

Statutory Document No. XX/20XX



Legal Aid Act 1986

LEGAL AID REMUNERATION ORDER 2014

Approved by Tynwald:

Coming into Operation:

2014

The Treasury after consultation with the Deemsters makes the following Order under section 19(3) of and paragraph 1 of Schedule 2 to the of the Legal Aid Act 1986.

1 Title

This Order is the Legal Aid Remuneration Order 2014.

2 Commencement

(1) Subject to paragraph (2), if approved by Tynwald this Order comes into operation on the 1st April 2014.

(2) Nothing in this Order applies to proceedings in respect of which a legal aid certificate is issued before the coming into operation of this Order.

3 Interpretation

In this Order —

"junior advocate" means an advocate who has been in practice in the Island for less than 5 years;

"senior advocate" means an advocate who has been in practice in the Island for not less than 5 years.

4 Advocates' fees and expenses

(1) Subject to paragraphs (2) and (3), the sums (other than sums in respect of disbursements) allowed to an advocate assigned under a legal aid certificate granted under Part I or II of the Act shall be —

(a) such sums as appear to the Chief Registrar to be fair remuneration based on the appropriate hourly rates specified in the following table for work actually and reasonably done and time reasonably spent for or in connection with the proceedings in question —

<i>Work undertaken by</i>	<i>Senior advocate</i>	<i>Junior advocate</i>	<i>Other person</i>
<i>Hourly rate</i>	£135.00	£115.00	£85.00

(b) travelling expenses at the rates payable to members of the Isle of Man Civil Service engaged on Government business.

(2) Without prejudice to the generality of paragraph (1)(a), the Chief Registrar may at any stage determine such remuneration —

(a) based on a rate or rates higher than those specified in that paragraph where he is satisfied that it is required in the exceptional circumstances of the case;

(b) based on a rate or rates lower than those so specified where he is satisfied that the advocate has failed to carry out the work with reasonable competence and dispatch.

(3) Remuneration for work undertaken by a senior advocate for or in connection with proceedings in a court of summary jurisdiction shall not, except with the approval of the High Bailiff, be payable at an hourly rate exceeding that specified in relation to a junior advocate.

5 Revocation

The Criminal Legal Aid Order 2010¹ is revoked.

MADE

2014

Minister for the Treasury

¹ SD 45/10

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order specifies the scales of costs and expenses payable to the advocate of an assisted person under Parts I and II of the Legal Aid Act 1986 in civil and criminal proceedings.