

Legal aid and Assistance

1960-23

LEGAL AID (FEES AND EXPENSES) RULES

Revoked
Subsidiary
1981/087

Rules made under s.19.

LEGAL AID (FEES AND EXPENSES) RULES

Revoked by LN. 2012/037 as from 22.3.2012

(LN. 1981/087)

8.10.1981

Amending enactments	Relevant current provisions	Commencement date
LN. 2001/062	rr. 3(2), 8 and Sch.	7.6.2001

ARRANGEMENT OF RULES

Rule

1. Title.
2. Interpretation.
3. Taxation of fees.
4. Factors relevant to taxation.
5. Assignment to more than one person.
6. Queen's Counsel.

SCHEDULE

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Title.

1. These rules may be cited as the Legal Aid (Fees and Expenses) Rules.

Interpretation.

2. In these Rules, unless the context otherwise requires–

“counsel” means a person enrolled as a barrister under section 14 or as a solicitor under section 17 of the Supreme Court Act;

“taxing officer” means the Registrar of the Supreme Court, the Registrar of the Court of Appeal or the clerk of the magistrates’ court, as the case may be.

Taxation of fees.

3.(1) Subject to the other provisions of these Rules, the fees to be allowed for counsel assigned after the commencement of these Rules under any of sections 3, 3A, 4 and 5 of the Act shall be taxed in accordance with or within the limits set out in the Schedule.

(2) In assessing the level of fees due under the Schedule in the case of any part period of hours the taxing officer shall have regard to the time involved in calculating the proportion of fees payable to counsel.

Factors relevant to taxation.

4. In taxing the sums payable to counsel under these Rules, the taxing officer shall take into account all the relevant circumstances, including the nature, importance, complexity and difficulty of the work and the time involved, and including time lost as a result of any adjournment, other than an adjournment for the convenience of counsel.

Assignment to more than one person.

5. Where one counsel has been assigned, to two or more persons whose cases are heard together, the taxing officer shall allow the full sum payable to counsel in respect of the person to whom the highest fees would have been allowed if the cases had been heard separately, and shall allow such amount as appears proper for the second and each other of those persons, not exceeding for the second person 40% and for each other person 20% of the amount allowed for the first.

Queen’s Counsel.

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6. The fees payable to counsel under these Rules may, in the case of Queen's Counsel, be increased by one half.

Disbursements.

7.(1) In addition to the fees payable under these rules, there shall be allowed to counsel all disbursements reasonably and necessarily made by him in connection with the defence or the appeal, as the case may be.

(2) Notwithstanding subrule (1), counsel shall not make disbursements on behalf of any person in excess of £25 without the previous approval in writing of the taxing officer.

Exceptional Cases.

8. Notwithstanding rule 3, the judge or magistrate presiding in the Privy Council, the Court of Appeal, the Supreme Court or the magistrates' court, as the case may be, may—

- (a) certify, on application at the conclusion of the case, that the case was one of exceptional difficulty or complexity, and in that event the taxing officer shall allow such fees as appear to him to represent reasonable remuneration for the work done by counsel, but so that such fees shall not be more than twice the fees prescribed in paragraphs 1 to 8 of the Schedule; and
- (b) certify, on application at the conclusion of the case, that the case was one of exceptional difficulty or complexity to warrant an additional fee for preparation and in that event the taxing officer shall allow such fees as appear to him to represent reasonable remuneration for the work done by counsel but so that such fees shall not be more than four times the fees prescribed in paragraph 9 of the Schedule.

Appeals.

9. Counsel aggrieved by a decision of a taxing officer may appeal from the decision to the Chief Justice, whose decision shall be final.

Revocation.

10. *Omitted.*

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SCHEDULE.

Rule 3

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1. On assignment, (to include the taking of instructions)	
(a) in the Supreme Court and the Court of Appeal	from 30 to 100
(b) in the magistrates' court	from 20 to 60
2. For a necessary attendance at the prison	
(a) for the first hour or part thereof	22
(b) for each subsequent hour or part thereof	11
3. For attending a practice direction in the Supreme Court	50
4. For attending in chambers on an application to the Supreme Court or the Court of Appeal	30
5. For appearing in the magistrates' court	
(a) on any application other than for an adjournment	50
(b) where the proceedings are adjourned otherwise than at the request of the defence	15
(c) on the hearing of committal proceedings or on summary trial—	
(i) for the first three hours or part thereof	from 50 to 150
(ii) for each subsequent three hours or part thereof	from 40 to 120
6. For appearing in the Supreme Court	
(a) on an application	50
(b) on a trial on indictment—	

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	(i) for the first period of five hours or part thereof	from to	100 450
	(ii) for each subsequent five hours or part thereof	from to	75 300
	(c) on an appeal from the magistrates' court		
	(i) against conviction or and sentence	against conviction from to	100 400
	(ii) against sentence or from which an appeal lies under section 278 of the Criminal Procedure Act.	from to	100 400
7. For appearing in the Court of Appeal			
	(a) on an application		30
	(b) on an appeal from the Supreme Court—		
	(i) for the first period of five hours or part thereof	from to	100 500
	(ii) for each subsequent period of five hours of part thereof	from to	100 400
8. For appearing in the Privy Council			
	(a) on an application		75
	(b) on an appeal from the Court of Appeal—		
	(i) for the first period of five hours or part thereof	from to	200 750
	(ii) for each subsequent period of five hours or part thereof	from to	150 500
9. For preparation throughout the conduct of the case			
	(a) in the magistrates' court	from to	50 200
	(b) in the Supreme Court	from to	50 750

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(c) in the Court of Appeal	from	250
	to	1000
(d) in the Privy Council	from	500
	to	2000