

## 1981 No. 365

## LEGAL AID

**Legal Aid (Remuneration of Solicitors and Counsel in  
Authorised Summary Proceedings) Order (Northern Ireland) 1981**

*Made* . . . . . 20th October 1981

*Coming into operation* . . . . . 31st December 1981

*To be laid before Parliament*

The Secretary of State in pursuance of Article 13(2) of and paragraphs 1(3), 2(3) and 6 of Schedule 2 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(a) hereby, after consultation with the Magistrates' Court Rules Committee, makes the following Order:—

*Citation, operation and application*

1.—(1) This Order may be cited as the Legal Aid (Remuneration of Solicitors and Counsel in Authorised Summary Proceedings) Order (Northern Ireland) 1981.

(2) This Order shall come into operation on 31st December 1981 and shall apply only to proceedings commenced after that date.

*Sums allowed to solicitors and counsel in connection with authorised summary proceedings*

2.—(1) Subject to this paragraph, the sums allowed to solicitors or counsel acting for assisted persons in connection with authorised summary proceedings shall be assessed by the Legal Aid Committee in accordance with the provisions of the Schedule to this Order.

(2) With the leave of the Legal Aid Committee, any solicitor or counsel may, if aggrieved as to any sum allowed on an assessment in accordance with the Schedule to this Order, make written representations to the Council of the Law Society and that Council may allow such costs and fees in respect of the work to which the certificate relates as appears to it to represent fair remuneration according to the work reasonably undertaken and properly done.

*Payment for work done in authorised summary proceedings*

3.—(1) Where payment is sought in respect of the remuneration of a solicitor or counsel for work done on behalf of an assisted person in connection with authorised summary proceedings the solicitor shall lodge with the Legal Aid Committee such papers and information as will enable that Committee to assess such remuneration, including a report of the case on a form approved by the Legal Aid Committee and where necessary or if so directed by the Committee—

(a) a bill of costs setting out—

(i) a summary in narrative form of the work done including the time spent in the preparation and conduct of the case;

(ii) a basic fee for conducting the case which may be allowed in accordance with the provisions of the Schedule to this Order;

---

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

- (iii) any additional fees which may be so allowed for attendance at court on every day on which an adjourned hearing takes place;
  - (iv) counsel's fees, where counsel is instructed;
  - (v) disbursements, travelling and other out-of-pocket expenses actually and reasonably incurred;
  - (vi) a fee for work done in accordance with the regulations and which may be allowed under paragraph 5 of the Schedule to this Order for work done in giving notice of appeal or in applying for a case to be stated;
- (b) where application is made for a certificate under paragraph 4 of the Schedule to this Order that the sums payable by virtue of such Schedule would not provide fair remuneration, such fees, in lieu of the above, shall be included in the bill as are regarded as fair remuneration for the work reasonably undertaken and properly done;
- (c) counsel's brief and a note indicating the time involved including time spent at the court on any day waiting for the case to be heard if the case was in that day's list;
- (d) vouchers and receipts for out-of-pocket expenses incurred or paid;
- (e) where appropriate, a statement in support of an application for a certificate referred to under sub-paragraph (b) above, setting out all relevant circumstances and the grounds upon which the application is made in relation to the whole or any part of the work carried out.

(2) Where costs are assessed by the Legal Aid Committee in accordance with the Schedule to this Order the secretary to the Committee shall notify counsel of any reduction in or disallowance of counsel's fees and where counsel is dissatisfied with any decision of the Committee he shall notify the Committee in writing.

#### *Interpretation*

4. In this Order.—

“assisted person” means a person in respect of whom a certificate is in force;

“authorised summary proceedings” means proceedings specified in paragraph 3 of Part I of Schedule 1 to the Order;

“certificate” means a civil aid certificate issued in accordance with a scheme made by the Law Society under Article 18 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 or with regulations made under Part II thereof and includes an emergency certificate;

“Law Society” means the Incorporated Law Society of Northern Ireland;

“Legal Aid Committee” means the Committee established in accordance with Article 18(4) of the Order under a scheme made by the Law Society;

“regulations” means any regulations for the time being in force under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

#### *Revocation*

5. The Legal Aid (Remuneration of Solicitors and Counsel in Authorised Summary Proceedings) Order (Northern Ireland) 1965(a) is hereby revoked except in relation to proceedings commenced before the coming into operation of this Order.

Northern Ireland Office  
20th October 1981

James Prior  
One of Her Majesty's Principal  
Secretaries of State.