

Protocol: Refresher Fees – Pilot

1. Introduction

- 1.1 This protocol sets out the arrangements for a pilot operated by the Legal Services Agency (LSA), on behalf of the Department of Justice (DoJ), under which enhanced levels of Refresher Fees, paid under the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 (“the 2005 Rules”) as amended, will be paid to solicitors and counsel for Crown Court trials.
- 1.2 The purpose of this protocol is to set out arrangements between the individual members of the Law Society of Northern Ireland (“the Law Society”) and the Bar of Northern Ireland (“the Bar”), the Law Society, the Bar, the LSA and the DoJ, represented by Enabling Access to Justice Division (EAJD).
- 1.3 Furthermore, this protocol will inform the approach of the LSA in identifying, preventing and where appropriate, recouping overpayments from legal aid funds for remuneration paid twice or more for the same period of time in order to ensure the obligations placed on the Minister and the LSA to protect public funds are met, whilst at the same time acknowledging that the conduct of court business is under the control of the relevant Judge.

2. Aim of Pilot

- 2.1 The aim of this pilot is to encourage more senior Barristers to refrain from accepting instructions in magistrates’ courts cases, instead focusing on Crown Court cases. It is anticipated that this will allow for members of the junior Bar and, in particular, female members of the junior Bar, to accept instructions in a greater number of magistrates’ courts cases. The pilot seeks to enhance opportunities for members of the junior Bar to gain greater levels of experience, supporting the sustainability of the supply of Barristers.

- 2.2 A number of measures will be used to identify the success, or otherwise, of the pilot:
- (1) The number of cases certified for counsel in the magistrates' courts with a barrister attached to LAMS by reference to the years of experience and male/female split of the barrister pool; and
 - (2) The number of Crown Court cases in which a Basic Trial Fee and Refresher Fee(s) are paid on LAMS relative to the number paid Guilty Plea Fees or Trial Preparation Fees.
- 2.3 It is accepted by the Law Society and the Bar that their members have a duty to:
- (1) conduct their practice in such a way as to avoid a foreseeable clash of commitments; and
 - (2) retain records to discharge their accountability obligations to the LSA.
- 2.4 To assist in achieving the aims of the Pilot, the Recorder of Belfast has indicated that he will bring to the attention of the members of the judiciary both the aims of the pilot and its proposed operation.

3. Scope of the Pilot

- 3.1 The pilot will apply to all Refresher Fees paid in Crown Court trials in Northern Ireland where the first day of trial is on or after 2 March 2026 to Solicitors, Led Junior Counsel, Leading Junior Counsel, Sole Junior Counsel and King's Counsel. Refresher Fees claims for days where the first day of trial is prior to 2 March 2026 will be paid at the rates set out in the 2005 Rules, as amended.
- 3.2 Work done under a criminal aid certificate granted under Article 28 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 ("the 1981 Order") on or after 1st December 2024, where the assisted person was a child charged

with an indictable only offence, and whose case was dealt with in the magistrates' court as provided for under Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998 will fall within the scope of the pilot.

- 3.3 For clarity, this means that where indictable only youth cases have been certified prior to 1 December 2024, they will not form part of the pilot and remuneration will continue to be provided under The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 ("the 2009 Rules").
- 3.4 The pilot will run for up to a maximum of two years, unless extended by the Department.

4. Pilot Fees

- 4.1 Refresher Fees, as set out in Direction No.2 of 2026 (**Annex A**), will be paid in Crown Court trials where the first day of trial is on or after 2 March 2026 and for the duration of the pilot. It is acknowledged that the Refresher Fee covers time at court and an element of preparation for that time at court.
- 4.2 To support the aims of the pilot, Refresher Fees are considered 'full day' fees covering a full day at court from 11am until 1pm and from 2pm until 4pm and, as such, if another fee is claimed under:
- i. the 2005 Rules
 - ii. the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009
 - iii. the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015
or
 - iv. the Civil Legal Services (Remuneration) Order (Northern Ireland) 2025

during the period from 11am until 1pm and from 2pm until 4pm, a full day Refresher Fee shall be paid, however, the full day refresher fee shall be reduced on a pro rata basis at the hourly rates set out in Direction No.2 of 2026 for whatever time period the practitioner was not present in Court during the period from 11am until 1pm and from 2pm until 4pm. In the event that a practitioner has more than one trial at hearing, only one full day Refresher Fee will be payable on any given date. There is no requirement to enter start and finish times on LAMS for Refresher Fees. Except for a Late Sitting Fee, provided under Paragraph 17, Schedule 1 of the 2005 Rules, no additional fee or uplift will be paid where the trial commences before 11am or finishes after 4pm. The Late Sitting Fee is only payable where representative has been present at the hearing for more than 45 minutes beyond 4.30pm.

- 4.3 A claim for costs under this protocol shall be submitted to the Department in such form and manner as it may direct and shall be accompanied by such particulars and documents as it may specify.
- 4.4 Unless otherwise specified in Direction No.2 of 2026 or this protocol, Refresher Fees must only be claimed and paid in line with the existing legislative provisions set out in the 2005 Rules.

5. Pilot Evaluation

- 5.1 Throughout the period of the pilot, the Law Society and Bar will continue to gather data regarding work involved in Refresher Fees in such form, manner and frequency as the DoJ may specify and share this data with the Department. This will allow the Department to consider the level of fees and most appropriate remuneration model, for example the inclusion of classifications or trial length, or changes to the levels of remuneration, for Refresher Fees post-Pilot.
- 5.2 To evaluate the success, or otherwise, of the pilot evaluation will take place at three monthly intervals by EAJD on behalf of the DoJ, unless the DoJ

prescribes other arrangements. Any change in the evaluation process will be notified to relevant stakeholders.

