



# Legal Aid – Custody Issues Scheme

## Scheme Provisions and Guidance Document

Legal Aid Board

June 2013

# Legal Aid – Custody Issues Scheme

## Part 1

**Part 1 of this document provides an introduction to, and outlines the scope of, the Scheme.**

### **1. General**

This document sets out the provisions of the Legal Aid – Custody Issues Scheme and provides guidance on the administration of the Scheme by the Legal Aid Board.

### **2. Commencement and administration of the Scheme**

The Legal Aid - Custody Issues Scheme (formerly known as the Attorney General's Legal Aid Scheme) provides payment for legal representation in the High Court and the Supreme Court for certain types of cases not covered by civil legal aid or the Criminal Legal Aid Scheme. The cases covered include Habeas Corpus (Article 40.4.2) Applications, High / Supreme Court Bail Motions, certain types of Judicial Review, Extradition and European Arrest Warrant Applications (see Section 4 below). It is an ex-gratia scheme set up with funds made available by the Oireachtas.

The Scheme was previously administered on behalf of the Attorney General by the Department of Justice and Equality. However, from 1<sup>st</sup> June 2012 the remit for the administration of the Scheme was transferred to the Legal Aid Board.

The budgetary responsibility for the Scheme, which formerly rested with the Chief State Solicitor's Office was, with effect from the 1<sup>st</sup> January 2013, transferred to the Department of Justice and Equality. The Scheme, which was formerly known as the 'Attorney General's Legal Aid Scheme', was renamed by the Department on the 1<sup>st</sup> January 2013 as the 'Legal Aid – Custody Issues Scheme'.

### **3. Purpose and application of the Scheme**

The purpose of the Scheme is to provide, in certain circumstances, legal representation for persons who need it but who cannot afford it. It is not an alternative to costs. For this reason it is necessary for the application for access to the Scheme to be made at the outset of the proceedings.

Such access is not automatic and the applicant must satisfy the Court that he or she is not in a position to retain a solicitor (or, where appropriate, counsel) unless he or she receives the benefit of the Scheme. The applicant must receive from the Court a recommendation to the Legal Aid Board that the provisions of the Scheme be applied to their specific case. Members of the public should

obtain their own legal advice as to whether the litigation involved falls under the provisions of the Scheme and also as to their entitlement (if any) under the Scheme.

There is no obligation on a person requiring him or her to make an application for access to the Scheme and a person may elect to fund his or her legal representation privately and from personal funds. However, a person who elects to apply for assistance under the Scheme will, if successful with their application, only be provided with legal representation within the provisions of the Scheme.

In addition, legal practitioners who elect to provide representation to the Scheme's applicants will only be reimbursed in accordance with the Scheme's provisions as set out in this document. It is recommended that legal practitioners should by the earliest possible date satisfy themselves that both their client and the litigation involved are encompassed by the provisions of the Scheme.

#### **4. Scope of the Scheme**

The Legal Aid - Custody Issues Scheme is an administrative, non-statutory arrangement whereby payments are made from the Vote of the Department of Justice and Equality in respect of certain legal costs in the types of litigation set out below in which, for the most part, the State is a party (although the State need not be a party to proceedings which are eligible for the Scheme).

The Scheme applies to the following forms of litigation (which are not covered by Civil or Criminal Legal Aid):

- (i) Habeas Corpus (Article 40.4.2) Applications (see Part 2).
- (ii) Supreme Court Bail Motions (see Part 2).
- (iii) Such Judicial Reviews as consist of or include Certiorari, Mandamus or Prohibition and concerning criminal matters or matters where the liberty of the applicant is at issue (see Part 2).
- (iv) Applications under Section 50 of the Extradition Act 1965, Extradition Applications and European Arrest Warrant Applications (including Bail Applications directly related to these cases) (see Part 2).
- (v) High Court Bail Motions related to criminal matters (see Part 3).

The Scheme only applies to proceedings of the type referred to above, conducted in the High Court and the Supreme Court. Where the proceedings are of a type which fall outside the scope of the

Scheme, as for example in family law cases, the Scheme cannot be applied to those proceedings because public funds may only be applied for the purpose for which they have been provided by the Oireachtas. It is not within the discretion of the Legal Aid Board to apply public funds to other purposes.

