

S.I. No. 225/1985 - Criminal Justice (Legal Aid) (Amendment) Regulations, 1985.

S.I. No. 225 of 1985.

CRIMINAL JUSTICE (LEGAL AID) (AMENDMENT) REGULATIONS, 1985.

I, MICHAEL NOONAN, Minister for Justice, in exercise of the powers conferred on me by section 10 of the Criminal Justice (Legal Aid) Act, 1962 (No. 12 of 1962), and in so far as these regulations are in relation to rates or scales of payment of fees, costs or expenses payable out of moneys provided by the Oireachtas pursuant to certificates for free legal aid, with the consent of the Minister for Finance, hereby make the following regulations:

1. (1) These Regulations may be cited as the Criminal Justice (Legal Aid) (Amendment) Regulations, 1985.

(2) The Criminal Justice (Legal Aid) Regulations, 1965 to 1984, and these Regulations may be cited together as the Criminal Justice (Legal Aid) Regulations 1965 to 1985.

2. These Regulations shall be deemed to have come into operation on the 1st day of May, 1985.

3. In these Regulations "the Regulations of 1984" means the Criminal Justice (Legal Aid) (Amendment) Regulations, 1984 (S.I. No. 297 of 1984).

4. The Criminal Justice (Legal Aid) (Amendment) Regulations, 1975 (S.I. No. 100 of 1975), are hereby amended by—

(a) the substitution of the following Regulation for Regulation 7 (inserted by the Regulations of 1984):

"7. Where, in connection with a case or cases in relation to which a solicitor has been assigned pursuant to a certificate or certificates for free legal aid, it is essential for a solicitor to visit a prison or other custodial centre (other than a Garda Station), there shall be paid under the Act a fee of £22.74 in respect of each such visit together with travelling expenses actually and necessarily incurred as follows:

(a) in case the solicitor makes the whole journey in his own motor-car, a sum calculated at the rate of 46p per mile of the journey, and

(*b*) in any other case, a sum equal to whichever of the following is the lesser—

(i) the actual cost of the journey,

or

(ii) the cost of the journey by public transport and, to the extent (if any) that public transport is not available hired car, or if no public transport is available for the journey, hired car."

(*b*) the substitution with effect from the 1st day of July, 1985, of the following Regulation for Regulation 7 (inserted by paragraph (a) of this Regulation):

"7. Where, in connection with a case or cases in relation to which a solicitor has been assigned pursuant to a certificate or certificates for free legal aid, it is essential for a solicitor to visit a prison or other custodial centre (other than a Garda Station), there shall be paid under the Act a fee of £23.42 in respect of each such visit together with travelling expenses actually and necessarily incurred as follows:

(*a*) in case the solicitor makes the whole journey in his own motor-car, a sum calculated at the rate of 46p per mile of the journey, and

(*b*) in any other case, a sum equal to whichever of the following is the lesser—

(i) the actual cost of the journey,

or

(ii) the cost of the journey by public transport and, to the extent (if any) that public transport is not available hired car, or if no public transport is available for the journey, hired car."

5. The Criminal Justice (Legal Aid) (Amendment) Regulations, 1978 (S.I. No. 33 of 1978), are hereby amended by—