- 5.3 The evaluation will consider the measures set out in paragraph 2.2 against baseline data. The findings of each evaluation will be shared with relevant stakeholders.
- 5.4 The DoJ will obtain the required data from LAMS to obtain and measure against baselines. The DoJ will share the findings of each evaluation with relevant stakeholders.
- 5.5 The DoJ expects the evaluation to find that, by the final quarter of the evaluation:
- (1) The percentage of magistrates' court cases, which have a Barrister of more than 20 years since being called to the Bar attached on LAMS, decreases by 18 percentage points from 31% of cases to 13% of cases;
 - (2) The percentage of magistrates' court cases, which have a Barrister of less than 11 years since being called to the Bar attached on LAMS, increases by 18 percentage points from 37% of cases to 55% of cases;
 - (3) The percentage of magistrates' court cases, which have a female Barrister attached on LAMS, increases by a minimum of 75% from 17% to 30% of cases;
 - (4) The percentage of Crown Court cases, in which a Basic Trial Fee and Refresher Fee are paid, will remain below 20% of the associated caseload, in line with LAMS data from 2022-2025.
- 5.6 The DoJ reserves the right to cease the pilot, providing signatories with a minimum of one calendar months' notice should it become apparent from the evaluation or any other source that the aims of the pilot are not being achieved or if any exploitation of the pilot, as determined by the DoJ, is identified.

- 5.7 The Law Society or Bar may, at each pilot evaluation stage, request that the pilot is ceased and provide reason(s) for same. The Department will consider all requests as part of the evaluation.
- 5.8 Any cessation of the pilot and reason(s) for same will be notified to relevant stakeholders.

6. Signatories

Agreed and signed by:



08/09/2026

(On behalf of the DoJ)

Date



27/7/2026

(On behalf of the Bar)

Date



07/09/2026

(On behalf of the Law Society)

Date

Annex A: Departmental Direction No.2 of 2026



FROM THE OFFICE OF THE JUSTICE MINISTER

DIRECTION NO.2 OF 2026

GIVEN UNDER THE LEGAL AID FOR CROWN COURT PROCEEDINGS (COSTS) RULES (NORTHERN IRELAND) 2005

REMUNERATION ARRANGEMENTS FOR THE REFRESHER FEE PILOT INVOLVING CROWN COURT CASES IN NORTHERN IRELAND

1. This Direction is issued to the Legal Services Agency Northern Ireland under rule 4(1) of The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005, as amended (“the 2005 Rules”).
2. This Direction applies only to cases falling within the Refresher Fee Pilot commencing 2 March 2026 as set out in the protocol agreed by the Department of Justice (“the Department”), the Law Society of Northern Ireland and the Bar of Northern Ireland. It is without prejudice to any future or developing remuneration arrangements in respect of wider criminal, civil or family legal aid.
3. Subject to Rule 4A of the 2005 Rules and paragraphs 4 to 7 of this direction, for cases falling within the pilot, the Department intends that Refresher Fees payable to solicitors under Rule 8(3)(b) and to counsel under Rule 11(3)(b) shall be remunerated as set out in the table following this paragraph.

<i>Category Of Representative</i>	<i>Daily Refresher Fee (all trial durations)</i>
<i>Solicitor</i>	<i>£609</i>
<i>Led Junior</i>	<i>£464</i>
<i>Sole Junior</i>	<i>£603</i>
<i>Leading Junior</i>	<i>£696</i>
<i>King’s Counsel</i>	<i>£928</i>



4. For cases falling within this pilot and for Crown Court trials where the first day of trial is on or after 2 March 2026, a single daily Refresher Fee, dependent on the category of legal representative, but regardless of the duration of the trial, will be payable.
5. Refresher Fees are considered ‘full day’ fees, covering a full day at court from 11am until 1pm and from 2pm until 4pm, and, as such, if another fee that is claimed under:
 - i. the 2005 Rules
 - ii. the Magistrates’ Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009
 - iii. the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 or
 - iv. the Civil Legal Services (Remuneration) Order (Northern Ireland) 2025

during the period from 11am until 1pm and from 2pm until 4pm a full day Refresher Fee shall be paid, however, the full day Refresher Fee shall be reduced on a pro rata basis, of one-minute intervals, at the hourly rates set out in the table following this paragraph.

<i>Category Of Representative</i>	<i>Hourly Rate for Deductions Overlapping Claims</i>
<i>Solicitor</i>	<i>£152.25</i>
<i>Led Junior</i>	<i>£116</i>
<i>Sole Junior</i>	<i>£150.75</i>
<i>Leading Junior</i>	<i>£174</i>
<i>King’s Counsel</i>	<i>£232</i>

6. Except for a Late Sitting Fee, no additional fee or uplift will be paid where the trial commences before 11am or finishes after 4pm. The Late Sitting Fee is only payable where the representative has been present at the hearing for more than 45 minutes beyond 4.30pm.



7. Where a practitioner has more than one trial at hearing, only one full day Refresher Fee will be payable on any given date.
8. A claim for costs under this Direction shall be submitted to the Department in such form and manner as it may direct and shall be accompanied by such particulars and documents as it may specify.
9. This Direction shall remain in operation for up to two years, unless extended, or until the pilot terminates.
10. The Legal Services Agency Northern Ireland shall publish this Direction.



NAOMI LONG MLA

MINISTER OF JUSTICE

07 July 2026