

STATUTORY INSTRUMENTS.

S.I. No. 493 of 2014

CRIMINAL JUSTICE (LEGAL AID) (AMENDMENT) REGULATIONS $2014\,$

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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 Minster) 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.

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
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 Courin 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			
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 charge and exceptional circumstances.	offence of Legal Aid (Ca a determination Court in relative tion of law ari having refused or her means by reason of (it is essential Certificate sho in respect of h	ase Stated App on of the High ion to the processing in the processing in the pro- d to grant such are insufficient (a)	o was charged before the District Court with the for a eal) Certificate in connection with an appeal from Court on a case stated by the Judge of the District eedings in the District Court [in relation to a quest ceedings in the District Court] and the High Court certificate, and it appearing to the Court that his to enable him or her to obtain legal aid and that of justice that a Legal Aid (Case Stated Appeal) in respect of him or her, the Court hereby grants certificate for free legal aid and assigns to him or
 (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) The (Court directs in	addition the assignment of two counsel.
(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 charge and exceptional circumstances.	Dated this	day of	20
(2) exceptional circumstances, or(3) the serious nature of the offence with which he or she is charge and exceptional circumstances.	(a) State	whether the re	ason is—
(3) the serious nature of the offence with which he or she is charge and exceptional circumstances.	(1) 1	the serious natu	are of the offence with which he or she is charged.
and exceptional circumstances.	(2)	exceptional circ	cumstances, or
(b) delete unless the Court thinks fit that two counsel should be assigned	* *		•
	(b) delete	e unless the Co	ourt thinks fit that two counsel should be assigned.

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

	W	who has appealed from	of n a determination of this Court
for a Legal Aid his or her mea Court hereby	d (Supreme Cans are insuf grants in res	Court) Certificate, and ficient to enable him spect of him or her the	d it appearing to the Court that or her to obtain legal aid, the his certificate for free legal aid
(a) The C	Court directs	in addition the assignment	ment of two counsel.
Dated this	day of	20	
(a) delete	unless the C	Court thinks fit that tw	vo 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	of the Central
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 Court hereby grants in respect of him or her this certificate for and assigns to him or her as solicitor	r free legal aid
(a) The Court directs in addition the assignment of two court	
Dated this day of 20	
(a) delete unless the Court thinks fit that two counsel should	d 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)

Circui
County of
Application having been made by or on behalf of
Case Stated) Certificate, and it appearing to the Court that his or her mean are insufficient to enable him or her to obtain legal aid and that, by reason of a)
ial 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 a 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

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	behali
of				• • • • • • • • • • • • • • • • • • • •					• • • • • • • • • • • • • • • • • • • •	
[charged of	before	the	Distr	ict	Cou	ırt w	ith	the	;	offence
the Circuit of	Court aga	ainst a	convicti	ion b	y the	District	t Cou	ırt of	an	offence
(Case Stated certificate, as to enable (a)the interests granted in reher this cesolicitor	d) Certific and it appears to the control of institute the control of the control	ate, and earing to her to the that a him or lefor free	the Ci o the Co o obtain Legal her, the	ourt n le Aid Cou	that hi gal ai (Case rt here	t having s or her id and Stated) eby gran	refuse mean that. Cert ts in	sed to ns are , by it is cificat respe	e insurea rea esse e sh	ant such ufficient ason of ntial in ould be him on
(b) The	Court din	rects in	additior	the	assign	ment of	two o	couns	el.	
Dated this	day of	? -		20						
(a) Stat	e whether	the rea	son is—	-						
(1)	the serio	us natu	re of the	e offe	ence w	ith whic	h he	or she	e is c	harged,
(2)	exception	nal circu	ımstanc	es, o	r					

- (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.

FORM N (i)

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

Court	of	Ap	peal

**
Application having been made by or on behalf of
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 N (ii)

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

Su	preme	Court

of Appeal in a for a Legal A his or her me Court hereby	wherelation to the id (Supreme Cans are insuffigrants in respe	de by or on behalf of	that that the
(a) The	Court directs in	addition the assignment of two counsel.	
Dated this	day of	20	
(a) delet	e unless the Co	ourt thinks fit that two counsel should be assign	ned.
		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
(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.

FORM O (ii)

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

Supreme Court

	who v	by or on behalf ofvas charged before the Distr	ict Court with the
offence of			
of the Court of	f Appeal on a cas) Certificate in connection wi	t, and the Court of
that his or her	means are insuf	such certificate, and it appe ficient to enable him or her	to obtain legal aid
it is essential in cate should be respect of him	the interests of j granted in resp or her this certifi	ustice that a Legal Aid (Supreect of him or her, the Cour cate for free legal aid and ass	eme Court) Certifi- t hereby grants in signs to him or her
(b) The C	Court directs in ac	dition the assignment of two	counsel.
Dated this	day of	20	
(a) State v	whether the reaso	on is—	
(1) th	ne serious nature	of the offence with which he	or she is charged,
(2) ex	xceptional circun	istances, or	
, ,	he serious nature nd exceptional ci	of the offence with which he reumstances.	e or she is charged
(b) delete	unless the Court	thinks fit that two counsel sl	hould be assigned.

