

SCHEDULE 1

Regulation 6

SOLICITORS' FEES

PART I

FEES DETERMINED UNDER REGULATION 6

1.—(1) Subject to paragraphs 2 and 3, the appropriate authority shall allow fees for work allowed by it under regulation 6 at the following basic rates:

(a)

Magistrates' court proceedings

<i>Class of work</i>	<i>Rate</i>
Preparation	£34.50 per hour—(£36.50 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
Advocacy	£43.00 per hour—(£43.50 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
Attendance at court where counsel assigned	£23.00 per hour
Travelling and waiting	£19.50 per hour
Routine letters written and routine telephone calls	£2.65 per item—(£2.75 per item for a fee-earner whose office is situated with legal aid area 1, 13 or 14)

(b)

Crown Court and Court of Appeal proceedings

<i>Class of work</i>	<i>Grade of fee-earner</i>	<i>Rate</i>
Preparation	Senior solicitor	£40.00 per hour—(£42.50 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
	Solicitor, legal executive or fee-earner of equivalent experience	£34.50 per hour—(£36.50 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
	Articled clerk or fee-earner of equivalent experience	£22.50 per hour—(£26.50 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
Advocacy	Senior solicitor	£50.00 per hour

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<i>Class of work</i>	<i>Grade of fee-earner</i>	<i>Rate</i>
	Solicitor	£43.00 per hour—£43.50 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
Attendance at court where counsel assigned	Senior solicitor	£33.00 per hour
	Solicitor, legal executive or fee-earner of equivalent experience	£26.00 per hour
	Articled clerk or fee-earner of equivalent experience	£16.00 per hour
Travelling and waiting	Senior solicitor	£19.50 per hour
	Solicitor, legal executive or fee-earner of equivalent experience	£19.50 per hour
Articled clerk or fee-earner of equivalent experience	£9.75 per hour	
Routine letters written and routine telephone calls		£2.65 per item—(£2.75 per item for a fee-earner whose office is situated within legal aid area 1, 13 or 14)

(2) In paragraph (1), “legal aid area 1, 13 or 14” means the area so numbered in the Schedule to the Legal Aid Scheme 1985 (which is made under section 15 of the Act and which provides for England and Wales to be divided into areas for the purposes of the Scheme).

2. In respect of any item of work, the appropriate authority may allow fees at less than the relevant basic rate specified in paragraph 1 where it appears to the appropriate authority reasonable to do so having regard to the competence and dispatch with which the work was done.

3. In respect of any item of work, the appropriate authority may allow fees at more than the relevant basic rate specified in paragraph 1 where it appears to the appropriate authority that, taking into account all the relevant circumstances of the case, the amount of fees payable at such specified rate would not reasonably reflect—

- (a) the exceptional competence and dispatch with which the work was done, or (b) the exceptional circumstances of the case.

PART II STANDARD FEES

Application

1.—(1) Subject to sub-paragraphs (3) and (4), this Part of this Schedule applies to the fees for work done by a fee-earner regardless of his grade in relation to the proceedings in the Crown Court specified in sub-paragraph (2).

(2) The following proceedings are specified for the purposes of sub-paragraph (1)—

- (a) committals for trial in which the indictment consisted of counts in respect of an offence which is classified as a class 3 or 4 offence in accordance with directions given by the Lord Chief Justice under section 75 of the Supreme Court Act 1981 and
 - (i) where the trial (including any case prepared for trial in which no jury was sworn) lasted 2 days or less or at the time of listing was reasonably expected to last 2 days or less; or
 - (ii) where the case was listed and disposed of as a plea of guilty;
 - (b) appeals against conviction;
 - (c) appeals against sentence, and
 - (d) committals for sentence (including proceedings which arose out of a breach of an order of the Crown Court, proceedings in which sentence was deferred and other similar matters).
- (3) Where in any proceedings specified in sub-paragraph (2), the trial judge—
- (a) is dissatisfied with the solicitor’s conduct of the case; or
 - (b) considers that, for exceptional reasons, the fees should be determined under regulation 6,
- he may direct that the fees should be determined under regulation 6 and in that event this Part of this Schedule shall not apply.
- (4) If a solicitor so elects, he may claim standard fees under this Part of this Schedule in respect of work done by him notwithstanding that the proceedings in relation to which the work was done are not specified in sub-paragraph (2), and the provisions of this Part of this Schedule shall apply to such a claim with the necessary modifications, save that, where a solicitor elects to claim the principal standard fee for preparation in respect of a trial which lasted more than 2 days, he shall be paid that fee (together with the appropriate standard fees for the other classes of work specified in paragraph 4(2)) and paragraph 2 shall not apply.
- (5) For the purposes of this Part of this Schedule, the standard fees which are payable and the classes of work for which such fees may be paid are specified in paragraph 4 and the “lower fee limit” and the “upper fee limit” have the meanings given by paragraph 4(3).

