



STATUTORY INSTRUMENTS.

S.I. No. 493 of 2014



CRIMINAL JUSTICE (LEGAL AID) (AMENDMENT) REGULATIONS
2014

S.I. No. 493 of 2014

CRIMINAL JUSTICE (LEGAL AID) (AMENDMENT) REGULATIONS
2014

I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 10(1)(a) of the Criminal Justice (Legal Aid) Act 1962 (No. 12 of 1962) (adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 138 of 2011)), hereby make the following regulations:

1. These Regulations may be cited as the Criminal Justice (Legal Aid) (Amendment) Regulations 2014.
2. The First Schedule to the Criminal Justice (Legal Aid) Regulations 1965 (S.I. No. 12 of 1965) is amended by the insertion of the forms set out in the Schedule.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 31st October, 2014.*

SCHEDULE

FORM K (i)

LEGAL AID (CASE STATED APPEAL) CERTIFICATE (GRANTED BY THE HIGH COURT IN RESPECT OF AN APPEAL TO THE COURT OF APPEAL FROM A DETERMINATION OF THE HIGH COURT ON A CASE STATED BY A JUDGE OF THE DISTRICT COURT)

High Court

Application having been made by or on behalf of who was charged before the District Court with the offence of for a Legal Aid (Case Stated Appeal) Certificate in connection with an appeal from a determination of this Court on a case stated by the Judge of the District Court in relation to the proceedings in the District Court [in relation to a question of law arising in the proceedings in the District Court] and it appearing to the Court that his or her means are insufficient to enable him or her to obtain legal aid and that, by reason of (a) it is essential in the interests of justice that a Legal Aid (Case Stated Appeal) Certificate should be granted in respect of him or her, the Court hereby grants in respect of him or her this certificate for free legal aid and assigns to him or her as solicitor

(b) The Court directs in addition the assignment of two counsel.

Dated this day of 20

(a) State whether the reason is—

- (1) the serious nature of the offence with which he or she is charged,
- (2) exceptional circumstances, or
- (3) the serious nature of the offence with which he or she is charged and exceptional circumstances.

(b) delete unless the Court thinks fit that two counsel should be assigned.

Registrar

FORM K (ii)

LEGAL AID (CASE STATED APPEAL) CERTIFICATE (GRANTED BY
THE COURT OF APPEAL IN RESPECT OF AN APPEAL TO THE
COURT OF APPEAL FROM A DETERMINATION OF THE HIGH
COURT ON A CASE STATED BY A JUDGE OF THE DISTRICT
COURT)

Court of Appeal

Application having been made by or on behalf of
..... who was charged before the District Court with the
offence of for a
Legal Aid (Case Stated Appeal) Certificate in connection with an appeal from
a determination of the High Court on a case stated by the Judge of the District
Court in relation to the proceedings in the District Court [in relation to a ques-
tion of law arising in the proceedings in the District Court] and the High Court
having refused to grant such certificate, and it appearing to the Court that his
or her means are insufficient to enable him or her to obtain legal aid and that,
by reason of (a)
it is essential in the interests of justice that a Legal Aid (Case Stated Appeal)
Certificate should be granted in respect of him or her, the Court hereby grants
in respect of him or her this certificate for free legal aid and assigns to him or
her as solicitor.....

(b) The Court directs in addition the assignment of two counsel.

Dated this day of 20

(a) State whether the reason is—

- (1) the serious nature of the offence with which he or she is charged,
- (2) exceptional circumstances, or
- (3) the serious nature of the offence with which he or she is charged
and exceptional circumstances.

(b) delete unless the Court thinks fit that two counsel should be assigned.

Registrar

FORM L (i)

LEGAL AID (SUPREME COURT) CERTIFICATE (GRANTED BY THE
CENTRAL CRIMINAL COURT IN RESPECT OF AN APPEAL FROM
THE CENTRAL CRIMINAL COURT TO THE SUPREME COURT)

Central Criminal Court

Application having been made by or on behalf of
..... who has appealed from a determination of this Court
in relation to the offence of
for a Legal Aid (Supreme Court) Certificate, and it appearing to the Court that
his or her means are insufficient to enable him or her to obtain legal aid, the
Court hereby grants in respect of him or her this certificate for free legal aid
and assigns to him or her as solicitor

(a) The Court directs in addition the assignment of two counsel.

Dated this day of 20

(a) delete unless the Court thinks fit that two counsel should be assigned.

Registrar

FORM L (ii)

**LEGAL AID (SUPREME COURT) CERTIFICATE (GRANTED BY THE
SUPREME COURT IN RESPECT OF AN APPEAL FROM THE
CENTRAL CRIMINAL COURT TO THE SUPREME COURT)**

Supreme Court

Application having been made by or on behalf of
..... who has appealed from a determination of the Central
Criminal Court in relation to the offence of
for a Legal Aid (Supreme Court) Certificate, and it appearing to the Court that
his or her means are insufficient to enable him or her to obtain legal aid, the
Court hereby grants in respect of him or her this certificate for free legal aid
and assigns to him or her as solicitor.....

(a) The Court directs in addition the assignment of two counsel.

Dated this day of 20

(a) delete unless the Court thinks fit that two counsel should be assigned.

Registrar

FORM M (i)

**LEGAL AID (CASE STATED) CERTIFICATE (GRANTED BY THE
CIRCUIT COURT IN RESPECT OF CASE STATED BY CIRCUIT
COURT FOR OPINION OF THE COURT OF APPEAL)**

.....Circuit

County of.....

