

Subsidiary Legislation made under s.19.

Legal Assistance (Amendment) Rules 2017**LN.2017/084***Commencement* **27.4.2017¹**

ARRANGEMENT OF RULES

Rule

1. Title and commencement.
2. Amendment of Schedule 1 to the Legal Aid and Assistance Act.
3. Taxation of Fees.
4. Factors relevant to taxation.
5. Disbursements.
6. Appeals from decisions by taxing officer.

SCHEDULE

¹ In respect of proceedings before the Mental Health Review Tribunal, these rules come into operation on the coming into force of the Mental Health Act 2016.

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Legal Aid and Assistance

2017/084

Legal Assistance (Amendment) Rules 2017

In exercise of the powers conferred upon it by section 19 of the Legal Aid and Assistance Act, and of all other enabling powers, the Government has made the following rules—

Title and commencement.

1. These rules may be cited as the Legal Assistance (Amendment) Rules 2017 and come into operation—

- (a) in respect of proceedings before the Parole Board, on the day of publication;
- (b) in respect of proceedings before the Mental Health Review Tribunal, on the coming into force of the Mental Health Act 2016.

Amendment of Schedule 1 to the Legal Aid and Assistance Act.

2. In Part I of Schedule 1 to the Legal Aid and Assistance Act after paragraph 1 insert the following paragraphs—

- “1A. Proceedings before the Parole Board.
- 1B. Proceedings before the Mental Health Review Tribunal.”.

Taxation of Fees.

3.(1) Subject to the other provisions of these Rules, the fees to be allowed for counsel for assistance granted in respect of a matter falling within paragraph 1A or 1B of Part I of Schedule 1 to the Act shall be taxed in accordance with or within the limits set out in the Schedule to these Rules.

(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.

(3) For the purposes of these Rules—

“counsel” means a person enrolled as a barrister under section 28 or as a solicitor under section 29 of the Supreme Court Act;

“taxing officer” means the Registrar of the Supreme Court.

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.

Disbursements.

5.(1) In addition to the fees payable under these Rules, there shall be allowed to counsel all disbursements where—

- (a) it is in the interests of justice to do so;
- (b) it is reasonable for the representative to incur the disbursement for the purpose of providing legal assistance; and
- (c) the amount of the disbursement is reasonable.

(2) Notwithstanding subrule (1), counsel shall not make disbursements on behalf of any person in excess of £100 without the previous approval in writing of the taxing officer.

Appeals from decisions by taxing officer.

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

SCHEDULE

1. On assignment (to include the taking of instructions)– from £50 to £250
2. For a necessary attendance at the prison or a Hospital–
 - (a) for the first hour or part thereof- up to £75
 - (b) for each subsequent hour or part thereof- up to £50
3. For appearing before the Parole Board or the Mental Health Review Tribunal–
 - (a) on any application other than for an adjournment or the substantive hearing of the matter- up to £200
 - (b) where the proceedings are adjourned otherwise than at the request of the applicant- up to £100
 - (c) on the substantive hearing of the matter-
 - (i) for the first three hours or part thereof- from £100 to £300
 - (ii) for each subsequent three hours or part thereof- from £ 100 to £300
4. For preparation throughout the conduct of the case– from £100 to £500