## **5. Tax compliance**

All legal practitioners making a claim for fees under the Scheme must be tax compliant. Any practitioner applying for fees under the Scheme who is not currently on the Criminal Legal Aid Panel must submit a current Tax Clearance Certificate with their claim for fees. Practitioners on the Criminal Legal Aid Panel must ensure that they hold a current Tax Clearance Certificate to enable their claims to be considered for payment. In a case where a solicitor is providing representation as an employee of a solicitor's firm, a Tax Clearance Certificate in respect of that firm, rather than the individual, must be submitted.

## **6. The processing of claims**

To process cases under the specific types of litigation set out above, two separate administrative systems operate under the Scheme. One distinct process deals with claims relating to Habeas Corpus (Article 40.4.2), Judicial Review, Extradition, European Arrest Warrant Applications and Supreme Court Bail Motions while a separate process deals with High Court Bail Motions related to criminal matters.

For the purposes of this Guidance Document, Part 2 (Sections 8 to 17) provides information on claims pertaining to Habeas Corpus, Judicial Review, Extradition, European Arrest Warrant Applications and Supreme Court Bail Motions while Part 3 (Sections 18 to 26) provides information on the processing of claims pertaining to High Court Bail Motions related to criminal matters.

## **7. Further information**

The relevant forms pertaining to the Legal Aid – Custody Issues Scheme are available from the Board's website or by directly contacting the Board. All queries in relation to the general implementation of the Scheme should be addressed to the Board at the contact details set out below. In that regard, the Legal Aid Board welcomes feedback on the Scheme from all involved in its day to day implementation.

**The Legal Aid Board,  
Legal Aid - Custody Issues Scheme,  
Criminal Legal Aid Section,  
48/49 North Brunswick Street,  
George's Lane,  
Smithfield,  
Dublin 7.**

**DX 1085 FOUR COURTS**

**Ph: (01) 6469644**

**[cischeme@legalaidboard.ie](mailto:cischeme@legalaidboard.ie)**

**[www.legalaidboard.ie](http://www.legalaidboard.ie)**

## **Part 2**

**Part 2 of this document pertains to Habeas Corpus, Judicial Review, Extradition, European Arrest Warrant and Supreme Court Bail Motions.**

### **8. Claims administration process**

As stated in Section 6, a separate administration system is in place under the Legal Aid – Custody Issues Scheme to process claims pertaining to Habeas Corpus, Judicial Review, Extradition, European Arrest Warrant Applications and Supreme Court Bail Motions. Accordingly, persons wishing to apply for legal aid in respect of such types of litigation and legal practitioners wishing to provide such aid should refer to Sections 9 to 17 to access relevant information pertaining to the process.

### **9. Eligibility under the Scheme and application procedure**

The purpose of the Legal Aid - Custody Issues Scheme is to provide, in certain circumstances, legal representation for persons who need it but who cannot afford it. It is not an alternative to costs. It should be noted that access to the Scheme is not automatic and a person wishing to obtain from the Court a recommendation to the Legal Aid Board that the Scheme be applied shall:

- (a) make his or her application (personally or through his or her lawyer) at the commencement of the proceedings,
- (b) obtain the Court's acknowledgement of such an application at the commencement of such proceedings, and
- (c) at the end of the proceedings receive a recommendation in the final Court Order that the Scheme be applied to the applicant.

It is advisable for a person wishing to obtain from the Court a recommendation that the provisions of the Scheme be applied, to make his / her application (personally or through his / her lawyer) at the commencement of the proceedings as legal aid will only be considered for reimbursement from the date of the making of the first Order acknowledging the application (and not for services provided prior to such an Order).

The applicant must receive the above mentioned recommendation from the Court and this will be considered by the Legal Aid Board taking into account the provisions of the Scheme and, where deemed appropriate, the advice of the Chief State Solicitor's Office, the Office of the Director of

Public Prosecutions or, as required, the Office of the Attorney General. However, it should be noted that in all instances only reasonable legal and related expenses will be considered for payment and only in circumstances where both the applicant and the litigation involved are specifically covered by the provisions of the Scheme.

