

SCHEDULE 1

Standard Fee Cases

PART 1

Scope and Definitions

Application

1.—(1) Subject to sub-paragraph (2), this Schedule applies to every case dealt with in the magistrates' court or county court, including cases dealt with by way of a youth conference and proceedings arising out of an alleged breach of an order of the court (whether or not this Schedule applies to the proceedings in which the order was made).

(2) Subject to paragraphs 21 and 22, this Schedule does not apply to a Very High Cost Case.

Categories of Offence

2. For the purposes of this Schedule—

- (a) the terms “summary offence”, “hybrid offence”, “I/TS offence” and “indictable only offence” have the respective meanings given in the list of offences established and maintained by the Public Prosecution Service for Northern Ireland and published by the Commission in August 2009, as amended⁽¹⁾;
- (b) aiding, abetting, counselling or procuring the commission by another person of an offence falls within the same category as the substantive offence to which they relate; and
- (c) attempts, conspiracy or incitement to commit an offence fall within the same category as the substantive offence to which they relate.

Interpretation

3.—(1) A case in the magistrates' court is a guilty plea if it was disposed of without a contest because the assisted person pleaded guilty to one or more charges.

(2) Subject to sub-paragraph (3), a Guilty Plea 1 Fee shall be payable in a case where the assisted person pleaded guilty to one or more charges and the case did not proceed as a contest.

(3) A Guilty Plea 2 Fee shall be payable in a case which was listed for, but did not proceed as, a contest because the assisted person pleaded guilty to one or more charges.

(4) A Contest Fee shall only be payable for a case in the magistrates' court where the assisted person pleaded not guilty to one or more charges and the hearing of the case proceeded as a contest.

(5) For the purposes of sub-paragraph (4), a case shall only be considered as having proceeded as a contest:

- (a) where the first prosecution witness had begun to give evidence; or
- (b) where the case was contested either —
 - (i) on the papers only,
 - (ii) on legal arguments, with no witnesses being called, or
 - (iii) with the prosecution evidence being accepted but a defence was put forward.

(1) Available from www.niisc.org.uk

Status: *This is the original version (as it was originally made).*

(6) Subject to paragraphs 12, 15 and 17, a Committal Fee shall be payable in a case where a preliminary inquiry or investigation was held in the magistrates' court.