

SCHEDULE Rule 10

“SCHEDULE 2 Rule 17

Application

1. This Schedule applies to cases in which the Commission grants a Very High Cost Case Certificate under rule 16A, or the taxing master grants such a Certificate under rule 16C, on or after 28th September 2009.

Interpretation

2. A reference in this Schedule to a Class of Offence refers to the Class in which that offence is listed in the Table of Offences in Schedule 3.

3. In this Schedule, unless the context otherwise requires—

“Category 1” means a case involving a Class A offence which has been uplifted from Category 2 in accordance with paragraph 6 of this Schedule, or a case involving a Class G offence which has been uplifted from Category 2 in accordance with paragraph 7 of this Schedule;

“Category 2” means all cases involving a Class A (homicide and related grave offences), Class D (serious sexual offences, offences against children) or Class G (other offences of dishonesty) offence;

“Category 3” means all cases involving a Class B (offences involving serious violence or damage, and serious drugs offences) offence;

“Category 4” means all cases involving a Class C (lesser offences involving violence or damage, and less serious drugs offences), Class E (burglary etc.), Class F (other offences of dishonesty), Class H (miscellaneous lesser offences) or Class I (offences against public justice and similar offences) offence;

“senior solicitor” means a solicitor who has not less than eight years post qualification experience in criminal defence work.

Categories of Case

4.—(1) Where the Commission grants a Very High Cost Case Certificate under rule 16A, or the taxing master grants such a Certificate under rule 16C, the Commission (or the taxing master, as applicable) must then assign each such case to Category 1, Category 2, Category 3 or Category 4.

(2) The Commission, or the taxing master as applicable, may review and amend its decision under sub-paragraph (1) at any stage during the case.

5.—(1) A representative may appeal to the taxing master against a decision made by the Commission under paragraph 4 and, subject to rule 19, such an appeal shall be instituted within 21 days of receiving notification of the decision by giving notice in writing to the taxing master.

(2) The provisions of rule 14(3) to (13) shall apply with the necessary modifications to an appeal brought under sub-paragraph (1).

(3) The decision of the taxing master on an appeal under sub-paragraph (2) shall be final.

6. For a case involving a Class A offence, where both of the following criteria are met, the case will be uplifted to Category 1—

(a) The volume of prosecution documentation served on the court, which consists of:

(i) witness statements;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) exhibits;
- (iii) interview transcripts;
- (iv) pre-interview disclosure or advance information; and
- (v) Notices of Further Evidence,

exceeds 5,000 pages (un-used material will not be considered for the purposes of this criterion, nor will evidence which has yet to be served); and

- (b) The main offence with which the defendant is charged, whether at common law or under any statutory enactment, is primarily founded on allegations of terrorism as defined in the Terrorism Act 2000.

7. For a case involving a Class G offence, where all of the following criteria are met, the case will be uplifted to Category 1—

- (a) The value of the fraud as described in the statement of complaint or prosecution documentation exceeds £2m;
- (b) The volume of prosecution documentation served on the court, which consists of:
 - (i) witness statements;
 - (ii) exhibits;
 - (iii) interview transcripts;
 - (iv) pre-interview disclosure or advance information; and
 - (v) Notices of Further Evidence,

exceeds 10,000 pages (un-used material will not be considered for the purposes of this criterion, nor will evidence which has yet to be served);

- (c) The assisted person's case requires legal, accountancy and investigative skills to be brought together; and
- (d) The length of the trial is estimated at over 3 months.

8. For Category 3 and Category 4 cases, if the case is primarily founded on allegations of terrorism as defined in the Terrorism Act 2000, the case will be uplifted to Category 2 or Category 3 respectively.

Levels of fee earner

9.—(1) When determining solicitors' fees under rule 17, the taxing master must assign each solicitor or other fee earner providing funded services in a Very High Cost Case to one of the three levels referred to in the Tables following paragraphs 10 and 11.

(2) In order to be assigned as a senior solicitor under sub-paragraph (1), a solicitor must provide evidence that he meets the requirements of the definition given in paragraph 3.

(3) Any question as to whether a fee earner fulfils the criteria for a particular level must be determined by the taxing master, who must consider the circumstances of the individual case.

Rates for payment

10. The rates for preparation payable under this Schedule are the rates specified in the Table following this paragraph.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Table 1 - Rates for preparation

	<i>Category 1</i>	<i>Category 2</i>	<i>Category 3</i>	<i>Category 4</i>
	£	£	£	£
<i>Solicitor or other fee earner</i>				
Senior Solicitor (rate per hour)	152.50	119	95.50	95.50
Solicitor (rate per hour)	133	104.50	83.50	83.50
An apprentice or fee-earner of equivalent experience (rate per hour)	88.50	69	54	54
Routine letters written and routine telephone calls (rate per item)	3.45	3.45	3.45	3.45
<i>Counsel</i> (rate per hour)				
Queen's Counsel	152.50	119	95.50	95.50
Leading Junior	133	104.50	83.50	83.50
Led Junior	95.50	76	65	65
Sole Junior	104.50	85.50	74	74
<i>Solicitor Advocate</i> (rate per hour)				
Certified	104.50	85.50	74	74
Uncertified	52.25	42.75	37	37

11. The rates for non-preparatory work payable under this Schedule are the rates specified in the Table following this paragraph.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Table 2 - Rates for non-preparatory work

	<i>Rate per hour</i>
	£
<i>Attendance at Court</i>	
Senior Solicitor	42.25
Solicitor	34.00
An apprentice or fee-earner of equivalent experience	20.50
<i>Travel and waiting</i>	
Senior Solicitor	
Solicitor	25.00
An apprentice or fee-earner of equivalent experience	

12.—(1) The rates for advocacy payable under this Schedule are the rates specified in the Table following this paragraph.

(2) The full daily rate will be allowed if the advocate was in court for more than 3.5 hours; and half that rate will be allowed if he was in court for 3.5 hours or less.

Table 3 - Rates for advocacy

	<i>Full Day</i>	<i>Half Day</i>
	£	£
<i>Counsel</i>		
Queen's Counsel	500	250
Leading Junior	410.50	205.25
Led Junior	265.50	132.75
Sole Junior	300	150
<i>Solicitor Advocate</i>		
Certified	300	150
Uncertified	150	75

13.—(1) The rates payable under this Schedule to advocates for attendance at preliminary hearings are the rates specified in the Table following this paragraph.

(2) These rates will only apply where the hearing lasted 2 hours or less; otherwise the daily or half-daily rate payable under Table 3 and paragraph 12(2) will apply.

Table 4 - Preliminary hearings

<i>Amount payable for hearing</i>	
<i>£</i>	
<i>Counsel</i>	
Queen's Counsel	119
Leading Junior	90.50
Led Junior	61
Sole Junior	70
<i>Solicitor Advocate</i>	
Certified	70
Uncertified	35"