The term "the commencement of the proceedings" refers to the commencement of the proceedings in a particular Court. In other words, an applicant would not be prejudiced from seeking the benefit of the Scheme to be applied to him or her in respect of Supreme Court proceedings by reason of the fact that he or she had not made such an application in relation to the High Court proceedings. However, in these circumstances, the Scheme does not apply retrospectively to persons claiming costs under the Scheme in respect of the High Court proceedings. It should be noted that when a case progresses to a higher Court, a new application must always be made for a recommendation that the provisions of the Scheme be applied.

The applicant must satisfy the Court that he or she is not in a position to retain a solicitor (or, where appropriate, counsel) unless he or she receives the benefit of the Scheme. To assist the Court in considering the applicant's financial means from an informed position the applicant must, when applying for access to the Scheme, submit to the Court a fully completed **Form CI 3 Application for Legal Services / Declaration of Financial Means**. The information provided by the applicant must be accurate and substantially complete. It should be noted that, in the event of it transpiring that misleading or substantially incomplete information was submitted by the applicant to the Court, the policy of the Legal Aid Board is that it would **not** be appropriate to consider payment of the applicant's legal fees etc. In such circumstances, the applicant will be deemed to be responsible for the funding of his / her own legal expenses.

The Court must be satisfied that the case falls within the scope of the Scheme as set out in Section 4 and also that it warrants the assignment of counsel and / or a solicitor. If the Court considers that the complexity or importance of the case requires it, the recommendation for counsel may also include one senior counsel. In that regard, to enable a payment to be made in respect of senior counsel, the final Court Order must certify that recommendation.

#### **10. Solicitor / counsel costs and fees**

Where the applicant and the litigation involved are encompassed by the Scheme's provisions, appropriate legal fees are payable to a solicitor, junior counsel and / or senior counsel as recommended by the Judge. The exact details of who should be paid under the Scheme will, as

recommended by the Judge, be stipulated in the final Court Order. A claim for payment cannot be considered or processed for any legal representative who is not specified on the Court Order. If the final Court Order neglects to mention someone whose costs were in fact recommended by the Judge, the responsibility rests with the relevant solicitor to apply to have the Court Order formally amended to include that person.

The calculation of the fees which will apply to counsel and solicitors representing the legally aided person will be made in accordance with the “parity” mechanism which is in operation under the Criminal Justice (Legal Aid) Act, 1962 and the Regulations (including S.I. 234 / 76) made under that Act. The fees payable to counsel under the Scheme are, at most, those which would be payable to counsel appearing for the State in each individual case. In effect, the representatives for the legally aided person will, with all necessary modifications applied, be paid fees on a parity basis with the State. The fees payable to a solicitor are related to those payable to junior counsel.

To comply with this parity principle, the Legal Aid Board will, on receipt of a claim for fees from the applicant’s legal representatives, consult with either the Chief State Solicitor’s Office or the Office of the Director of Public Prosecutions to determine what level of fees were paid on the State side in relation to that specific case. Where considered necessary, the Board will also seek the advice of the Attorney General’s Office in relation to the levels of fees (if any) which may be paid in any specific case. Further to the “parity” arrangement, when the Legal Aid Board is advised as to the level of fees which had been paid on the State side, arrangements will be made to have similar fees paid to the applicant’s representatives.

In instances where there is no State involvement in a set of proceedings but the Legal Aid – Custody Issues Scheme is being applied, the above process will be adhered to and advice will be sought as to what level of fee would be paid in the same circumstances had State counsel been involved. The advice on the appropriate level of fees to be applied will be sought from the Chief State Solicitor’s Office, the Director of Public Prosecutions’ Office or the Attorney General’s Office, as required.

Where there is more than one applicant, but only one matter is at issue before the Court, the solicitor and the counsel assigned shall represent all the applicants.

It should be noted that it will not be possible to pre-sanction payments under the Scheme in advance of the final Court Order and any recommendation that might be made by the Court to the Legal Aid Board in relation to the individual case.



## **11. Prison Visits**

Where it is essential to the preparation and conduct of the client's case that a solicitor or a barrister must visit that person in prison in respect of litigation as specified in Section 4, a Prison Visit Claim Form CLA 11 should be fully completed and the attendance certified with the signature and stamp of the prison authorities. The fully completed and certified CLA 11 Form should be submitted to the Legal Aid Board along with the solicitor's / barrister's fee note which should record the visit as part of the client's representation.

