



STATUTORY DOCUMENT No. 166/93

THE LEGAL AID ACT 1986

THE CRIMINAL LEGAL AID ORDER 1993

Approved by Tynwald 18 May 1993

Coming into Operation 19 May 1993

In exercise of the powers conferred on the Treasury, after consultation with the Deemsters, by section 19(3) of the Legal Aid Act 1986(a), and of all other enabling powers, the following Order is hereby made:-

Citation, Commencement and Interpretation

1. (1) This Order may be cited as the Criminal Legal Aid Order 1993 and, subject to section 19(4) of the Act, shall come into operation on the day after it is approved by Tynwald.

(2) In this Order "the Act" means the Legal Aid Act 1986.

Advocates' Fees and Expenses

2. (1) The sums (other than sums in respect of disbursements) allowed to an advocate assigned under a legal aid certificate granted under section 18 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 Schedule for work actually and reasonably done and time reasonably spent for or in connection with the proceedings in question;
- (b) the additional sum of £10.00 (unless that sum has been paid or is payable in respect of earlier proceedings in respect of which a legal aid certificate has been granted and arising out of the same offence or offences);
- (c) the travelling expenses at the same 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 determine such remuneration -

- (a) based on a rate or rates higher than those specified in the Schedule 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.

(a) 1986 c.23

Revocation

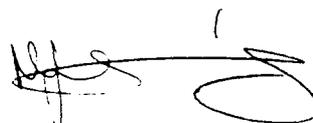
3. The Criminal Legal Aid Order 1992 (b) is hereby revoked.

Saving

4. Nothing in this Order applies to:-

- (a) any proceedings referred to in section 29(4) of the Act;
or
- (b) any proceedings in respect of which a legal aid certificate is given before the coming into operation of this Order.

Made this 21 day of April 1993.



Minister for the Treasury

(b) GC 198/92

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order specifies the scales of costs and expenses payable under Part II of the Legal Aid Act 1986 in committal proceedings and criminal trials and appeals.

Article 2(a)

SCHEDULE 1

SCALES OF REMUNERATION

The following Table sets out the hourly rates mentioned in Article 2(a):-

	Preparation Time	Travelling and Waiting Time	Appearance Time
Summary proceedings	46.00	26.00	58.00
Trial proceedings	53.50	26.00	66.50
and appeal proceedings	46.00	26.00	58.00

Where 2 amounts are specified in respect of the same matter, the first amount is the rate for a senior advocate and the second is the rate for a junior advocate.

In this Schedule -

"appeal proceedings" means any proceedings mentioned in item 6, 7, 8, 9, 10 or 11 of Schedule 3 to the Act;

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

"junior advocate" means an advocate who has been in practice in the Island for less than 10 years;

"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;

"senior advocate" means an advocate who has been in practice in the Island for not less than 10 years;

"summary proceedings" means -

- (i) summary trial or committal proceedings before a court of summary jurisdiction; or
- (ii) proceedings mentioned in item 2 or 13 of Schedule 3 to the Act;

"trial proceedings" means proceedings mentioned in item 3, 4, 5 or 12 of Schedule 3 to the Act;

"travelling and waiting time" means time spent travelling to court and time spent in court waiting for the commencement of the case.