Allowance of standard fees

- 2.—(1) The appropriate authority shall allow the standard fee for preparation which has been claimed by a solicitor (together with the appropriate standard fees for the other classes of work specified in paragraph 4(2)) unless, where the principal standard fee for preparation has been claimed, such a fee is considered to be excessive in which case the lower standard fee shall be allowed.
- (2) A solicitor who has been allowed the lower standard fee instead of the principal fee claimed may—
- (a) accept that lower fee;
 - (b) request the appropriate authority in writing to review its decision, or (c) provide the appropriate authority with a detailed claim in the form directed by the appropriate authority requesting in writing that the fees for preparation be determined under regulation 6.
- (3) Where the appropriate authority is requested to review its decision under sub-paragraph (2)(b), the authority shall either—
- (a) allow the principal fee; or
 - (b) request the solicitor to provide a detailed claim in the form directed by the appropriate authority.
- (4) Where a solicitor fails to make a request under sub-paragraph (2)(b) or to supply a detailed claim for the purposes of sub-paragraph (2)(c) or (3)(b) within 6 weeks of the decision to allow the

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lower fee or the request to supply a detailed claim, whichever is the later, the decision to allow the lower standard fee shall be deemed to be confirmed.

3.—(1) Where a solicitor—

- (a) submits a claim for determination under regulation 6 in a case to which paragraph 1(2) applies; or
- (b) disputes the allowance of the lower standard fee and provides a detailed claim under paragraph 2(2)(c) or (3)(b),

the appropriate authority shall first determine the fees for preparation work within the meaning of paragraph 4(2)(a) of this Part of this Schedule.

(2) If the fees so determined are—

- (a) less than the lower fee limit, the appropriate authority shall allow and pay the lower standard fee together with the standard fees for all other classes of work specified in paragraph 4(2);
- (b) not less than the lower fee limit and not more than the upper fee limit, the appropriate authority shall allow and pay the principal standard fee together with the standard fees for all other classes of work specified in paragraph 4(2);
- (c) more than the upper fee limit, no standard fees shall be payable and all fees shall be determined in accordance with regulation 6.

Standard fees

4.—(1) The classes of work for which standard fees shall be payable are those specified in sub-paragraph (2) and the fees for classes of work which are not so specified shall be determined in accordance with regulation 6.

(2) The classes of work specified for the purposes of sub-paragraph (1) are—

- (a) preparation within the meaning of regulation 6(1)(a) but including routine letters written and routine telephone calls, within the meaning of regulation 6(1)(e);
- (b) advocacy in respect of applications for bail;
- (c) attendance at court (including waiting) where counsel is assigned;
- (d) travelling except—
 - (i) to undertake work for which standard fees are not payable, or
 - (ii) where sub-paragraph (2)(b) applies,

and, for the purpose of this paragraph, “travelling” shall be deemed to include waiting in connection with preparation work, within the meaning of sub-paragraph (2)(a) above.

(3) The standard fees payable under this Part of this Schedule are the fees specified in the Table below and in this Part of this Schedule the “lower fee limit” and the “upper fee limit” mean the lower and upper fee limits specified in the Table.

