

Statutory Document No. XX/20XX



Legal Aid Act 1986

CRIMINAL LEGAL AID (AMENDMENT) REGULATIONS 2014

Approved by Tynwald:

Coming into Operation:

2014

The Legal Aid Committee makes the following Regulations under section 20 of the Legal Aid Act 1986.

1 Title

These Regulations are the Criminal Legal Aid (Amendment) Regulations 2014.

2 Commencement

- (1) Subject to paragraph (2), if approved by Tynwald these Regulations come into operation on
- (2) Nothing in these Regulations applies in relation to a legal aid certificate granted before the coming into operation of these Regulations.

3 Amendment of 1993 Regulations

- (1) In regulation 22 of the Criminal Legal Aid Regulations 1993¹, for paragraph (1) substitute —
"(1) The advocate assigned to an assisted person shall submit to the Chief Registrar a bill of costs in the form and containing the particulars set out in Schedule 4."
(2) After Schedule 3 insert —

¹ SD 436/93

"Regulation 22(1).

SCHEDULE 4

BILL OF COSTS

- (1) Title page, which must include —
 - (a) the full title of the proceedings;
 - (b) the full name of the assisted person;
 - (c) the full name and address of the nominated advocate;
 - (d) the name of the nominated advocate's firm and VAT registration number;
 - (e) date and reference of the legal aid certificate and any subsequent amendment certificates;
 - (f) extent of the legal aid certificate (including limitations);
 - (g) where appropriate, the date of the court order authorising legal aid assessment;
 - (h) where appropriate, details of any court order which requires the costs of the assisted person to be paid (in full or in part) by another party.
- (2) Summary page, which must include —
 - (a) the hourly rate or rates claimed;
 - (b) total claim for all work undertaken;
 - (c) disbursements (subject to VAT) — net claim
 - (d) VAT total
 - (e) disbursements (not subject to VAT)
 - (f) details of any payments received in advance of assessment

Where the bill covers 2 or more periods with different hourly rates, separate totals should be included for each period within the summary.
- (3) Chronological list, which must include a full list of all work done (including preparation time, appearance time and travelling and waiting time) between the date of the legal aid certificate and the date of the discharge or revocation of the certificate.

The list should comprise columns headed as follows:

Date

Description of work done

Senior advocate, junior advocate, other person

each of the last columns being subdivided into 3 columns headed "C" (for the amount claimed), "D" (for the amount deducted on assessment) and "A" (for the net amount allowed).

For the purposes of this Schedule —

"appearance time" means time spent in conducting the case for the assisted person;

"preparation time" means time spent in preparing to conduct the case for the assisted person and includes all conferences, consultations, views, attendances, visits, advice given, documents settled or perused and letters written and (in the case of conviction) time spent in advising the assisted person whether or not to appeal against conviction or sentence;

"travelling and waiting time" means reasonable time spent travelling or waiting in the course of representation, pursuant to any limitation prescribed by rules of court."

MADE

Members of the Legal Aid Committee

EXPLANATORY NOTE***(This note is not part of the Regulations)***

These Regulations specify the form and content of a bill of costs to be submitted by the advocate for an assisted person under Part II (criminal legal aid) of the Legal Aid Act 1986.