For the purposes of calculating the fees payable to the legal practitioner, a payment authorised in respect of a prison visit is deemed to incorporate a consultation fee for the same date (i.e. a single payment only will be considered rather than a fee in respect of both the prison visit and also a consultation fee where both are claimed for the same date).

## **12. Translation and interpretation costs**

Under the Scheme, the services of a translation or interpretation service provider may only be engaged by the solicitor on record when it is deemed essential to the preparation and conduct of the client's case. A provider of either translation or interpretation services should ensure that a **CI 4 Translator / Interpreter Attendance Form** is fully completed and certified by the relevant solicitor in respect of all activities associated with the case. The solicitor who engages an interpretation / translation company is responsible for certifying their involvement in accordance with the provisions of Section 14 below.

Where the costs for translation and / or interpretation services are likely to be in excess of €2,000, solicitors must obtain at least three quotations for the provision of the service and submit evidence of same with their claim for fees at the conclusion of the case.

## **13. Expert witnesses / report commissioning costs**

Under the Scheme, the services of an expert witness (eg. a medical expert) or the commissioning of a report should only be sought where it is essential to the proper preparation and conduct of the client's case. It should be noted that reimbursement in respect of such costs is not automatic under the Scheme and a person or their legal representative wishing to obtain from the Court a recommendation that the Scheme would be applied for such costs shall formally notify the Court (personally or through his or her lawyer) at the earliest possible opportunity in the proceedings of the necessity for, and their intention to, seek the services of an expert witness or to commission a

report. At the end of the proceedings, if the Court is satisfied that the services of the expert witness(es) or the commissioning of a report(s) were essential to the proper preparation and conduct of the case, the Court shall include in its final Order a recommendation to the Legal Aid Board specifying which witnesses and / or reports were essential and should be covered by the Scheme.

When considering a claim for payment in respect of an expert witness or the commissioning of a report the Board will, taking into account the provisions of the Scheme, have regard to the Court's recommendation and will only authorise the payment of reasonable costs and in circumstances where the engagement has been recommended as essential to the proper preparation and conduct of the client's case. The relevant solicitor should submit for consideration (with their claim for fees) a copy of the Final Court Order which should include the relevant recommendation.

The solicitor who engages the expert witness or commissions a report is responsible for certifying the involvement in accordance with the provisions of Section 14. For auditing purposes, the solicitor should retain evidence of the services commissioned including copies of any relevant reports etc.

Further information in relation to the engagement of expert witnesses and the rates of fees that are payable under the Scheme is available in the "Procedures and Guidelines for claiming Expert Witness Fees" document which is published by the Board and available at [www.legalaidboard.ie](http://www.legalaidboard.ie).

#### **14. Solicitor certification of claims for payment**

Where fees are being claimed in respect of interpretation, translation, expert witness or other costs, the claim for such fees must be submitted through the relevant solicitor who engaged with the individual / company to provide the services to assist in matters associated with the preparation of their client's case. A solicitor who engages an interpretation, translation or other company or individual is responsible for:

- certifying that the service was necessary and that the person or company providing the service has the appropriate competence to provide a professional service,
- where appropriate, certifying that the service provider attended on the dates and times directed by the solicitor and also certifying the accuracy of the hours worked and the amount claimed,

- certifying that the interpretation or translation costs refer only to the client's specific case and that it does not pertain to any services provided for in the Courts that are the subject of a separate contract arranged by the Courts Service,
- ensuring that an original invoice from the interpretation or translation service provider (which must include full details of the services provided) is submitted for consideration and is accompanied by a fully completed CI 4 Translator / Interpreter Attendance Form,
- ensuring that an original invoice from the expert witness, which must include full details of the service provided along with all relevant dates and the fees being claimed for each item, is submitted for consideration,
- where appropriate, certifying that the service provider prepared and produced a report and clarifying if the report was utilised in the Court setting,
- ensuring that for audit purposes, they retain evidence of the services commissioned (including copies of reports),
- ensuring that in all instances the unique Court Record Number is quoted, that the name of the applicant is accurately recorded and that the service provider specifies a unique invoice number with each claim.

#### **15. Documents to be included with a claim**

In addition to the responsibilities set out in Section 14, the solicitor on record is also responsible for the collation and finalisation of the entire claim along with its submission on behalf of all parties (solicitor, counsel, translators, interpreters, expert witnesses etc.) to the Legal Aid Board for consideration and processing.