TABLE

PREPARATION

<i>Type of Proceedings</i>	<i>Lower standard fee</i>	<i>Lower fee limit</i>	<i>Principal standard fee</i>	<i>Upper fee limit</i>
Jury trials (including any	£100.00	£140	£192.00	£243

<i>Type of Proceedings</i>	<i>Lower standard fee</i>	<i>Lower fee limit</i>	<i>Principal standard fee</i>	<i>Upper fee limit</i>
case prepared for trial in which no jury was sworn)				
London rate	£106.00	£146	£201.00	£255
Guilty pleas	£63.00	£85	£134.00	£175
London rate	£67.00	£ 89	£140.00	£184
Appeals against conviction	£ 39.00	£ 54	£118.00	£183
London rate	£ 41.00	£ 56	£122.50	£191
Appeals against sentence	£ 28.50	£ 41	£ 71.50	£102
London rate	£ 30.00	£ 43	£ 75.00	£106
Committals for sentence	£ 32.50	£ 40	£ 75.50	£110
London rate	£ 34.50	£ 42	£ 79.50	£114
ADVOCACY IN RESPECT OF BAIL APPLICATIONS	£ 20.00			
London rate	£ 21.00			
ATTENDANCE AT COURT (INCLUDING WAITING) WHERE COUNSEL ASSIGNED	£ 16.75 per hour			
TRAVELLING	£ 14.25 per hour			

(4) A solicitor shall be entitled to the “London rate” of the standard fees specified in the Table where his office is situated within legal aid area 1, 13 or 14 within the meaning of paragraph 1(2) of Schedule 1, Part I.

(5) The hourly rate specified in the Table for attendance at court shall, subject to sub-paragraph (6), be paid in respect of the period of time beginning 30 minutes before the case was listed and ending

- (a) where the client was present at court, 15 minutes after the hearing ended on that day, or
- (b) where the client was not present at court, when the hearing ended on that day,

and, save in exceptional circumstances, shall not be payable during the luncheon adjournment.

(6) Where a fee earner attends a court centre for the purposes of more than one case, the solicitor may claim the attendance fee in respect of the second or subsequent case only for the time actually spent in attendance in addition to the time for which payment is made under sub-paragraph (5).

(7) The hourly rate specified in the Table shall be paid for time spent travelling (within the meaning of sub-paragraph (2)(d)) and, where a fee-earner travels to appear as an advocate in respect of a bail application, the rate payable shall be the rate appropriate to the grade of fee-earner for travelling and waiting under paragraph 1(1)(b) of Schedule 1, Part I.

(8) Where a solicitor acts for more than one defendant, the appropriate authority shall—

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- (a) allow whichever of the appropriate standard preparation fees is the greater and increase that fee by 20% for each additional defendant;
- (b) increase the standard advocacy fee by 20% for each additional defendant who is represented on a bail application,

but no percentage increase shall be made to the standard fees for attendance at court or for travelling.

(9) Where a solicitor acts for a defendant in respect of more than one—

- (a) indictment,
- (b) appeal against conviction,
- (c) appeal against sentence, or
- (d) committal for sentence

or in respect of any combination of (a) to (d) above, the appropriate authority shall allow whichever of the appropriate standard preparation fees is the greater and increase that fee by 20% for each additional indictment, appeal or committal for sentence as the case may be.

(10) Where the standard fee payable is increased by virtue of sub-paragraph (8) or (9), then for the purposes of paragraphs 3, 6 and 8—

- (a) the upper fee limit shall be increased by the same amount by which the principal standard fee has been increased, and
- (b) the lower fee limit shall be increased by the same amount by which the lower standard fee has been increased.

Disbursements

5. Nothing in this Part of this Schedule applies to disbursements which shall be determined in accordance with regulation 7.

Re-determinations and appeals

6.—(1) A solicitor who is dissatisfied with a decision on a determination under paragraph 3 may apply for the costs to be re-determined and, subject to sub-paragraph (2), the provisions of regulation 12(2) to (8) shall apply with the necessary modifications to an application under this paragraph as they apply to an application under regulation 12.

(2) On a re-determination under this paragraph, the appropriate authority shall determine the fees for preparation work within the meaning of paragraph 4(2)(a) and if the fees so determined are—

- (a) less than the lower fee limit, the lower standard fee shall be allowed together with the standard fees for all other classes of work specified in paragraph 4(2);
- (b) not less than the lower fee limit and not more than the upper fee limit, the principal standard fee shall be allowed together with the standard fees for all other classes of work specified in paragraph 4(2);
- (c) more than the upper fee limit, the fees for all classes of work shall be determined in accordance with regulation 6.

