
STATUTORY INSTRUMENTS

2015 No. 1369

The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015

PART 1

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015.

(2) These Regulations come into force for the purposes of—

- (a) Part 2 on 1st July 2015, and
- (b) Part 3 on 11th January 2016.

(3) In these Regulations, “the Criminal Remuneration Regulations” means the Criminal Legal Aid (Remuneration) Regulations 2013⁽¹⁾.

Transitional provisions

2.—(1) The amendments made by Part 2 of these Regulations apply to matters in which a relevant determination is made on or after 1st July 2015.

(2) The amendments made by Part 3 of these Regulations apply to matters in which a relevant determination is made on or after 11th January 2016.

(3) In this regulation a “relevant determination” means a determination made under section 13 (advice and assistance for individuals in custody), section 15 (advice and assistance for criminal proceedings) or section 16 (representation for criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

PART 2

AMENDMENTS COMING INTO FORCE ON 1ST JULY 2015

Amendments to the Criminal Remuneration Regulations

3.—(1) The Criminal Remuneration Regulations are amended as follows.

(2) Schedule 2 (litigators’ graduated fee scheme) is amended as set out in Schedule 1 to these Regulations.

(3) Schedule 3 (proceedings in the Court of Appeal) is amended as set out in Schedule 2 to these Regulations.

(1) [S.I. 2013/435](#).

(4) Schedule 4 (rates payable for the claims specified in regulation 8) is amended as set out in Schedule 3 to these Regulations.

PART 3

AMENDMENTS COMING INTO FORCE ON 11TH JANUARY 2016

Amendments to the Criminal Legal Aid (General) Regulations 2013

- 4.—(1) The Criminal Legal Aid (General) Regulations 2013(2) are amended as follows.
- (2) In regulation 2(3) (interpretation)—
- (a) in the appropriate place, insert—
- ““relevant contract” means whichever of the 2015 Duty Provider Crime Contract or the 2015 Own Client Crime Contract governs the provision of advice and assistance made available under sections 13 or 15 of the Act, for which remuneration is claimed;”;
- (b) in the definition of “Unit of Work”, for “1.5 of Part A of the Specification to the 2010 Standard Crime Contract” substitute “1.1 of the Standard Terms to the relevant contract”, and
- (c) for the definition of “2010 Standard Crime Contract” substitute—
- ““2015 Duty Provider Crime Contract” and “2015 Own Client Crime Contract” mean the contracts so named between the Lord Chancellor and a provider of advice and assistance or representation made available under sections 13, 15 or 16 of the Act.”.
- (3) In each of the following, for “2010 Standard Crime Contract” substitute “relevant contract”—
- (a) regulation 8(b) (applications);
- (b) regulation 11(3) (general);
- (c) regulation 14 (applications), in both places it occurs;
- (d) regulation 15(1)(b) (determinations);
- (e) regulation 16(e)(ii) (withdrawal), and
- (f) regulation 17(b) (appeal).

Amendments to the Civil Legal Aid (Remuneration) Regulations 2013

- 5.—(1) The Civil Legal Aid (Remuneration) Regulations 2013(4) are amended as follows.
- (2) In regulation 2(1)(5) (interpretation)—
- (a) for the definition of “the relevant contract” substitute—
- ““the relevant contract” means whichever of the 2010 Standard Civil Contract, the 2013 Standard Civil Contract, the 2013 Individual Case Contract (Civil), the 2014 Standard Civil Contract, the 2014 Standard Civil Contract (Welfare Benefits), the 2015 Duty Provider Crime Contract, the 2015 Own Client Crime Contract or the

(2) [S.I. 2013/9](#).

(3) [Amended by S.I. 2013/2790](#).

(4) [S.I. 2013/422](#).

(5) [Amended by S.I. 2014/7](#), [2014/586](#), [2014/1389](#), [2014/1824](#) and [2015/325](#).

