



STATUTORY INSTRUMENTS.

S.I. No. 301 of 2009



ENFORCEMENT OF COURT ORDERS (LEGAL AID) REGULATIONS
2009

(Prn. A9/1075)

ENFORCEMENT OF COURT ORDERS (LEGAL AID) REGULATIONS
2009

I, DERMOT AHERN, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 6A(3) and (4) (inserted by section 2 of the Enforcement of Court Orders (Amendment) Act 2009) (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940 (No. 23 of 1940) (as adapted by the Justice (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 298 of 1997)), and in so far as the following regulations relate to rates of fees payable out of moneys provided by the Oireachtas pursuant to certificates for free legal aid, with the consent of the Minister for Finance, hereby make the following regulations:

1. These Regulations may be cited as the Enforcement of Court Orders (Legal Aid) Regulations 2009.

2. In these Regulations—

“Act of 1940” means Enforcement of Court Orders Act 1940 (No. 23 of 1940);

“Act of 1962” means Criminal Justice (Legal Aid) Act 1962 (No. 12 of 1962);

“Act of 2009” means Enforcement of Court Orders (Amendment) Act 2009 (No. 21 of 2009);

“certificate” includes a debtor’s legal aid certificate, a debtor’s legal aid (appeal) certificate and a debtor’s legal aid (case stated) certificate within the meaning of section 6A(1) (inserted by section 2 of the Act of 2009) of the Act of 1940;

“Regulations of 1965” means Criminal Justice (Legal Aid) Regulations 1965 (No. 12 of 1965);

“Regulations of 1993” means Criminal Justice (Legal Aid) (Amendment) (No. 2) Regulations 1993 (No. 57 of 1993).

3. (1) A certificate shall be in such one of the forms set out in Schedule 1 as may be appropriate.

(2) Where a debtor is required, under section 9 of the Act of 1962, to furnish a statement relevant for determining whether his or her means are insufficient to enable him or her to obtain legal aid, the statement shall be in the form set out in the Second Schedule to the Regulations of 1965.

4. The rate of payment of fees payable, under a certificate granted to a debtor in proceedings on a summons under section 6 (inserted by section 2 of the Act

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th August, 2009.*

of 2009) and section 8 (as amended by section 2 of the Act of 2009) of the Act of 1940, shall be the rate specified in Schedule 2.

5. (1) Upon the grant of a certificate, the court granting the certificate shall, having taken into consideration the representations (if any) of the debtor to whom it was granted, assign to him or to her a solicitor from the appropriate list kept by a County Registrar pursuant to Regulation 4 (as amended by Regulation 6 of the Regulations of 1993) of the Regulations of 1965, to act for him or her in the preparation and conduct of his or her case.

(2) Where a debtor's legal aid (case stated) certificate is granted to a debtor and that certificate entitles the debtor to have counsel assigned to him or to her, any one counsel whose name is included in the list kept by the Minister for Justice, Equality and Law Reform pursuant to Regulation 5 of the Regulations of 1965 may be retained on behalf of the debtor by the solicitor who has been assigned pursuant to the certificate to act for the debtor in the preparation and conduct of his or her case and, upon such retention, the counsel is deemed to have been assigned to the debtor pursuant to the certificate to act for the debtor in the preparation and conduct of his or her case.

SCHEDULE 1

FORM 1

DEBTOR'S LEGAL AID CERTIFICATE

District Court Area of
District No

Application having been made by or on behalf of

.....
who is a debtor appearing before this Court under section 6 (inserted by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940 and/or¹ section 8 (as amended by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940 for a Debtor's Legal Aid Certificate, and it appearing to the Court that his/her means are insufficient to enable him/her to obtain legal aid and that he/she should have legal aid in the preparation and conduct of his/her defence before it, the Court hereby grants in respect of him/her this certificate for free legal aid, and assigns to him/her as solicitor

Dated this day of, 20.....

