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STATUTORY INSTRUMENTS

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**1991 No. 529**

**LEGAL AID AND ADVICE,  
ENGLAND AND WALES**

**The Legal Aid in Criminal and Care Proceedings  
(Costs) (Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>7th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 25(2), 34 and 43 of the Legal Aid Act 1988(1), having had regard to the matters specified in section 34(9) and consulted the General Council of the Bar and the Law Society, and with the consent of the Treasury, hereby makes the following Regulations:-

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) Regulations 1991 and shall come into force on 1st April 1991.

2. In these Regulations a regulation or Schedule referred to by number means a regulation or Schedule so numbered in the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989(2).

3. In regulations 6(3) and 9(5)(a) for the date "30th June 1991" there shall be substituted "30th June 1992".

4. In regulation 17-

(a) for paragraph (1) there shall be substituted the following new paragraph:-

"(1) Subject to paragraph (2), the time limit within which any act is required or authorised to be done may, for good reason, be extended;-

(a) in the case of acts required or authorised to be done under regulation 15 or 16 by a taxing master or the High Court as the case may be;

(b) in the case of acts required or authorised to be done by a solicitor or counsel under any other regulation, the appropriate authority.";

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(1) 1988 c. 34; sections 25 and 34 are amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18 paragraph 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word "regulations".  
(2) S.I.1989/343, amended by S.I. 1990/488.

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(b) in paragraph (2) and the first place where it occurs in paragraph (3) for the words “the Chief Taxing Master” there shall be substituted “a taxing master”.

**5. In Part I of Schedule 1—**

(a) for paragraph 1(1) there shall be substituted, in respect of work done on or after 1st April 1991, the following new sub-paragraph:—

“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 criminal proceedings**

Class of work	Rate		
Preparation	£42	per hour —	(£44.50 per hour for a fee earner whose office is situated within legal aid area 1)
Advocacy	£53	per hour	
Attendance at court where counsel assigned	£28.50	per hour	
Travelling and waiting	£23.50	per hour	
Routine letters written and routine telephone calls	£ 3.25	per item —	(£ 3.40 per item for a fee-earner whose office is situated within legal aid area 1)

**(b) Magistrates' court care proceedings**

Class of work	Rate		
Preparation	£50.50	per hour —	(£54 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£61	per hour	
Attendance at court where counsel assigned	£32	per hour	
Travelling and waiting	£28.50	per hour	
Routine letters written and routine telephone calls	£ 3.60	per item	

**(c) Crown Court criminal and Court of Appeal**

<i>Class of work</i>	<i>Grade of fee-earner</i>	<i>Rate</i>
Preparation	Senior solicitor	£50 per hour— (£52 per hour for a fee-earner whose office is situated within legal aid area 1)
	Solicitor, legal executive or fee earner of equivalent experience	£42.25 per hour— (£44.50 per hour for a fee-earner whose office is situated within legal aid area 1)
	Articled clerk or fee-earner of equivalent experience	£28 per hour (£32 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	Senior Solicitor	£61 per hour
	Solicitor	£53 per hour
Attendance at Court where counsel assigned	Senior solicitor	£40 per hour
	Solicitor, legal executive or fee earner of equivalent experience	£32 per hour
	Articled clerk or fee-earner of equivalent experience	£19.50 per hour
Travelling and waiting	Senior solicitor	£23.50 per hour
	Solicitor, legal executive or fee-earner of equivalent experience	£23.50 per hour
	Articled clerk or fee-earner of equivalent experience	£11.75 per hour
Routine letters written and routine telephone calls	£3.25 per item	(£3.40 per item for a fee-earner whose office is situated within legal aid area 1)";

(b) in paragraph 1(2) the words “,13 or 14” shall be omitted.

**6. In Part II of Schedule 1—**

- (a) in paragraph 4(2)(b) after the word “advocacy” there shall be inserted the words “(including waiting)”;
- (b) for the table in paragraph 4(3) there shall be substituted, in respect of work done on or after 1st April 1991, the following table:—

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**“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 case prepared for trial in which no jury was sworn)	£122	£168	£235	£293
London rate	£130	£175	£246	£307
Guilty pleas	£77	£103	£165	£212
London rate	£82	£107	£172	£222
Appeals against conviction	£48.25	£64	£144.50	£218
London rate	£51	£66	£150	£229
Appeals against sentence	£34.25	£49	£88	£123
London rate	£37	£51	£92	£127
Committals for sentence	£40	£48	£92	£133
London rate	£42	£50	£97	£137
<b>ADVOCACY IN RESPECT OF BAIL APPLICATIONS</b>	£24.50			
London rate	£27			
<b>ATTENDANCE AT COURT (INCLUDING WAITING) WHERE COUNSEL ASSIGNED</b>	£20.25	per hour		
<b>TRAVELLING</b>	£17.50	per hour”		

- (c) in paragraph 4(4) the words “, 13 or 14” shall be omitted;
- (d) in paragraph 4(10) the words “,13 or 14” shall be omitted and for the figures “£26.25” and “£28” there shall be substituted, in respect of work done on or after 1st April 1991, the figures “£28” and “£30”;
- (e) in paragraph 4(11) for the figure “£9.40” there shall be substituted in respect of work done on or after 1st April the figure “£10.15”.

7. In Part I of Schedule 2—

- (a) in paragraph 9 for the figure “£17” there shall be substituted, in respect of work done on or after 1st April 1991, the figure “£18”;
- (b) in paragraph 10 for the figure “£9.40” there shall be substituted, in respect of work done on or after 1st April 1991 the figure “£10.15”;
- (c) for the Table there shall be substituted, in respect of work done on or after 1st April 1991, the following Table:—

“TABLE

Type of proceedings	Standard basic fee
Jury trials (including any case prepared for trial in which no jury is sworn)	£206
Guilty pleas	£109
Appeals against conviction	£109
Appeals against sentence	£ 68
Committals for sentence	£ 68
Standard appearance fee	£ 43
Standard refresher fee	
(1) Half day	£ 76
(2) Full day	£146
(3) More than a full day	£221
Standard written work fee	£ 28”

8. In Part II of Schedule 2—

- (a) In table 1 for the figures “£26”, “£13”, “£30” and “£15” there shall be substituted, in respect of work done on or after 1st April 1991 the figures “£28”, “£14”, “£32” and “£16” respectively.
- (b) In table 2 for the figures “£50”, “£25”, “£57”, and “£29” there shall be substituted, in respect of work done on or after 1st April 1991 the figures “£53”, “£27”, “£61” and “£31” respectively.

Dated 6th March 1991

*Mackay of Clashfern, C.*

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We consent,

Dated 7th March 1991

*Sydney Chapman*  
*Irvine Patnick*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 by increasing the rates of remuneration for legal aid work in criminal and care proceedings done on or after 1st April 1991 and making the following minor amendments:

- (1) removing the restriction to solicitors and counsel of the ability to seek extensions of time for appeal to the High Court against a taxing master's decision (thereby allowing the Lord Chancellor to seek such an extension);
- (2) allowing a taxing master rather than the Chief Taxing Master to extend time limits, reduce costs or entertain an appeal against a decision on extending a time limit by the appropriate (fee determining) authority;
- (3) stating explicitly that waiting time is included within a solicitor's standard fee for bail applications.