
STATUTORY INSTRUMENTS

2015 No. 1678

**The Civil and Criminal Legal Aid
(Amendment) (No.2) Regulations 2015**

Amendments to the Criminal Remuneration Regulations

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

(2) In each of the following omit “committed or”—

- (a) the entry for regulation 10 in the Table of Contents;
- (b) regulation 5(2) (claims for fees and disbursements by litigators – Crown Court);
- (c) the heading of regulation 10;
- (d) regulation 10(1) (cases sent for trial at the Crown Court);
- (e) regulation 14(1) (interim payment of disbursements);
- (f) sub-paragraphs (4)(a) and (7)(a) of paragraph 2 (application) and paragraphs 6(1) (scope of Part 3)(1) and 9(1) (scope of Part 4)(2) of Schedule 1 (advocates’ graduated fee scheme), and
- (g) paragraphs 4(1) (scope)(3) and 10(1) (scope of Part 3)(4) of Schedule 2 (litigators’ graduated fee scheme).

(3) In regulations 10(1) and 14(1) omit “or transferred”.

(4) In regulation 17A(2) (interim payment of litigators’ fees)(5), for sub-paragraph (a) substitute—

“(a) after the first hearing at which the assisted person enters a plea of not guilty;”.

(5) In regulation 20(2)(b) (staged payments in long Crown Court proceedings) omit “committal, or” and “or transfer”.

(6) In paragraph 1(1) of Schedules 1 and 2 (interpretation)(6), in the definition of “cracked trial”—

- (a) in paragraph (a), for “a plea and case management hearing takes place” substitute “the assisted person enters a plea of not guilty to one or more counts at the first hearing at which he or she enters a plea”;
- (b) in sub-paragraph (a)(ii)(aa), for “plea and case management hearing” substitute “first hearing at which he or she entered a plea”;
- (c) in sub-paragraph (a)(ii)(bb), for “plea and case management hearing” substitute “first hearing at which the assisted person entered a plea”, and

(1) Substituted by [S.I. 2014/2422](#).

(2) Substituted by [S.I. 2014/2422](#).

(3) Substituted by [S.I. 2014/2422](#) and amended by Part 3 of [S.I. 2015/1369](#), coming into force 11th January 2016.

(4) Substituted by [S.I. 2014/2422](#).

(5) Inserted by [S.I. 2014/2422](#) and amended by Part 3 of [S.I. 2015/1369](#), coming into force 11th January 2016.

(6) Paragraph 1(1) of Schedule 1 was amended by [S.I. 2015/882](#). Paragraph 1(1) of Schedule 2 was amended by Part 3 of [S.I. 2015/1369](#), coming into force 11th January 2016.

- (d) in paragraph (b), for “plea and case management hearing taking place” substitute “hearing at which the assisted person enters a plea”.
- (7) In Schedules 1 and 2, in paragraph 1—
- (a) in sub-paragraph (3) omit “committal or”, and
- (b) in sub-paragraph (6) for “committal” substitute “sending”.
- (8) In each of the following, for “the plea and case management hearing”, wherever it appears, substitute “the first hearing at which the assisted person enters a plea”—
- (a) paragraphs 2(11) and 25 (identity of instructed advocate) of Schedule 1, and
- (b) paragraphs 2(5) (application) and 23(2) (warrant for arrest)(7) of Schedule 2.
- (9) In paragraph 22 of Schedule 1 and paragraph 21 of Schedule 2—
- (a) in the heading, omit “sent or transferred”, and
- (b) for sub-paragraph (1) substitute—
- “(1) This paragraph applies to proceedings which are sent for trial to the Crown Court.”.
- (10) In each of the following omit “, section 6 of the Criminal Justice Act 1987(8) or paragraph 5 of Schedule 6 to the Criminal Justice Act 1991(9),”—
- (a) paragraph 22(7) of Schedule 1, and
- (b) paragraph 21(4) of Schedule 2.
- (11) In Schedule 1—
- (a) in paragraph 1(1)—
- (i) after the definition of “cracked trial” insert—
- ““excluded hearing” means—
- (a) the first hearing at which the assisted person enters a plea;
- (b) any hearing which forms part of the main hearing, or
- (c) any hearing for which a fee is payable under a provision of this Schedule other than paragraph 12(2);”, and
- (ii) in the definition of “standard appearance”—
- (aa) for “which do not form part of the main hearing” substitute “unless it is an excluded hearing”;
- (bb) in paragraph (a) omit “, except the first plea and case management hearing”;
- (cc) after paragraph (b) insert—
- “(ba) a pre-trial preparation hearing;
- (bb) a case management hearing;”, and
- (dd) in paragraph (d), for “a plea and case management hearing, a pre-trial review” substitute “the first hearing at which the assisted person enters a plea”;
- (b) in paragraph 2—
- (i) omit sub-paragraph (9), and
- (ii) for sub-paragraph (10) substitute—

(7) Amended by Part 3 of [S.I. 2015/1369](#), coming into force 11th January 2016.

