

SCHEDULE 1

Standard Fee Cases

PART 3

Miscellaneous

General provisions

10. Except as provided under this Part, all work undertaken by a representative is included within the standard fee specified in Part 2 as appropriate to—

- (a) the category of representative;
- (b) the offence with which the assisted person was charged; and
- (c) the nature of the disposal of the case in the magistrates' court or the appeal, as applicable.

Additional charges and additional cases

11.—(1) Where an assisted person was charged with more than one offence on the summons or charge sheet, the standard fee payable to the representative in the magistrates' court shall be based on whichever of those offences the representative shall select for the purposes.

(2) Where a representative represented more than one assisted person in the same case, only one standard fee shall be payable; and the relevant fee provided for under Part 2 in the magistrates' court or county court, as applicable, shall be enhanced by twenty per cent for each additional assisted person after the first such person.

Arrest warrants

12.—(1) This paragraph applies where the hearing of a case did not proceed because of the failure of the assisted person to attend and an arrest warrant was issued.

(2) Subject to sub-paragraph (4), the fee payable to a representative in the magistrates' court shall be fifty per cent of the standard Guilty Plea 1 Fee or the Committal Fee, as applicable, provided for in Part 2 as appropriate to the representative and the offence with which the assisted person was charged.

(3) Subject to sub-paragraph (4), the fee payable to a representative in the county court shall be fifty per cent of the standard fee provided for in Part 2 as appropriate to the representative and the nature of the disposal of the appeal.

(4) Where the assisted person failed to attend the hearing of the case or the appeal on more than one occasion, a fixed fee of £50 shall be payable in respect of the second and each subsequent occasion on which an arrest warrant was issued.

(5) Subject to sub-paragraphs (6) and (7), when the arrest warrant is executed, the fee payable to a representative on final disposal of the case shall be fifty per cent of the standard fee provided for in Part 2 as appropriate to the representative, the offence with which the assisted person was charged (if applicable) and the nature of the disposal of the case or the appeal.

(6) Where a significant period of time had elapsed since the issuing of the arrest warrant, the Commission may, in its discretion, allow up to one hundred per cent of the relevant standard fee.

(7) In a case to which sub-paragraph (4) applies, on the final disposal of the case the Commission may, in its discretion, allow the representative a fixed fee of £50 or fifty per cent of the relevant standard fee provided for in Part 2.

Breach of court order

13.—(1) This paragraph applies where a criminal aid certificate was granted for proceedings arising out of an alleged breach of an order of the court.

(2) Subject to sub-paragraphs (3) and (4), the fee payable to a representative shall be fifty per cent of the standard fee provided for in Part 2 as appropriate to the representative, the offence with which the assisted person was charged and the nature of the disposal of the case.

(3) A Contest Fee shall be payable where the assisted person did not admit the breach and the hearing of the case proceeded as a contest.

(4) The fixed fee of £140 shall be payable to a representative where the certificate was granted for proceedings arising out of an alleged breach of an order of the Crown Court.

Applications

14.—(1) Subject to sub-paragraph (2), the fixed fee of £75 shall be payable to a representative in respect of:

- (a) the hearing of a bad character application under Article 5 or 6 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004(1);
- (b) the hearing of a hearsay application under Article 18 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004;
- (c) the hearing of a disclosure application under section 8 of the Criminal Procedure and Investigations Act 1996(2);
- (d) the hearing of a special measures application under Article 11, 12 or 15 of the Criminal Evidence (Northern Ireland) Order 1999(3); or
- (e) the hearing of an application to stay the proceedings on the ground that they constitute an abuse of the process of the court.

(2) Where an application made under sub-paragraph (1)(e) was successful and the case did not proceed, a Contest Fee shall be payable in accordance with paragraph 4 or 5, as applicable.

Dismissal or withdrawal of representative

15.—(1) This paragraph applies where a representative was dismissed by the assisted person, or the Commission is satisfied that the representative was obliged to withdraw from the case for compelling professional reasons.

(2) For a case in the magistrates' court, the Commission may, in its discretion, allow the following fees to the representative—

- (a) if the representative was dismissed or withdrew before the case was listed for disposal in the magistrates' court (whether as a guilty plea, contest or committal hearing), fifty per cent of the standard Guilty Plea 1 Fee or the Committal Fee, as applicable, provided for in Part 2 as appropriate to the representative and the offence with which the assisted person was charged;
- (b) if the representative was dismissed or withdrew on the day the case was listed for hearing as a contest or committal, seventy-five per cent of the standard Contest Fee or the Committal Fee, as applicable, provided for in Part 2 as appropriate to the representative and the offence with which the assisted person was charged.