Accordingly, all parties who wish to make a claim under the Scheme in respect of Habeas Corpus (Article 40.4.2), Judicial Review, Extradition, European Arrest Warrant and Supreme Court Bail Motions should, by the earliest possible date, forward to the relevant solicitor all the appropriate invoices etc. pertaining to the services they provided to the client to ensure that their claim may be included with the solicitor's submission of the overarching claim for fees.

Each invoice, in addition to the amounts claimed, should contain a specific invoice number and an invoice date. The invoice should provide an itemised account of the services provided along with the relevant dates and the specific amount being claimed for each item covered by the invoice. Each invoice submitted should relate to one client / case only and that client's name and the Court Record Number(s) must be clearly referenced.

In turn, the relevant solicitor should ensure that only original invoices (and where appropriate a CI 4 Translator / Interpreter Attendance Form) in respect of the various services provided for the representation of the client are submitted with their own claim for legal fees to the Legal Aid Board.

The claim should be submitted along with the relevant Court Orders which, (a) acknowledged the original application for access to the Scheme and, (b) recommended that the Legal Aid – Custody Issues Scheme should be applied. It should be noted that claims for fees may not pre-empt the final Court Order recommending that the Scheme be applied.

Claims for payment should not be submitted piecemeal as this may result in unnecessary delays in the overall consideration of a claim.

#### **16. The submission of claims under the Scheme - further information**

A claim for fees must be submitted on a fully completed **Legal Aid – Custody Issues Scheme Claim Form CI 1**. While the C I 1 Claim Form should be signed and dated by all the relevant legal practitioners, it is the relevant solicitor who should collate, finalise and formally submit the claim on behalf of all parties to the Legal Aid Board for consideration.

It should be noted that incomplete or illegible claim forms or claims submitted without the required accompanying documentation will be returned to the solicitor for proper completion and re-submission. Fully completed and legible claim forms along with all required accompanying documentation should be sent by the earliest possible date to the Legal Aid Board at the contact details set out below. Such claims must be submitted no later than twelve months from the date on which the case was finalised. It should be noted that claims submitted after this deadline will not be considered or processed for payment by the Legal Aid Board.

#### **17. Querying the status of a claim or seeking further information**

All parties who participated in the representation of the client (counsel, translators, interpreters, expert witnesses etc.) should direct all queries in relation to their claim for payment to the relevant solicitor firm by whom they were engaged and to whom they submitted their claim. Solicitor firms should direct any queries they have in relation to a claim directly to the Legal Aid Board.

**Legal Aid Board,  
Legal Aid - Custody Issues Scheme,  
Criminal Legal Aid Section,  
48/49 North Brunswick Street,  
George's Lane,  
Smithfield,  
Dublin 7  
DX 1085 FOUR COURTS**

**Ph: 01 6469644**

**[cischeme@legalaidboard.ie](mailto:cischeme@legalaidboard.ie)**

**[www.legalaidboard.ie](http://www.legalaidboard.ie)**

## **Part 3**

**Part 3 of this document pertains to High Court Bail Motions (related to criminal matters)**

### **18. Claims administration process**

As stated in Section 6, a separate administration system is in place under the Legal Aid – Custody Issues Scheme to process High Court Bail Motions related to criminal matters. Accordingly, persons wishing to apply for legal aid in respect of a High Court Bail Motion and legal practitioners wishing to provide such aid should refer to the following Sections to access relevant information pertaining to the process.

### **19. Eligibility under the Scheme and application procedure**

The purpose of the Scheme is to provide, in certain circumstances, legal representation for persons who need it but who cannot afford it. It is not an alternative to costs. It should be noted that access to the Scheme is not automatic. A person making a High Court Bail Motion and wishing to obtain from the Court a recommendation to the Legal Aid Board that the Scheme be applied shall:

- (a) make his or her application (personally or through his or her lawyer) at the commencement of the proceedings, and
- (b) at the end of the proceedings receive a recommendation from the Court that the Scheme be applied to the applicant.

It is important for the person wishing to obtain from the Court a recommendation that the provisions of the Scheme be applied to ensure that the application is made at the commencement of the proceedings. Claims will only be considered for payment in circumstances where the applicant is specifically covered by the provisions of the Scheme. Subject to its consideration as to the complexity or importance of the case, the Court may recommend the assignment of a solicitor and / or counsel to the applicant.

