING	Senior solicitor	£24·50 per hour
	Solicitor or fee-earner of equivalent experience	£24·50 per hour
	An apprentice or a pupil to a solicitor or fee-earner of equivalent experience	£12·25 per hour

TABLE

Type of Proceedings	*Standard basic fee*
Trials (including any case prepared for trial which is otherwise disposed of)	£240·00
Guilty pleas	£205·00
Appeals to the county court against conviction	£115·25
Appeals to the county court against sentence	£84·00
Proceedings of the type described in paragraph (*d*)	£72·50
Standard appearance fee	£45·75
Standard refresher fee	
(1) Half day	£86·00
(2) Full day	£166·00
(3) More than a full day	£251·00
Standard written work fee	£29·50

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Legal Aid in Criminal Proceedings (Costs) Rules (Northern Ireland) 1992 by increasing the rates of remuneration for certain legal aid work in criminal proceedings done on or after 30th June 1995. The Rules also alter the date after which certain work may be remunerated at discretionary instead of prescribed rates from 30th June 1995 to 30th June 1996.

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Road Races (Eagles Rock Hill Climb) Order (Northern Ireland) 1995

This Order, being of a temporary character, is not printed at length in this volume.