(1) [S.I. 2004/1501 \(N.I. 10\)](#)

(2) [1996 c. 25](#)

(3) [S.I. 1999/2789 \(N.I. 8\)](#)

(3) For a case in the county court, the Commission may, in its discretion, allow the following fees to the representative—

- (a) if the representative was dismissed or withdrew before the case was listed for hearing, fifty per cent of the standard fee provided for in Part 2 as appropriate to the representative and the nature of the disposal of the appeal;
- (b) if the representative was dismissed or withdrew on the day the appeal was listed for hearing, seventy-five per cent of the standard fee provided for in Part 2 as appropriate to the representative and the nature of the disposal of the appeal.

(4) In exceptional circumstances, the Commission may also, in its discretion, allow an additional fee of £100 if it is satisfied that the circumstances of the case merit additional remuneration.

Limited certificates

16.—(1) This paragraph applies where a limited criminal aid certificate was granted under Article 28(2A) of the 1981 Order.

(2) Subject to sub-paragraph (3), the standard fee payable to a representative shall be the amount set out in the Table following this paragraph as appropriate to the limitation imposed on the certificate.

(3) Where the limited certificate lasted for more than six months, the fee payable to the representative shall be the standard fee provided for in Part 2 as appropriate to the representative, the offence with which the person was charged and the nature of the disposal of the case.

(4) Where more than one limited certificate was granted to the assisted person in connection with the same case, the certificates (whether granted consecutively or simultaneously) shall be treated as extensions of the one certificate and only one fee shall be payable in accordance with this paragraph.

(5) Where a limited certificate was granted in a case and a full certificate was subsequently granted in that case under Article 28 of the 1981 Order, the fee payable to the representative shall be the standard fee provided for in Part 2, and no additional fee shall be allowed under this paragraph.

Table 2 – Limited criminal aid certificates

<i>Limitation on certificate</i>	<i>Paragraph providing for fee</i>	<i>Fee</i>
Certificate lasting not more than 4 weeks	16(2)	£50
Certificate lasting more than 4 weeks but not more than 6 months	16(2)	£100
Certificate for bail application in the magistrates' court	16(2)	£120

Withdrawn or discontinued cases

17. Any case in which —

- (a) the prosecution withdrew all charges; or
- (b) the prosecution offered no evidence (or no further evidence) and which was discontinued,

shall be treated as a contested case.

Deferred sentence fee

18. The fixed fee of £75 shall be payable to a representative for attending at a sentencing hearing where sentence was deferred under Article 3 of the Criminal Justice (Northern Ireland) Order 1996(4).

Late sitting fee

19. The fixed fee of £80 shall be payable to a representative in respect of any day forming part of the main hearing of the case when the court sat more than 45 minutes beyond 4.30 pm.

Senior counsel

20. Where senior counsel is assigned to an assisted person under a criminal aid certificate granted under Article 28 or 30 of the 1981 Order, the standard fee for a senior counsel representing one assisted person shall be two times the appropriate figure in column (4) of the Table following paragraph 9.

Travelling allowance – solicitors

21.—(1) Where a solicitor attended court other than the solicitor’s local court, the Commission—

- (a) shall allow travelling time on each such occasion at the rate of £24.75 per hour; and
- (b) may allow an amount to cover any travelling expenses actually and reasonably incurred and necessarily and exclusively attributable to the solicitor’s attendance at that court.

(2) For the purposes of sub-paragraph (1), a solicitor’s local court shall be determined by the Commission in accordance with a list which it shall establish and maintain recording the local court for each solicitors’ firm in Northern Ireland.

(3) Subject to the Commission being satisfied that the work involved was reasonably undertaken and properly done, a travelling allowance shall also be payable under sub-paragraph (1) in respect of attendance at any court on a Saturday, Sunday or public holiday, prison visits, other consultations and views.

Travelling allowance – counsel

22.—(1) Where counsel was instructed to appear in a court which is more than 20 miles from the Head Post Office, Belfast, the Commission—

- (a) shall allow travelling time at the rate of £12 per hour; and
- (b) may allow an amount to cover any travelling expenses actually and reasonably incurred and necessarily and exclusively attributable to the counsel’s attendance at that court.

(2) Subject to the Commission being satisfied that the work involved was reasonably undertaken and properly done, a travelling allowance shall also be payable under sub-paragraph (1) in respect of attendance at prison visits, other consultations and views.

(4) [S.I. 1996/3160 \(N.I. 24\)](#)