

**2003 No. 511**

**LEGAL AID AND ADVICE**

**The Legal Aid in Criminal Proceedings (Costs)  
(Amendment) Rules (Northern Ireland) 2003**

*Made - - - - - 1st December 2003*

*Coming into operation 22nd December 2003*

*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), after consultation with the Lord Chief Justice, the Attorney General, the Crown Court Rules Committee, the County Court Rules Committee and the Magistrates' Courts Rules Committee and with the approval of the Treasury, hereby makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Legal Aid in Criminal Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 22nd December 2003.

**Interpretation**

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

**Amendment to the principal rules**

3. Rule 2 of the principal rules (interpretation) shall be amended as follows: –

(1) After the definition of "counsel" there shall be inserted the following definition –

“ “court-ordered youth conference” has the meaning given by Article 33A(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998(d);” and

(2) After the definition of "disbursements" there shall be inserted the following definition –

“ “diversionary youth conferences” has the meaning given by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

4.—(1) For rule 4(1) of the principal rules there shall be substituted the following new provision –

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

(b) S.I. 1982/159

(c) S.R. 1992 No. 314, to which there are amendments not relevant to these Rules

(d) S.I. 1998/1504 (N.I. 9); Article 33A was inserted by section 59 of the Justice (Northern Ireland) Act 2002 (c. 26) and Article 10A was inserted by section 58 of that Act

“Subject to paragraph (1A), costs in respect of work done under a criminal aid certificate shall be determined by the appropriate authority in accordance with these Rules and having regard to such directions as may be issued by the Lord Chancellor.”

(2) After rule 4(1) of the principal rules there shall be inserted –

“(1A) These Rules shall not apply to costs in respect of work done in relation to a diversionary youth conference under a criminal aid certificate granted under Article 28A of the Order, nor in relation to attendance at a court-ordered youth conference under a criminal aid certificate granted under Articles 28, 29 or 30 of the Order.”.

Signed by authority of the Lord Chancellor

*Lord Filkin*

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 1st December 2003

We approve

*Nick Ainger*

*John Heppell*

Two of the Lord’s Commissioners of Her Majesty’s Treasury

Dated 4th December 2003

## **EXPLANATORY NOTE**

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

These Rules amend the Legal Aid in Criminal Proceedings (Costs) Rules (Northern Ireland) 1992 to provide that those rules do not apply to the determination of costs in respect of diversionary youth conferences and attendance at court-ordered youth conferences.

The remuneration for solicitors and counsel assigned under Articles 28, 28A, 29 and 30 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 in respect of diversionary youth conferences and attendance at court-ordered youth conferences is prescribed under the Legal Aid for Youth Conferences (Costs) Rules (Northern Ireland) 2003.

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