

FROM THE OFFICE OF THE JUSTICE MINISTER



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25 June 2025

Dear Kathy,

### **Taxation Reform Update**

Thank you for your letter of 11 June, seeking additional information in relation to an update provided to the committee on taxation reform. The requested information is set out below.

I would confirm that it is intended that the proposals in relation to remuneration of High Court bail applications will issue in autumn to allow for further engagement with the professions.

Currently, remuneration for High Court bail applications is either via a standard fee, set out in the Civil Legal Services (Remuneration) Order (NI) 2015, or a representative can seek an order for taxation of costs, where if granted, the costs will be assessed by the taxing master, certified and then will fall to the Legal Services Agency to pay. On average, the standard fee is utilised 84% of the time. The Department is seeking to remove the option for taxation of costs for High Court bail applications, and the proposals will reflect that. Following consultation, a revised remuneration framework will be implemented via secondary legislation, made under the provisions set out in Article 12(3) and 47 of the

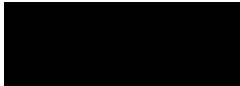
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Access to Justice Order (NI) 2003 (the 2003 Order), and will facilitate the assessment and payment of remuneration for all High Court bail applications by the Department.

The provision in the Justice Bill simply seeks to ensure that where the Department puts in place a remuneration framework for legally aided cases in the High Court or Court of Appeal – in this instance for High Court bail applications – that framework cannot be circumvented by seeking an order for taxation of costs under the Judicature (Northern Ireland) Act 1978. As the 1978 Act is primary legislation, amending it requires primary legislation, and the current Justice Bill provided an opportunity to make that amendment. As the committee will be aware, the Department specifically consulted on the provision in the Justice Bill in March 2022.

I trust that you find this update helpful.



**DAVID GRAHAM  
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11 June 2025

**Enabling Access to Justice – Taxation Reform Update**

Dear David

At its meeting on the 29 May 2025, the Committee for Justice considered your paper of 22 May 2025 providing an update on taxation reform. The Committee noted that the paper states that a consultation in relation to remuneration of High Court bail applications would not now be issued before the summer recess.

You will be aware that the Committee has previously expressed concern about consultations being launched or held during the summer period. The Committee agreed to ask for clarification on when it is expected that this consultation will now take place. The Committee also asked for information on how the consultation proposals relate to matters which have already been included within the Justice Bill on taxation.

I would be grateful if the Committee could receive a response by 25 June 2025.

Yours sincerely

*Kathy O'Hanlon*

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