



STATUTORY INSTRUMENTS.

**S.I. No. 137 of 2010**

---

ENFORCEMENT OF COURT ORDERS (LEGAL AID) (AMENDMENT)  
REGULATIONS 2010

**(Prn. A10/0478)**

ENFORCEMENT OF COURT ORDERS (LEGAL AID) (AMENDMENT)  
REGULATIONS 2010

I, DERMOT AHERN, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by subsection (4) of section 6A (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 the rate of payment 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. (1) These Regulations may be cited as the Enforcement of Court Orders (Legal Aid) (Amendment) Regulations 2010.

(2) These Regulations shall come into operation on 1st April, 2010.

2. In these Regulations “Principal Regulations” means the Enforcement of Court Orders (Legal Aid) Regulations 2009 (S.I. No. 301 of 2009).

3. Regulation 2 of the Principal Regulations is amended—

(a) by substituting the following definition for the definition of “certificate”:

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

(b) by inserting the following definition after the definition of “certificate”:

“ ‘proceedings’ means proceedings on a summons under section 6 (inserted by section 2 of the Act of 2009) of the Act of 1940 (including that section as applied by section 8 (as amended by the said section 2) of the Act of 1940);”.

4. The Principal Regulations are amended by substituting the following Regulation for Regulation 4:

“4. (1) The rate of payment of fee payable to a solicitor assigned, pursuant to a debtor’s legal aid certificate, to a debtor in proceedings shall be that specified in Part 1 of Schedule 2.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 6th April, 2010.*

(2) The rate of payment of fee payable to a solicitor assigned, pursuant to a debtor's legal aid (appeal) certificate, to a debtor in respect of an appeal against an order for the imprisonment of the debtor under paragraph (c) or (d) of subsection (7) of section 6 (inserted by section 2 of the Act of 2009) of the Act of 1940 shall be that specified in Part 2 of Schedule 2.

(3) The rate of payment of fee payable to a solicitor assigned, pursuant to a debtor's legal aid (case stated) certificate, to a debtor in respect of the hearing by the High Court of a case stated where a question of law arising in proceedings is referred to the High Court by way of case stated or a case in relation to proceedings is stated by a judge of the District Court for the opinion of the High Court shall be that specified in Part 3 of Schedule 2.

(4) The rate of payment of fee payable to counsel assigned, pursuant to a debtor's legal aid (case stated) certificate, to a debtor in respect of the hearing by the High Court of a case stated where a question of law arising in proceedings is referred to the High Court by way of case stated or a case in relation to proceedings is stated by a judge of the District Court for the opinion of the High Court shall be that specified in Part 4 of Schedule 2.”.

5. The Principal Regulations are amended by substituting the following Schedule for Schedule 2:

“SCHEDULE 2

**Part 1**

SOLICITORS’ FEE

*Proceedings in District Court*

Fee in respect of proceedings:

€223.89 per case

**Part 2**

SOLICITORS’ FEE

*Appeal against order for imprisonment of debtor*

Fee in respect of an appeal against an order for imprisonment of the debtor made under paragraph (c) or (d) of subsection (7) of section 6 (inserted by section 2 of the Act of 2009) of the Act of 1940:

€223.89 per case

**Part 3**

SOLICITORS’ FEE

*Hearing by High Court of case stated*

Fee in respect of the hearing by the High Court of a case stated:

€1,481.00 per case

**Part 4**

COUNSELS’ FEE

*Hearing by High Court of case stated*

Fee in respect of the hearing by the High Court of a case stated:

€1,481.00 per case”.

The Minister for Finance consents to the foregoing Regulations.



GIVEN under my Official Seal,  
31 March 2010.

BRIAN LENIHAN  
Minister for Finance.



GIVEN under my Official Seal,  
31 March 2010.

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 in proceedings on a summons under Section 6 (inserted by Section 2 of the Act of 2009) of the Enforcement of Court Orders Act, 1940 (including that section as applied by section 8 (as amended by the said section 2) of the Act of 1940 as follows:

8% with effect from 1 April, 2010.

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,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,  
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)  
or through any bookseller.

---

€2.54