(8) [1987 c. 38](#). Repealed by Part 4 of Schedule 37 to the Criminal Justice Act 2003 ([c. 44](#)), subject to savings specified in article 5 of [S.I. 2012/1320](#) and articles 3 and 4 of [S.I. 2012/2574](#) and [2013/1103](#).

(9) [1991 c. 53](#). Repealed by Part 4 of Schedule 37 to the Criminal Justice Act 2003, subject to savings specified in article 5 of [S.I. 2012/1320](#) and articles 3 and 4 of [S.I. 2012/2574](#) and [2013/1103](#).

- “(10) Where, at any time after proceedings are sent for trial to the Crown Court they are—
- (a) discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985 (discontinuance of proceedings after accused has been sent for trial)(**10**), or
 - (b) dismissed pursuant to paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal)(**11**),
- the provisions of paragraph 22 apply.”;
- (c) in paragraph 12 (fees for standard appearances)—
- (i) in the heading omit “plea and case management hearings and”;
 - (ii) in sub-paragraph (1)(a)—
 - (aa) for “plea and case management hearing” substitute “hearing at which the assisted person enters a plea”, and
 - (bb) omit “or pre-trial review”;
 - (iii) in sub-paragraph (2) omit “plea and case management hearing or”, and
 - (iv) omit sub-paragraph (3);
- (d) in paragraph 19(3) (fees for conferences and views), for “the plea and case management hearing”, wherever it appears, substitute “the first hearing at which the assisted person entered a plea”;
- (e) in paragraph 22 (discontinuance or dismissal of sent proceedings)—
- (i) omit sub-paragraph (4);
 - (ii) in sub-paragraph (5), for “a hearing to which this sub-paragraph applies” substitute “or before the first hearing at which the assisted person enters a plea”, and
 - (iii) in sub-paragraph (6) omit “, section 6 of the Criminal Justice Act 1987 or paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (applications for dismissal),”;
- (f) in the table following paragraph 24 (fixed fees) omit the second entry (paper plea and case management), and
- (g) in paragraph 25(11)(a)(ii) omit “plea and case management”.
- (12) In Schedule 2—
- (a) in paragraph 2—
 - (i) omit sub-paragraph (2), and
 - (ii) for sub-paragraph (3) substitute—

“(3) Where, at any time after proceedings are sent for trial to the Crown Court they are—

 - (a) discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985 (discontinuance of proceedings after accused has been sent for trial), or
 - (b) dismissed pursuant to paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal),

the provisions of paragraphs 21 and 22 apply.”;

(10) 1985 c. 23. Section 23A was inserted by paragraph 64 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37) and amended by paragraph 57(7)(b) of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003.

(11) 1998 c. 37. Amended by paragraph 20(3)(a)(i) and (ii) of Schedule 3, paragraph 73 of Part 4 of Schedule 36 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 and S.I. 2004/2035.

- (b) in the table following paragraph 13 (retrials and transfers)(**12**) for “Up to and including plea and case management hearing transfer”, wherever it appears, substitute “Transfer at or before the first hearing at which the assisted person enters a plea”, and
 - (c) in paragraph 21 (discontinuance or dismissal of sent proceedings)(**13**)—
 - (i) in sub-paragraph (4), for “1988” substitute “1998”;
 - (ii) omit sub-paragraph (5), and
 - (iii) in sub-paragraph (6), for “a hearing to which this paragraph applies” substitute “or before the first hearing at which the assisted person enters a plea”.
- (13) In paragraph 5 (representation in the magistrates’ court) of Schedule 4 (rates payable for the claims specified in Regulation 8)(**14**)—
- (a) in the table following sub-paragraph (2) omit each of the entries for “Category 3”;
 - (b) in sub-paragraph (3)—
 - (i) in paragraphs (a)(iii) and (iv) and (b)(iii) and (iv), omit “(other than committal proceedings)”;
 - (ii) at the end of paragraph (c)(vi), omit “and”, and
 - (iii) omit paragraph (d), and
 - (c) omit sub-paragraph (5).

(12) Amended by Part 3 of [S.I. 2015/1369](#), coming into force 11th January 2016.

(13) Amended by Part 3 of [S.I. 2015/1369](#), coming into force 11th January 2016.

(14) Amended by [S.I. 2014/415](#), [2015/325](#) and [2015/1369](#), Part 3 of which comes into force 11th January 2016.