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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 123**

**LEGAL AID AND ADVICE**

**The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2019**

*Made - - - - 28th June 2019*

*Coming into operation 22nd July 2019*

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(1) and now vested in it(2).

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

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 Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2019 and shall come into operation on 22<sup>nd</sup> July 2019.

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

2. The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009(3) are amended as follows.

3. In Schedule 1, for paragraph 18A, substitute—

**“Fine Default Hearings and Referral Hearings**

**18A.—**(1) This paragraph applies where a criminal aid certificate was granted for—

(a) a Fine Default Hearing; or

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(1) [S.I. 1981/228 \(N.I. 8\)](#).

(2) [S.I. 1982/159](#) and [S.I. 2010/976](#).

(3) [S.R. 2009 No. 313](#) which was amended by [S.R. 2014 No. 178](#) and [S.R. 2016 No. 398](#).

(b) a Referral Hearing.

(2) A single fixed fee of £75 shall be payable for all work undertaken by an assigned solicitor in respect of a Fine Default Hearing or a Referral Hearing.

(3) In this paragraph—

“a Fine Default Hearing” means a hearing at which the court considers the exercise of its powers under Article 92 of the Magistrates’ Courts (Northern Ireland) Order 1981(4); and

“a Referral Hearing” means a hearing at which the court considers the exercise of its powers under section 9 of the Justice Act (Northern Ireland) 2016(5).”

Sealed with the Official Seal of the Department of Justice on 27<sup>th</sup> June 2019

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*Peter May*  
A senior officer of the Department of Justice

The Department of Finance hereby approves the foregoing Rules  
Sealed with the Official Seal of the Department of Finance on 28<sup>th</sup> June 2019

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*Emer Morelli*  
A senior officer of the Department of Finance

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(4) S.I. 1981/1675 (N.I. 26).  
(5) 2016 c.21 (N.I.).

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Magistrates' Courts and County Courts Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 which prescribe the remuneration for solicitors and counsel assigned under Articles 28, 28A or 30 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

The Rules introduce provision for the payment of a fixed fee in respect of Referral Hearings in the magistrates' courts. Referral Hearings occur when a court has imposed a financial penalty, the person liable to pay the penalty is in default and that person's case has been referred back to the court responsible for enforcing payment of the penalty. At the Referral Hearing, the court will consider the exercise of its powers under section 9 of the Justice Act (Northern Ireland) 2016.