2015 Standard Civil Contract governs the provision of civil legal services for which remuneration is claimed; and”, and

(b) for the entry beginning “the 2010 Standard Civil Contract” substitute—

““the 2010 Standard Civil Contract”, “the 2013 Standard Civil Contract”, “the 2013 Individual Case Contract (Civil)”, “the 2013 Individual Case Contract (High Cost Civil)”, “the 2014 Standard Civil Contract”, “the 2014 Standard Civil Contract (Welfare Benefits)”, “the 2015 Duty Provider Crime Contract”, “the 2015 Own Client Crime Contract” and “the 2015 Standard Civil Contract” mean the contracts so named between the Lord Chancellor and a provider of civil legal services under Part 1 of the Act (legal aid).”.

(3) In regulation 5A(3)(6) (interpretation)—

(a) omit sub-paragraph (a), and

(b) for sub-paragraph (j) substitute—

“(j) “relevant contract” includes the 2013 Individual Case Contract (High Cost Civil) and the 2013 CLA Contract;”.

Amendments to the Criminal Remuneration Regulations

6.—(1) The Criminal Remuneration Regulations are amended as follows.

(2) In the Table of Contents, in the entry for Schedule 2—

(a) in the heading of Schedule 2 omit “Graduated”, and

(b) at the appropriate place, insert “Part 1A Fixed Fees for Guilty Pleas, Cracked Trials and Trials”.

(3) In regulation 8 (claims for fees for certain categories of work to which the Standard Crime Contract applies)—

(a) in the heading, omit “to which the Standard Crime Contract applies”;

(b) in paragraph (2)(a), for “2010 Standard Crime Contract” substitute “relevant contract”, and

(c) for paragraph (3), substitute—

“(3) In this regulation and in Schedule 4—

“relevant contract” means whichever of the 2015 Duty Provider Crime Contract or the 2015 Own Client Crime Contract governs the provision of advice and assistance or representation made available under sections 13, 15 or 16 of the Act, for which remuneration is claimed, and

“2015 Duty Provider Crime Contract” and “2015 Own Client Crime Contract” mean the contracts so named between the Lord Chancellor and a provider of advice and assistance or representation made available under sections 13, 15 or 16 of the Act.”.

(4) In regulation 17A(7) (interim payment of litigators’ fees)—

(a) paragraphs (11) to (13) are amended as set out in Schedule 4 to these Regulations;

(b) in paragraph (14)—

(i) for “paragraph (13)(a)(i)” substitute “paragraph (13)(b)(i)”; and

(ii) for “paragraph 5(2)”, in both instances, substitute “paragraph 5”, and

(6) Inserted by [S.I. 2015/898](#). [S.I. 2014/607](#) first inserted regulation 5A but was quashed by the High Court by order dated 19th March 2015 in *R (on the application of Ben Hoare Bell Solicitors and Others) v Lord Chancellor* [2015] EWHC 523 (Admin).

(7) Inserted by [S.I. 2014/2422](#).

- (iii) at the end of sub-paragraphs (a) and (b) insert “as appropriate to the offence with which the assisted person is charged and the number of pages of prosecution evidence served on the court”;
- (c) in paragraph (19), for ““PPE Cut-off” has” substitute ““cracked trial”, “guilty plea” and “PPE Cut-off” have”, and
- (d) after paragraph (19), insert—
 - “(20) For the purpose of this regulation, the number of pages of prosecution evidence served on the court must be determined in accordance with paragraph 1(3) to (5) of Schedule 2.”.
- (5) At the end of regulation 21(4)(d)(8) (hardship payments) insert “, where appropriate”.
- (6) In regulation 28(1)(c)(i)(9) (redetermination of fees by appropriate officer), for “calculation” substitute “determination”.
- (7) In Schedule 2—
 - (a) in the heading of the Schedule omit “Graduated”;
 - (b) in paragraph 1(1), in the definition of “PPE Cut-off”—
 - (i) omit “minimum”;
 - (ii) for “calculating” substitute “determining”;
 - (iii) for “tables” substitute “table”, and
 - (iv) omit “(1) and (2)”;
 - (c) after paragraph 3 (class of offences) insert Part 1A as set out in Schedule 5 to these Regulations;
 - (d) in paragraph 4(2)(10) (scope), after “in all cases” insert “in which the number of pages of prosecution evidence served on the court exceeds 500”;
 - (e) for paragraph 5 (pages of prosecution evidence) substitute paragraph 5 as set out in Schedule 6 to these Regulations;
 - (f) omit paragraph 6(11) (cracked trial or guilty plea where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off);
 - (g) in the each of the following paragraphs, for “paragraph 5(2)” substitute “paragraph 5”—
 - (i) 7(1)(12) (trial where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off);
 - (ii) 9(1)(13) (trials where the number of pages of prosecution evidence exceeds the PPE Cut-off);
 - (iii) 12(3)(b) and (d) (defendant uplifts), and
 - (iv) 13(7)(b) and (d) (retrials and transfers);
 - (h) in the heading of paragraph 8(14) (cracked trials and guilty pleas where the number of pages of prosecution evidence exceeds the PPE Cut-off) omit the words following “guilty pleas”;
 - (i) in paragraph 8(1)—

