

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3227 of 7 June, 2001

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LEGAL NOTICE NO.62 OF 2001

## LEGAL AID AND ASSISTANCE ORDINANCE

### LEGAL AID (FEES AND EXPENSES) (AMENDMENT) RULES 2001

The Governor, in exercise of the powers conferred on him by section 19 of the Legal Aid and Assistance Ordinance, and all other enabling powers, has made the following rules—

#### **Title.**

1. These rules may be cited as the Legal Aid (Fees and Expenses) (Amendment) Rules 2001.

#### **Amendment to rule 3 of the Legal Aid (Fees and Expenses) Rules.**

2. Rule 3 of the Legal Aid (Fees and Expense) Rules is amended as follows—

(a) insert “(1)” after “3”;

(b) insert the following subregulation after subregulation (1)—

“(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.”.

#### **Replacement of Rule 8 of the Legal Aid (Fees and Expenses) Rules.**

3. Rule 8 of the Legal Aid (Fees and Expenses) Rules is replaced by the following—

#### **“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 on 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.”.

**Replacement of the Schedule to the Legal Aid (Fees and Expenses) Rules.**

4. The Schedule to the Legal Aid (Fees and Expenses) Rules is replaced by the following—

**“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 to	30 100
	(b) in the magistrates’ court	from to	20 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 to	50 150
	(ii) for each subsequent three hours or part thereof	from to	40 120
6.	For appearing in the Supreme Court		
	(a) on an application		50
	(b) on a trial on indictment—		
	(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 against conviction and sentence from 100 to 400
  - (ii) against sentence or against any order from which an appeal lies under section 278 of the Criminal Procedure Ordinance. from 100 to 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 100 to 500
    - (ii) for each subsequent period of five hours of part thereof from 100 to 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 200 to 750
    - (ii) for each subsequent period of five hours or part thereof from 150 to 500
- 9. For preparation throughout the conduct of the case

(a)	in the magistrates' court	from	50
		to	200
(b)	in the Supreme Court	from	50
		to	750
(c)	in the Court of Appeal	from	250
		to	1000
(d)	in the Privy Council	from	500
		to	2000

Dated the 7th June, 2001.

By Command,  
PAUL SPELLER,  
Deputy Governor.

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**EXPLANATORY MEMORANDUM**

These Rules provide for increases in the Legal Aid fees payable to counsel for appearances in court, and add new provisions for fees for research and preparation.