7. Irrespective of any dispute under paragraph 2 as to whether the principal standard fee should have been allowed instead of the lower standard fee, where a solicitor is satisfied with a decision to allow a standard fee but contends that—

- (a) a standard fee which is not apt for the type of work done has been allowed; or
- (b) the provisions of paragraph 4(4) to (10) have been incorrectly applied,

he may make a written request setting out his reasons why the decision should be reviewed and, if the appropriate authority confirms its decision, written reasons shall be given.

8.—(1) A solicitor may appeal to a taxing master where he is dissatisfied with—

- (a) a decision on a re-determination under paragraph 6, or
- (b) a decision on a review under paragraph 7.

(2) Where a solicitor appeals to a taxing master in respect of a decision under paragraph 6, the taxing master shall determine the fees for preparation within the meaning of paragraph 4(2)(a) and if the fees so determined are—

- (a) less than the lower fee limit, the lower standard fee shall be allowed by the taxing master together with the standard fees for all other classes of work specified in paragraph 4(2);
- (b) not less than the lower fee limit and not more than the upper fee limit, the principal standard fee shall be allowed by the taxing master together with the standard fees for all other classes of work specified in paragraph 4(2);
- (c) more than the upper fee limit, the fees for all classes of work shall be determined by the taxing master in accordance with regulation 6.

(3) Where a solicitor appeals to a taxing master in respect of a decision made on a review under paragraph 7, the taxing master shall allow whichever standard-fee he considers to be apt for the type of work done or, as the case may be, re-apply the provisions of paragraph 4(4) to (10).

(4) Where a taxing master allows an appeal in whole or in part, he may allow the solicitor a sum in respect of part or all of any reasonable costs (including any fee payable in respect of the appeal) incurred by him in connection with the appeal.

(5) This paragraph only applies to appeals in proceedings for which standard fees are payable and the provisions of regulation 13 shall apply to appeals in proceedings for which standard fees are not payable.

(6) Subject to the foregoing provisions of this paragraph, the provisions of regulations 13 to 15 relating to appeals by solicitors shall apply with the necessary modifications to appeals in proceedings for which standard fees are payable under this Part of this Schedule as they apply to appeals in proceedings for which standard fees are not payable.

SCHEDULE 2

Regulation 9

COUNSEL'S FEES

PART I

STANDARD FEES

1. The appropriate authority shall allow the fees specified in the Table and
 - (a) a standard fee shall cover preparation and the first day's hearing including, where they took place on that day, short conferences, applications and appearances (including bail applications), views and any other preparation;
 - (b) a standard refresher fee shall cover any day during which a hearing continued, including, where they took place on that day, short conferences, applications and appearances (including bail applications), views and any other preparation;

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- (c) a standard appearance fee shall cover attendance at applications and appearances (including bail applications and adjournments for sentence) not covered by (a) or (b) but shall not cover attendance at a pre-trial review.
2. For the purpose of determining which of the standard refresher fees specified in the Table should be allowed—
- (a) a half day refresher fee shall be allowed where
 - (i) a hearing begins and ends before the luncheon adjournment, or
 - (ii) a hearing begins after the luncheon adjournment and ends before 5.30 pm; and
 - (b) a full day refresher fee shall be allowed where
 - (i) a hearing begins before and ends after the luncheon adjournment but before 5.30 pm, or
 - (ii) a hearing begins after the luncheon adjournment and ends after 5.30 pm; and
 - (c) a more than a full day refresher fee shall be allowed where a hearing begins before the luncheon adjournment and ends after 5.30 pm.
3. The standard fee specified for “committals for sentence” shall be allowed to junior counsel in respect of proceedings arising out of a breach of an order of the Crown Court or other similar matters.
4. Where a case listed for jury trial does not proceed on the day for which it is listed the appropriate authority shall allow a sum equal to half of the standard fee for a jury trial.
5. Where counsel attends in respect of—
- (a) a case listed for plea which is adjourned for trial; or
 - (b) a case listed for hearing which is not opened due to the failure of the defendant or a witness to attend or the non-availability of a social enquiry report or for some good reason,
- the appropriate authority shall allow the standard appearance fee, unless counsel has no other effective case on that day and the standard appearance fee would be less than a sum equal to half of the standard fee for the case, in which case that sum shall be allowed.
6. Where counsel attends in respect of a case which is listed for plea and on which a guilty plea was taken, and which was adjourned part-heard, the appropriate authority shall allow—
- (a) the standard fee for the first hearing; and
 - (b) a sum equal to half the standard fee for the hearing at which the case is disposed of, provided that counsel has no other effective case on that day, or the standard appearance fee if he does have such a case.
7. Where counsel represents more than one defendant the appropriate authority shall
- (a) increase the standard fee by 20% for each additional defendant who is substantively dealt with at the hearing in respect of which that standard fee is to be paid; or
 - (b) where paragraph 4, 5 or 6 applies, increase the sum payable by 20% for each additional defendant.
8. Where counsel appears on behalf of a defendant on the same day in respect of more than one
- (a) indictment,
 - (b) appeal against conviction,
 - (c) appeal against sentence, or
 - (d) committal for sentence,