(8) Amended by S.I. 2014/2422 and 2015/882.

(9) Amended by S.I. 2015/882.

(10) Substituted by S.I. 2014/2422.

(11) Amended by S.I. 2014/415.

(12) Amended by S.I. 2014/415.

(13) Amended by S.I. 2014/415.

(14) Amended by S.I. 2014/415.

- (i) for “Where in” substitute “In”, and
- (ii) omit the words from “the number” to “charged”;
- (j) for the tables following paragraph 8(2), including the headings to the tables, substitute the text as set out in Schedule 7 to these Regulations;
- (k) for the table following paragraph 9(2), including the heading to the table, substitute the text as set out in Schedule 8 to these Regulations;
- (l) at the end of the heading of Part 3 (fixed fee for guilty pleas and cracked trials) insert “in Elected Cases”;
- (m) in paragraph 12—
 - (i) in sub-paragraph (1), after “litigator” insert “under Part 2”;
 - (ii) omit sub-paragraph (3)(a);
 - (iii) in sub-paragraph (3)(c), omit the words from “where” to “paragraph 5(1)”, and
 - (iv) in sub-paragraph (4), for “(a)” substitute “(b)”;
- (n) in paragraph 13(7)—
 - (i) for paragraph (a) substitute—
 - “(a) in a case to which Part 1A applies, the fixed fee determined in accordance with paragraph 3AA;”;
 - (ii) in paragraph (c), omit the words from “where” to “paragraph 5(1),”;
 - (iii) in paragraphs (b) and (d), after “in a trial” insert “in a case to which Part 2 applies,” and
 - (iv) in the heading of the fourth column in the table following sub-paragraph (12), after “Claim period” insert “(where Part 2 applies)”;
- (o) in paragraph 14(2) (general provisions), before “Part 2”, in both instances, insert “Part 1A or”;
- (p) in paragraph 20(1) (fees for special preparation), after “Crown Court” insert “to which Part 2 applies”;
- (q) in paragraph 21 (discontinuance or dismissal of sent or transferred proceedings), for sub-paragraphs (2) to (6) substitute sub-paragraphs (2) to (5) as set out in Schedule 9 to these Regulations;
- (r) in paragraph 22 (defendant uplifts)—
 - (i) for sub-paragraph (1) substitute—
 - “(1) A defendant uplift is payable where a litigator represents more than one assisted person in the circumstances referred to in—
 - (a) paragraph 21(2), or
 - (b) paragraph 21(3), where the number of pages of prosecution evidence served on the court exceeds 500.”;
 - (ii) in sub-paragraph (3)—
 - (aa) at the end of paragraph (a), insert “or”;
 - (bb) for paragraph (b) substitute—
 - “(b) in the circumstances referred to in paragraph 21(3), the initial fee specified in paragraph 8, as appropriate to the circumstances set out in paragraph 21(4)(b).”;
 - (cc) omit paragraph (c), and