The term "the commencement of the proceedings" refers to the commencement of the proceedings in a particular Court. In other words, an applicant would not be prejudiced from seeking the benefit of the Scheme to be applied to him or her in respect of Supreme Court proceedings by reason of the fact that he or she had not made such an application in relation to the High Court proceedings. However, in these circumstances, the Scheme does not apply retrospectively in respect of the High

Court proceedings. It should be noted that when a case progresses to a higher Court, a new application must always be made for a recommendation that the provisions of the Scheme be applied.

The applicant must satisfy the Court that he or she is not in a position to retain a solicitor (or, where appropriate, counsel) unless he or she receives the benefit of the Scheme. To assist the consideration of the applicant's financial means from an informed position, the Court may request the applicant to submit such information about his or her means as the Court deems appropriate. This may include the Court requesting the submission of a fully completed **Form CI 3 Application for Legal Services / Declaration of Financial Means**. The information provided by the applicant to the Court must be accurate and substantially complete.

It should be noted that, in the event of it transpiring that misleading or substantially incomplete financial information was submitted by the applicant to the Court, the policy of the Legal Aid Board is that it would **not** be appropriate to consider payment of the applicant's legal fees etc. In such circumstances, the applicant will be deemed to be responsible for the funding of his / her own legal expenses.

## **20. Solicitor / counsel costs and fees**

Claims for legal practitioners' fees in respect of High Court Bail Motions are made by way of the **Claim Form CI 2 High Court Bail Application**. Fees are only payable to a solicitor and / or counsel who were present in Court at the Hearing to provide legal representation to the applicant. Such fees are paid at a set rate as established by the Minister for Justice and Equality.

## **21. Translation and interpretation costs**

Under the Scheme, the services of a translation or interpretation service provider may only be engaged by the solicitor on record when it is deemed essential to the preparation and conduct of the client's High Court Bail Motion. A provider of either translation or interpretation services should ensure that a **CI 4 Translator / Interpreter Attendance Form** is fully completed and certified by the relevant solicitor in respect of all activities associated with the case. The solicitor who engages an interpretation / translation company is responsible for certifying their involvement in accordance with the provisions of Section 23 below.

Where the costs for translation and / or interpretation services are likely to be in excess of €2,000, solicitors must obtain at least three quotations for the provision of the service and submit evidence of same with their claim for fees at the conclusion of the case.

## **22. Expert witnesses / report commissioning costs**

Under the Scheme, the services of an expert witness (e.g. a medical expert) or the commissioning of a report should only be sought where it is essential to the proper preparation and conduct of the client's case. It should be noted that reimbursement in respect of such costs is not automatic under the Scheme and a person or their legal representative wishing to obtain from the Court a recommendation that the Scheme would be applied for such costs shall formally notify the Court (personally or through his or her lawyer) at the earliest possible opportunity in the proceedings of the necessity for, and their intention to, seek the services of an expert witness or to commission a report. At the end of the proceedings, if the Court is satisfied that the services of the expert witness(es) or the commissioning of a report(s) were essential to the proper preparation and conduct of the case, the Court shall include in its final Order a recommendation to the Legal Aid Board specifying which witnesses and / or reports were essential and should be covered by the Scheme.

When considering a claim for payment in respect of an expert witness or the commissioning of a report the Board will, within the provisions of the Scheme, have regard to the Court's recommendation and will only authorise the payment of reasonable costs and in circumstances where the engagement has been recommended as essential to the proper preparation and conduct of the client's case. The relevant solicitor should submit for consideration (with their claim for fees) a copy of the Final Court Order which should include the relevant recommendation.

The solicitor who engages the expert witness or commissions a report is responsible for certifying the involvement in accordance with the provisions of Section 14. For auditing purposes, the solicitor should retain evidence of the services commissioned including copies of any relevant reports etc.

Further information in relation to the engagement of expert witnesses and the rates of fees that are payable under the Scheme is available in the "Procedures and Guidelines for claiming Expert Witness Fees" document which is published by the Board and available at [www.legalaidboard.ie](http://www.legalaidboard.ie).



