



STATUTORY INSTRUMENTS

**S.I. No. 74 of 2009**



CRIMINAL JUSTICE (LEGAL AID) (AMENDMENT) (No. 2)  
REGULATIONS 2009

**(Prn. A9/0350)**

S.I. No. 74 of 2009

CRIMINAL JUSTICE (LEGAL AID) (AMENDMENT) (No. 2)  
REGULATIONS 2009

I, DERMOT AHERN, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 10(1)(b) of the Criminal Justice (Legal Aid) Act 1962 (No. 12 of 1962) (as adapted by the Justice (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 298 of 1997)), and with the consent of the Minister for Finance, hereby make the following Regulations:

1. (1) These Regulations may be cited as the Criminal Justice (Legal Aid) (Amendment) (No. 2) Regulations 2009.

(2) The Criminal Justice (Legal Aid) Regulations 1965 to 2000 and these Regulations may be cited together as the Criminal Justice (Legal Aid) Regulations 1965 to 2009.

(3) These Regulations shall come into operation on 12th March 2009.

2. In these Regulations “prison” means a place of custody administered by the Minister for Justice, Equality and Law Reform other than a Garda Síochána station.

3. (1) The scales of payment of fees payable to a solicitor assigned, pursuant to a legal aid certificate, to a person charged before the District Court or to an appellant in the Circuit Court shall, from 12th March 2009, be those specified in Part 1 of Schedule 1.

(2) The rate of payment of fee payable to a solicitor assigned, pursuant to a legal aid certificate, to a person before the Circuit Court or Special Criminal Court in relation to an application to be admitted to bail that is contested by the prosecution shall, from 12th March 2009, be that specified in Part 2 of Schedule 1.

(3) The rate of payment of fee payable to a solicitor assigned, pursuant to a legal aid certificate, to a person in respect of any visit to the person in prison that is essential to the preparation and conduct of the person's defence, appeal or case stated, as the case may be, shall, from 12th March 2009, be that specified in Part 3 of Schedule 1.

4. (1) The rate of payment of fee payable to counsel assigned, pursuant to a legal aid certificate, to a person before the Circuit Court or Special Criminal Court in relation to an application to be admitted to bail that is contested by the prosecution shall, from 12th March 2009, be that specified in Part 1 of Schedule 2.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th March, 2009.*

(2) The rate of payment of fee payable to counsel assigned, pursuant to a legal aid certificate, to a person in respect of any visit to the person in prison that is essential to the preparation and conduct of the person's defence, appeal or case stated, as the case may be, shall, from 12th March 2009, be that specified in Part 2 of Schedule 2.

5. The Criminal Justice (Legal Aid) (Amendment) Regulations 2009 (S.I. No. 15 of 2009) are revoked.

SCHEDULE 1  
SOLICITORS' FEES

**Part 1**

*District Court and appeals to Circuit Court*

DEFENDANT / APPELLANT  (1)	FIRST DAY OF HEARING  (2)		SUBSEQUENT DAYS OF HEARING  (3)
Fee in respect of defendant/appellant where only one defendant/appellant represented and in respect of first defendant/appellant where solicitor assigned in respect of more than one defendant/appellant.	€243.36 in relation to first 4 cases.	€145.99 in relation to each subsequent case.	€60.86
Fee in respect of second defendant/appellant where solicitor assigned in respect of more than one defendant/appellant.	€145.99 in relation to first 4 cases.	€87.19 in relation to each subsequent case.	€60.86
Fee in respect of each defendant/appellant (other than the first and second defendants/appellants) where solicitor assigned in respect of more than 2 defendants/appellants.	€97.39 in relation to first 4 cases.	€60.86 in relation to each subsequent case.	€60.86

**Part 2**

*Bail Applications*

Fee in respect of each contested bail  
application to Circuit Court or Special Criminal Court:

€110.53

**Part 3**

*Essential Visits*

Fee in respect of each essential visit to prison:

€117.41

SCHEDULE 2

COUNSELS' FEES

**Part 1**

*Bail Applications*

Fee in respect of each contested bail application to Circuit Court or Special Criminal Court:

€110.53

**Part 2**

*Essential Visits*

Fee in respect of each essential visit to prison:

€117.41

The Minister for Finance consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,  
10 March 2009

BRIAN LENIHAN.  
Minister for Finance.



GIVEN under my Official Seal,  
10 March 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 a decrease in the fees payable under the Criminal Legal Aid Scheme to solicitors for attendance in the District Court and for appeals to the Circuit Court, and for a decrease in the fees paid to solicitors and counsel in respect of essential visits to prisons and other custodial centres (other than Garda Stations) and for certain bail applications, as follows:

8% with effect from 12th March, 2009



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  
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