

## **LSA Circular 10/2020**

**19 June 2020**

Dear Practitioner,

### **Requesting Payment in Respect of Cases where Arrest Warrants are Issued**

**This Circular provides advice on how practitioners should submit payment requests under The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 as amended where an arrest warrant has been issued.**

1. In addition to providing advice on the standard approach to take when an arrest warrant is issued, executed and the case disposed of, it also includes information on a number of variations including, the approach to take when:
  - the solicitor for the defendant changes between an arrest warrant being issued and being executed; and
  - the defendant is convicted in absentia.

### **Standard Approach**

2. Where an arrest warrant is issued by the court, practitioners should follow the process below:
  - (a) submit a request for payment consistent with the provisions of paragraph 12 of Schedule 1 of The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009;
  - (b) The request for payment should take the form of a request for an interim payment being 50% of the relevant standard fee;
  - (c) Once the warrant is executed and the case disposed of, the practitioner is then at liberty to submit the request for payment as a report on case for the

final payment whether that is the remainder of the fee under paragraph 12(5) or the full fee if the practitioner considers paragraph 12(6) is engaged. The expense type to use for the request for payment is 'Bench Warrant' and a manual entry for the remaining fee will be possible.

### **Change of Solicitor**

3. In the circumstances where there is a change of solicitor between the arrest warrant being issued and the defendant being brought back before the court, the process to be followed is set out below:
  - (a) when arrest warrant issues the original solicitor (representative 1) should submit a request for an interim payment being 50% of the relevant standard fee;
  - (b) the original solicitor (representative 1) at any time following the transfer of the client can submit a report on case, this will be a "nil bill" in that no further payment is authorised by the Rules. If the solicitor fails to do so the Agency will request the solicitor to submit the report on case; and
  - (c) the new solicitor (representative 2), once the case has been disposed of, is then at liberty to submit the report on case, being the request for payment for the remainder of the fee under paragraph 12(5) or the full fee, if the practitioner considers paragraph 12(6) is engaged.

### **Defendant Convicted In Absentia**

4. For completeness and to cover the scenario envisaged in paragraph 12A of the 2009 Rules, namely a case proceeds and the defendant is convicted in his absence and upon conviction an arrest warrant issues. The process would be as follows:
  - (a) When the trial in absentia concludes the practitioner can submit their report on case and claim the appropriate fee; and
  - (b) When the arrest warrant is issued upon conviction and the defendant is brought before the courts, the representative is at liberty to submit the report

on case, being 50% of the standard guilty plea fee under paragraph 12A(3) or the full fee, if the practitioner considers paragraph 12A(4) is engaged; or

- (c) When the trial in absentia concludes the practitioner can submit their Report on Case for the contest fee; and
- (d) When the arrest warrant is issued upon conviction and the defendant is brought before the courts, the practitioner, upon sentence, is at liberty to submit a report on case being 50% of the standard guilty plea fee under paragraph 12A(3) or the full fee, if the practitioner considers paragraph 12A(4) is engaged.

Yours faithfully,



**Paul Andrews**  
**Chief Executive**