Judge of the District Court
assigned to the said District

¹ Delete as appropriate

FORM 2(i)

DEBTOR'S LEGAL AID (APPEAL) CERTIFICATE (GRANTED BY THE DISTRICT COURT IN RESPECT OF AN APPEAL FROM THE DISTRICT COURT TO THE CIRCUIT COURT)

District Court Area of

District No

Application having been made by or on behalf of

.....
in respect of whom an order for imprisonment has been made under section 6(7)(c) or (d) (inserted by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940, for a Debtor's Legal Aid (Appeal) Certificate and it appearing to the Court that his/her means are insufficient to enable him/her to obtain legal aid and that he/she should have legal aid in the preparation and conduct of an appeal, the Court hereby grants in respect of him/her this certificate for free legal aid and assigns to him/her as solicitor

Dated this day of, 20.....

Judge of the District Court
assigned to the said District

FORM 2(ii)

DEBTOR'S LEGAL AID (APPEAL) CERTIFICATE (GRANTED BY THE CIRCUIT COURT IN RESPECT OF AN APPEAL FROM THE DISTRICT COURT TO THE CIRCUIT COURT)

..... Circuit
County of

Application having been made to this Court by or on behalf of

.....
in respect of whom an order for imprisonment has been made under section 6(7)(c) or (d) (inserted by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940, for a Debtor's Legal Aid (Appeal) Certificate and the District Court having refused to grant such certificate and it appearing to the Court that his/her means are insufficient to enable him/her to obtain legal aid and that he/she should have legal aid in the preparation and conduct of an appeal, the Court hereby grants in respect of him/her this certificate for free legal aid and assigns to him/her as solicitor

Dated this day of, 20.....

County Registrar

FORM 3(i)

DEBTOR'S LEGAL AID (CASE STATED) CERTIFICATE (GRANTED BY DISTRICT COURT IN RESPECT OF CASE STATED BY DISTRICT COURT FOR OPINION OF HIGH COURT)

District Court Area of

District No

Application having been made by or on behalf of

.....
a debtor appearing before this court under section 6 (inserted by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940 and/or¹ section 8 (as amended by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940, for a Debtor's Legal Aid (Case Stated) Certificate, and it appearing to the Court that his/her means are insufficient to enable him/her to obtain legal aid the Court hereby grants in respect of him/her this certificate for free legal aid and assigns to him/her as solicitor

The Court directs in addition the assignment of one counsel.

Dated this day of, 20.....

Judge of the District Court
assigned to the said District

¹ Delete as appropriate

FORM 3 (ii)

DEBTOR'S LEGAL AID (CASE STATED) CERTIFICATE (GRANTED BY HIGH COURT IN RESPECT OF CASE STATED BY DISTRICT COURT FOR OPINION OF HIGH COURT)

High Court

Application having been made to this Court by or on behalf of

.....
a debtor who appearing before the District Court under section 6 (inserted by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940 and/or¹section 8 (as amended by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940, for a Debtor's Legal Aid (Case Stated) Certificate, and the District Court having refused to grant such certificate and it appearing to the Court that his/her means are insufficient to enable him/her to obtain legal aid, the Court hereby grants in respect of him/her this certificate for free legal aid and assigns to him/her as solicitor

The Court directs in addition the assignment of one counsel.

Dated this day of, 20.....

Registrar

¹ Delete as appropriate

SCHEDULE 2

Type of hearing	Fee per case
District Court — proceedings on a summons under section 6 (inserted by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940 or section 8 (as amended by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940 - Solicitor's fee	€243.36
Circuit Court — appeals against an order for imprisonment made under section 6(7)(c) or (d) (inserted by section 2 of the Enforcement of Court Orders Act 2009 (No. 21 of 2009)) of the Enforcement of Court Orders Act 1940 - Solicitor's fee	€243.36
High Court — hearing of a case stated - Solicitor's fee - Counsel's fee	€1,610 €1,610

The Minister for Finance consents to the foregoing Regulations.



GIVEN under my Official Seal,
23 July 2009

BRIAN LENIHAN,
Minister for Finance.



GIVEN under my Official Seal,
23 July 2009

DERMOT AHERN,
Minister for Justice, Equality and Law Reform.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations provide for the form of debtor's legal aid certificates, the manner in which legal representation may be assigned pursuant to certificates granted to a debtor and the rate of fees payable in proceedings on a summons under section 6 (inserted by section 2 of the Act of 2009) and section 8 (amended by section 2 of the Act of 2009) of the Enforcement of Court Orders Act 1940.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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