Application having been made by or on behalf of
[charged before this Court with the offence of
.....] [who has appealed to this Court
against a conviction by the District Court of an offence of
.....] for a Legal Aid
(Case Stated) Certificate, and it appearing to the Court that his or her means
are insufficient to enable him or her to obtain legal aid and that, by reason of
(a)..... it is essen-
tial in the interests of justice that a Legal Aid (Case Stated) Certificate should
be granted in respect of him or her, the Court hereby grants in respect of him
or her this certificate for free legal aid and assigns to him or her as
solicitor.....

(b) The Court directs in addition the assignment of two counsel.

Dated this day of 20

(a) State whether the reason is—

- (1) the serious nature of the offence with which he or she is charged,
- (2) exceptional circumstances, or
- (3) the serious nature of the offence with which he or she is charged
and exceptional circumstances.

(b) delete unless the Court thinks fit that two counsel should be assigned.

Registrar

FORM M (ii)LEGAL AID (CASE STATED) CERTIFICATE (GRANTED BY THE
COURT OF APPEAL IN RESPECT OF CASE STATED BY THE
CIRCUIT COURT FOR OPINION OF THE COURT OF APPEAL)

Court of Appeal

Application having been made to this Court by or on behalf of.....
[charged before the District Court with the offence of.....] [who has appealed to the Circuit Court against a conviction by the District Court of an offence of.....by the District Court] for a Legal Aid (Case Stated) Certificate, and the Circuit Court having refused to grant such certificate, and it appearing to the Court that his or her means are insufficient to enable him or her to obtain legal aid and that, by reason of (a)..... it is essential in the interests of justice that a Legal Aid (Case Stated) Certificate should be granted in respect of him or her, the Court hereby grants in respect of him or her this certificate for free legal aid and assigns to him or her as solicitor.....

(b) The Court directs in addition the assignment of two counsel.

Dated this day of 20

(a) State whether the reason is—

- (1) the serious nature of the offence with which he or she is charged,
- (2) exceptional circumstances, or
- (3) the serious nature of the offence with which he or she is charged and exceptional circumstances.

(b) delete unless the Court thinks fit that two counsel should be assigned.

Registrar

FORM O (i)

LEGAL AID (SUPREME COURT) CERTIFICATE (GRANTED BY THE COURT OF APPEAL IN RESPECT OF AN APPEAL TO THE SUPREME COURT FROM A DETERMINATION OF THE COURT OF APPEAL ON A CASE STATED BY CIRCUIT COURT)

Court of Appeal

Application having been made by or on behalf of who was charged before the District Court with the offence of.....for a Legal Aid (Supreme Court) Certificate in connection with a determination of this Court on a case stated by the Circuit Court, and it appearing to the Court that his or her means are insufficient to enable him or her to obtain legal aid and that, by reason of (a)..... it is essential in the interests of justice that a Legal Aid (Supreme Court) Certificate should be granted in respect of him or her, the Court hereby grants in respect of him or her this certificate for free legal aid and assigns to him or her as solicitor.....

(b) The Court directs in addition the assignment of two counsel.

Dated this day of 20

(a) State whether the reason is—

- (1) the serious nature of the offence with which he or she is charged,
- (2) exceptional circumstances, or
- (3) the serious nature of the offence with which he or she is charged and exceptional circumstances.

(b) delete unless the Court thinks fit that two counsel should be assigned.

Registrar

FORM Q (i)

LEGAL AID (APPEAL) CERTIFICATE (GRANTED BY THE CIRCUIT COURT OR THE CENTRAL CRIMINAL COURT IN RESPECT OF AN APPEAL TO THE COURT OF APPEAL WHERE THE CONVICTION IS ONE OTHER THAN OF MURDER)

[..... Circuit

County of.....]

[Central Criminal Court]

Application having been made to this Court by or on behalf of who has been convicted of the offence of..... for a Legal Aid (Appeal) Certificate, and it appearing to me, the Judge of the Court before which he or she was tried, that his or her means are insufficient to enable him or her to obtain legal aid and that, by reason of (a)..... it is essential in the interests of justice that he or she should have legal aid in the preparation and conduct of an appeal, I hereby grant in respect of him or her this certificate for free legal aid and assign to him or her as solicitor.....

(b) The Court directs in addition the assignment of two counsel.

Dated this day of 20

[Judge of the Circuit Court assigned to the said Circuit]

[Judge of the High Court]

(a) State whether the reason is—

- (1) the serious nature of the offence,
- (2) exceptional circumstances, or
- (3) the serious nature of the offence and exceptional circumstances.

(b) delete unless the Court thinks fit that two counsel should be assigned.

FORM R (i)

LEGAL AID (APPEAL) CERTIFICATE (GRANTED BY THE SPECIAL CRIMINAL COURT IN RESPECT OF AN APPEAL TO THE COURT OF APPEAL WHERE THE CONVICTION IS ONE OTHER THAN OF MURDER)

Special Criminal Court

Application having been made to this Court by or on behalf of who has been convicted of the offence of..... for a Legal Aid (Appeal) Certificate, and it appearing to me, the Judge of the Court before which he or she was tried, that his or her means are insufficient to enable him or her to obtain legal aid and that, by reason of (a)....., it is essential in the interests of justice that he or she should have legal aid in the preparation and conduct of an appeal, I hereby grant in respect of him or her this certificate for free legal aid and assign to him or her as solicitor

(b) The Court directs in addition the assignment of two counsel.

Dated this day of 20

Judge of the Special Criminal Court

(a) State whether the reason is—

- (1) the serious nature of the offence,
- (2) exceptional circumstances, or
- (3) the serious nature of the offence and exceptional circumstances.

(b) delete unless the Court thinks fit that two counsel should be assigned.

EXPLANATORY NOTE

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

These Regulations prescribe the new forms for a certificate for free legal aid required following the establishment of the Court of Appeal.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€6.60



Wt. (B30918). 285. 10/14. Clondalkin. Gr 30-15.