### **23. Solicitor certification of interpretation, translation or expert witness costs**

Where fees are being claimed in respect of interpretation, translation or expert witness costs, the claim for such fees must be submitted through the relevant solicitor who engaged with the individual / company to provide the services to assist in matters associated with the preparation of their client's case. A solicitor who engages an interpretation, translation or other company or individual should submit the claim to the Financial Shared Services Section of the Department of Justice and Equality at the contact details set out in Section 26 and in doing so is responsible for:

- certifying that the service was necessary and that the person or company providing the service has the appropriate competence to provide a professional service,
- where appropriate, certifying that the service provider attended on the dates and times directed by the solicitor and also certifying the accuracy of the hours worked and the amount claimed,
- certifying that the interpretation or translation costs refer only to the client's specific case and that it does not pertain to any services provided for in the Courts that are the subject of a separate contract arranged by the Courts Service,
- ensuring that an original invoice from the interpretation or translation service provider (which must include full details of the services provided) is submitted for consideration and is accompanied by a fully completed CI 4 Translator / Interpreter Attendance Form,
- ensuring that an original invoice from the expert witness, which must include full details of the service provided along with all relevant dates and the fees being claimed for each item, is submitted for consideration,
- where appropriate, certifying that the service provider prepared and produced a report and clarifying if the report was utilised in the Court setting,
- ensuring that for audit purposes, they retain evidence of the services commissioned (including copies of reports),
- ensuring that in all instances the unique Court Record Number is quoted, that the name of the applicant is accurately recorded and that the service provider specifies a unique invoice number with each claim.

### **24. Prison Visits**

Where it is essential to the preparation and conduct of the client's case that a solicitor or a barrister must visit that person in prison in respect of a High Court Bail Motion, a Prison Visit Claim Form CLA

11 should be fully completed and the attendance certified with the signature and stamp of the prison authorities. The fully completed and certified CLA 11 Form should be attached to High Court Bail Application Claim Form CI 2 and submitted to the Court Registrar for submission to the Financial Shared Services (FSS) Section of the Department of Justice and Equality for processing, as set out in Section 25.

For the purposes of calculating the fees payable to the legal practitioner, a payment authorised in respect of a prison visit is deemed to incorporate a consultation fee for the same date (i.e. a single payment only will be considered rather than a fee in respect of both the prison visit and also a consultation fee where both are claimed for the same date).

## **25. The submission of claims for High Court Bail Motions**

A single **Form CI 2 High Court Bail Application Claim Form** should be completed and the declaration signed on the day of the Hearing by the solicitor and / or counsel who were present in Court to represent the applicant and should be submitted to the relevant Court Registrar for certification. Subject to certification, it will be forwarded by that Registrar directly to the Financial Shared Services (FSS) Section of the Department of Justice and Equality in Killarney for processing.

Should it not prove possible to present a fully completed Claim Form on the day of the Hearing, the legal practitioner should present the Claim Form CI 2 to the Court Registrar at the earliest possible date thereafter.

It should be noted that it will not be possible for the Court Registrar or the Financial Shared Services Section of the Department of Justice and Equality in Killarney to process incomplete or illegible claim forms. Such claims will be returned to the solicitor / counsel for proper completion and re-submission which may result in a delay in payment.

## **26. Querying the status of a claim or seeking further information**

All parties who participated in the representation of the client for a High Court Bail Motion should direct any queries in relation to the processing of their claim to the Financial Shared Services Section of the Department of Justice and Equality at the contact details set out below. All queries pertaining to the administration of the Scheme in respect of High Court Bail Motions should be forwarded to the Legal Aid Board at the contact details set out below.

**Financial Shared Services Section,  
Department of Justice and Equality,  
Deerpark Road,  
Killarney,  
Co. Kerry.  
Ph: 064 6670300**

**Legal Aid Board,  
Legal Aid - Custody Issues Scheme,  
Criminal Legal Aid Section,  
48/49 North Brunswick Street,  
George's Lane,  
Smithfield,  
Dublin 7**

**DX 1085 FOUR COURTS**

**Ph: 01 6469644**

**[cischeme@legalaidboard.ie](mailto:cischeme@legalaidboard.ie)**

**[www.legalaidboard.ie](http://www.legalaidboard.ie)**

This document was created with Win2PDF available at <http://www.win2pdf.com>.  
The unregistered version of Win2PDF is for evaluation or non-commercial use only.  
This page will not be added after purchasing Win2PDF.