FORM P (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 APPEAL FROM A DETERMINATION OF THE HIGH COURT ON A CASE STATED BY A JUSTICE OF THE DISTRICT COURT)

Court of Appeal

FORM P (ii)

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

Supreme Court

Application having been made by or on behalf of
offence of
or a Legal Aid (Supreme Court) Certificate in connection with an appeal from a determination of the Court of Appeal on appeal from a determination of the High Court on a case stated by the Justice 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 the Court of Appeal having refused or grant such certificate, and it appearing to the Court that his or her means are ansufficient to enable him or her to obtain legal aid and that, by reason of a)
olicitor
(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

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
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 Q (ii)

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

Court of Appeal

Application having been made to this Court by or on behalf of								
enable him or her to obtain legal aid and that, by reason of (a) t is essential in the interests of justice that he or she should have legal aid in								
the preparation and conduct of an appeal, 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,								
(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.								
Registrar								

FORM Q (iii)

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

Central Criminal Court

Application having been made by or on behalf of								
(a) The Court directs in addition the assignment of two counsel.								
Dated this day of 20								
Judge of the High Court								
(a) delete unless the Court thinks fit that two counsel should be assigned.								

FORM Q (iv)

LEGAL AID (APPEAL) CERTIFICATE (GRANTED BY THE COURT OF APPEAL IN RESPECT OF AN APPEAL TO THE COURT OF APPEAL WHERE THE CONVICTION IS OF MURDER)

Court of Appeal

Application having been made to this Court by or on behalf of
of the offence ofor a Legal Aid (Appeal) Certificate and the Judge of that Court having refused
such certificate, and it appearing to the Court that his or her means are insuf- icient 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 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 h	ppeal) Certifi he or she was obtain legal a in the intere	who has cate, and it a tried, that ha aid and that, ests of justic	been appearin is or her by reaso e that h	g to me, the means are i on of (a)	of the Judge of t nsufficient to ould have	offence . for a he Court to enable
in the prepar him or her t solicitor	his certificate	e for free le	egal aid	and assign	to him o	r her as
	Court directs					
Dated this	day of	20	0			
Judge of the S	Special Crimin	nal Court				
(a) State	whether the	reason is—				
(1)	the serious na	nture of the	offence,			
(2)	exceptional ci	ircumstances	, or			
(3)	the serious na	nture of the	offence a	and exception	onal circums	stances.
(b) delet	e unless the C	Court thinks	fit that t	wo counsel	should be a	assigned.

FORM R (ii)

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

Court of Appeal

Application having been made to this Court by or on behalf of
Court of the offence of
Court having refused 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 he or she should have legal aid in the preparation and conduct of an appeal, 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,
(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.
Registrar

FORM R (iii)

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

Special Criminal Court

Application having been made by or on behalf of									
by this Court, 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, I hereby grant in respect of him or her this certificate for free legal aid and assign to him or her as solicitor									
(a) The Court directs in addition the assignment of two counsel.									
Dated this day of 20									
Judge of the Special Criminal Court									
(a) delete unless the Court thinks fit that two counsel should be assigned.									

FORM R (iv)

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

Application of	_						•			
convicted by										
for a Legal Aid (Appeal) Certificate and the Judge of that Court having refused										
	such certificate, and it appearing to the Court that his or her means are insuf-									
ficient 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 S (i)

LEGAL AID (APPEAL) CERTIFICATE (GRANTED BY THE COURT OF APPEAL IN RESPECT OF AN APPEAL TO THE COURT OF APPEAL WHERE A PERSON TRIED ON INDICTMENT IS ACQUITTED)

Court of Appeal

		having									
tifica	ite and it	appearing the contract to contract the contract to contract the contra	ng to th	ne Court	that	t his o	r her me	eans a	are in	isuffi	cient to
or h	ner this	certificat	e for	free leg	gal a	id an	d assigr	is to	him	or	
(a) The Court directs in addition the assignment of two counsel.											
Date	ed this	day of	<u>:</u>		20						
	(a) delet	e unless	the Cou	ırt think	s fit	that tv	vo couns	sel sh	ould	be as	signed.
				Re	egistr	ar					

FORM S (ii)

LEGAL AID (SUPREME COURT) CERTIFICATE (GRANTED BY THE SUPREME COURT IN RESPECT OF AN APPEAL TO THE SUPREME COURT WHERE A PERSON TRIED ON INDICTMENT IN THE CENTRAL CRIMINAL COURT IS ACQUITTED)

Supreme Court

Application	having	been	made	to	this	Court	by	or	on	behalf
of	•••••						who	has	been	acquit-
ted of						for a	lega	al ai	d (S	upreme
Court) certifi	icate and	it appea	aring to	the (Court 1	that his c	or her	mea	ns ar	e insuf-
ficient to ena	able him	or her	to obta	ain le	egal ai	d, the C	Court	here	by gi	rants in
respect of hir	n or her	this cert	tificate f	or fr	ee lega	al aid and	d assi	gns t	o hin	or her
as solicitor							• • • • • • • • • •			•

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

Dated this day of

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

Registrar

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GIVEN under my Official Seal, 29 October 2014.

FRANCES FITZGERALD, Minister for Justice and Equality.

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.

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