- (iii) omit sub-paragraph (4);
 - (s) for paragraph 23(2) (warrant for arrest), substitute paragraph 23(2) as set out in Schedule 10 to these Regulations, and
 - (t) for paragraph 25 (assisted person unfit to plead or stand trial), substitute paragraph 25 as set out in Schedule 11 to these Regulations.
- (8) In Schedule 4—
- (a) except in paragraphs 2(1)(**15**) (work conducted at the Police Station: Police Station advice and assistance) and 6(2)(b)(**16**) (own client work), for “National”, wherever it appears, substitute “Outside London”;
 - (b) in paragraph 1(**17**) (interpretation of this Schedule), for “2010 Standard Crime Contract” substitute “relevant contract”;
 - (c) in paragraph 2—
 - (i) in sub-paragraph (1)(b), omit “(“National”)”;
 - (ii) for sub-paragraph (3), substitute—
 - “(3) The hourly rates for Police Station attendance for the purposes of—
 - (a) recording time and determining whether the Escape Fee Case Threshold has been reached, and
 - (b) payment of remuneration in cases in which the Escape Fee Case Threshold has been reached,
 are specified in the table following this sub-paragraph as appropriate to the place of attendance.”;
 - (iii) in the table following sub-paragraph (3), for “Solicitor”, wherever it appears, substitute “Provider”, and
 - (iv) for sub-paragraph (4) to the end of paragraph 2 substitute sub-paragraphs (4) to (7) as set out in Schedule 12 to these Regulations;
 - (d) in paragraph 3(**18**) (work conducted outside the Police Station)—
 - (i) for “Solicitor”, wherever it appears, substitute “Provider”, and
 - (ii) in sub-paragraph (1) and the heading of the table following sub-paragraph (1), omit “free standing”;
 - (e) in paragraph 4(**19**) (Advice and Assistance and Advocacy Assistance by a court Duty Solicitor and Advocacy Assistance at the Virtual Court), including the heading, for “Solicitor”, wherever it appears, substitute “Lawyer”;
 - (f) in paragraph 5(**20**) (representation in the magistrates’ court)—
 - (i) before sub-paragraph (1), insert—
 - “(A1) This paragraph does not apply where paragraph 5A applies.”;
 - (ii) in sub-paragraph (1), omit “(except where paragraph 5A applies)”;
 - (iii) in sub-paragraph (1)(a), omit “Lower or Higher”;
 - (iv) for sub-paragraph (1)(b) substitute—

(15) Amended by S.I. 2014/415.

(16) Amended by S.I. 2014/415.

(17) Amended by S.I. 2015/325.

(18) Amended by S.I. 2014/415.

(19) Amended by S.I. 2014/415.

(20) Amended by S.I. 2014/415 and 2015/325.

- “(b) the payment of remuneration in cases in which the Standard Fee Limit has been reached,”;
- (v) in the table following sub-paragraph (1), omit the entry beginning “Travelling and waiting hourly rate”, and
- (vi) for sub-paragraph (2) and the table following it substitute sub-paragraphs (2) to (2B) as set out in Schedule 13 to these Regulations, and
- (g) in paragraph 6—
 - (i) for the heading substitute “Work undertaken prior to a determination that an individual is not eligible for criminal legal aid”;
 - (ii) in sub-paragraph (2)(b), omit “(“National”)”;
 - (iii) omit the heading before the table following sub-paragraph (4), and
 - (iv) in the table—
 - (aa) omit “(only applicable where the Undesignated Area fees apply)”, and
 - (bb) for “N/A” substitute “21.70”.

Amendments to the Criminal Legal Aid (Financial Resources) Regulations 2013

7. In regulation 5(2) (interpretation) of the Criminal Legal Aid (Financial Resources) Regulations 2013⁽²¹⁾—

- (a) for the definition of “2010 Standard Crime Contract” substitute—

““2015 Duty Provider Crime Contract” and “2015 Own Client Crime Contract” mean the contracts so named between the Lord Chancellor and a provider of advice and assistance or representation made available under sections 13, 15 or 16 of the Act;”;
- (b) omit the definition of “duty solicitor”;
- (c) in the definition of “relevant advice and assistance”, in sub-paragraph (b), for the words from “by a duty solicitor” to the end of sub-paragraph (b) substitute “in accordance with the relevant contract”, and
- (d) at the appropriate place, insert—

““relevant contract” means whichever of the 2015 Duty Provider Crime Contract or the 2015 Own Client Crime Contract governs the provision of advice and assistance made available under section 13 of the Act, for which remuneration is claimed;”.

9th June 2015

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

(21) S.I. 2013/471, to which there are amendments not relevant to these Regulations.