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or in respect of any combination of (a) to (d) above, the appropriate authority shall allow whichever of the standard fees is the greater and shall increase it by 20% for each additional indictment, appeal or committal for sentence, as the case may be.

9. Where counsel is instructed to appear in a court which is not within 25 miles of his chambers, the appropriate authority may allow an amount in respect of counsel’s attendance at that court to cover any travelling and hotel expenses actually and reasonably incurred and necessarily and exclusively attributable to counsel’s attendance at that court; provided that the amount allowed shall not be greater than the amount, if any, which would be payable to counsel practising from the nearest local Bar unless counsel can justify his attendance having regard to all the relevant circumstances of the case.

TABLE

<i>Type of proceedings</i>	<i>Standard fee</i>
Jury trials (including any case prepared for trial in which no jury is sworn)	£170
Guilty pleas	£90
Appeals against conviction	£90
Appeals against sentence	£57
Committals for sentence	£57
Standard appearance fee	£35
Standard refresher fee	
(1) Half day	£62
(2) Full day	£120
(3) More than a full day	£182

PART II

DETERMINATION OF OTHER FEES

1. The appropriate authority shall allow such fee in respect of an item of work allowed under regulation 9(5), not exceeding the maximum amount specified in respect of that item of work, as appears to it to provide fair remuneration.

2. Where an hourly rate is specified in a Table in this Part of this Schedule in respect of an item of work allowed under regulation 9(5), the appropriate authority shall determine any fee for such work in accordance with that hourly rate; provided that the fee determined shall not be less than the minimum amount specified.

3. Where a refresher fee is claimed in respect of less than a full day, the appropriate authority shall allow such fee as appears to it reasonable having regard to the fee which would be allowable for a full day.

4. The fees allowed to junior counsel for proceedings in the Crown Court arising out of a breach of an order of the Crown Court or other similar matters shall not exceed the maximum amounts specified for “committals for sentence”.

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5. Paragraph 9 of Part I of this Schedule shall apply where counsel’s fees are determined in accordance with this Part of the Schedule as it applies where standard fees are allowed in accordance with Part I of the Schedule.

TABLE 1: JUNIOR COUNSEL

Court	Type of proceedings	Basic fee	Full day refresher fee	Subsidiary fees		
				Attendance at consultations, conferences & views	Written work	Attendance at pre-trial reviews, applications and other appearances
Magistrates' Court	All cases	Maximum amount: £395	Maximum amount: £137	£23 per hour Minimum amount: £12	Maximum amount: £43	Maximum amount: £79
Crown Court	Jury trials	Maximum amount: £460				
	Cases prepared for trial in which no jury is sworn	Maximum amount: £268				
	Guilty pleas	Maximum amount: £162				
	Appeals against conviction	Maximum amount: £177	Maximum amount: £151	£26 per hour Minimum amount: £13	Maximum amount: £49	Maximum amount: £84
	Appeals against sentence	Maximum amount: £ 91				
	Committals for sentence	Maximum amount: £ 91				

TABLE 2: QUEEN'S COUNSEL

Court	Type of proceedings	Basic fee	Full day refresher fee	Subsidiary fees		
				Attendance at consultations, conferences & views	Written work	Attendance at pre-trial reviews, applications and other appearances
Magistrates' Court	All cases	Maximum amount: £3,806	Maximum amount: £255	£44 per hour Minimum amount: £22	Maximum amount: £ 90	Maximum amount: £175
Crown Court	All cases	Maximum amount: £4,620	Maximum amount: £284	£50 per hour Minimum amount: £25	Maximum amount: £102	Maximum amount: £221