

APPENDIX

PART III

STANDARD FEES IN MAGISTRATES' COURTS

Interpretation

1. In this Part of this Schedule—

a “case” (except where the context otherwise requires) comprises proceedings relating to one or more charges or informations which are preferred or laid at the same time or which are founded on the same facts or which form or are part of a series of offences;

“Category 1 proceedings” means proceedings of the types referred to in column 1 of the Table in paragraph 2(2), and in paragraph 2(6) and (7);

“Category 2 proceedings” means proceedings of the type referred to in column 2 of the Table in paragraph 2(2);

“Category 3 proceedings” means proceedings of the type referred to in column 3 of the Table in paragraph 2(2),

and references to a category or to a category by number shall be construed accordingly;

“core costs” mean the costs relating to the classes of work specified in paragraph 4(2);

“lower limit” and “higher limit” mean the lower and higher limits specified in the Table in paragraph 8;

“relevant standard fee” means the fee shown in the Table in paragraph 8 which corresponds to the type of proceedings, the location and the limit within which the core costs have been allowed under this Part;

“unassigned counsel” means counsel who is not assigned under the legal aid order but who is instructed by the solicitor.

Proceedings to which standard fees apply

2.—(1) Subject to paragraph 3, standard fees under this Part of this Schedule shall apply to work done in proceedings in a magistrates' court as specified in sub-paragraph (2).

(2) The proceedings (which include any proceedings preliminary or incidental thereto whether before that or another court, including bail applications made either in a magistrates' court or the Crown Court) are the proceedings specified in the following Table:—

TABLE: CATEGORIES AND TYPES OF PROCEEDINGS

Column 1 Category 1	Column 2 Category 2	Column 3 Category 3
1.1 guilty pleas	2.1 contested trials	3.1 committal proceedings
1.2 uncontested proceedings arising out of a breach of an order of a magistrates' court (including proceedings in a	2.2 proceedings which were listed and fully prepared for trial in a magistrates' court but disposed of by a guilty plea on the day	under section 6(2) of the Magistrates' Courts Act 1980(2) including those which are discontinued or withdrawn

(2) 1980 c. 43; section 6(2) was amended by the Criminal Justice Act 1982, section 61 and the Courts and Legal Services Act 1990, Schedule 18 paragraph 25.

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Column 1 Category 1	Column 2 Category 2	Column 3 Category 3
<p>magistrates' court relating to a breach of a Crown Court probation order, community service order or suspended sentence)</p> <p>1.3 proceedings (other than committal proceedings) which are discontinued or withdrawn</p> <p>1.4 proceedings (other than committal proceedings) relating to summary or either way offences which result in a bind over</p> <p>1.5 proceedings arising out of a deferment of sentence (including any subsequent sentencing hearing) under section 1 of the Powers of Criminal Courts Act 1973(1)</p>	<p>of trial before the opening of the prosecution case</p> <p>2.3 proceedings which were listed and fully prepared for trial in a magistrates' court but are discontinued or withdrawn or where the prosecution offers no evidence or which result in a bind over on the day of trial before the opening of the prosecution case</p> <p>2.4 contested proceedings relating to a breach of an order of a magistrates' court (including proceedings relating to a breach of a Crown Court probation order, community service order or suspended sentence)</p> <p>2.5 proceedings where mixed pleas are entered</p>	<p>3.2 committal proceedings which are discontinued or withdrawn before the court has fixed the date for a section 6(1) committal hearing</p> <p>3.3 proceedings transferred under section 4 of the Criminal Justice Act 1987(3) or section 53 of the Criminal Justice Act 1991(4)</p>

(3) Proceedings shall be treated for the purposes of this Part of this Schedule as forming part of one case where they relate to one or more charges or informations which are preferred or laid at the same time or which are founded on the same facts or which form or are part of a series of offences.

(4) Subject to sub-paragraph (5), where proceedings forming one case fall within more than one category, the proceedings shall be treated as forming part of the higher or highest in value of the categories concerned.

(5) Where a case includes proceedings referred to in the Table in sub-paragraph (2) above at items 3.1 and 3.2, the case shall be treated as if all the proceedings were Category 3 proceedings.

(6) Subject to sub-paragraph (5), where there is a change of solicitor assigned under a legal aid order in proceedings to which sub-paragraph (2) applies, the proceedings shall be treated as Category I proceedings for the purposes of a claim for costs in respect of work done under the legal aid order by the solicitor formerly assigned.

(7) Subject to sub-paragraph (5), where proceedings have not been concluded but a warrant of arrest has been issued, the proceedings shall be treated as Category 1 proceedings.

Proceedings to which standard fees do not apply

3. Standard fees shall not apply to proceedings—

- (a) in which counsel has been assigned under a legal aid order; or
- (b) in which costs are allowed at an enhanced rate in accordance with paragraph 3 of Schedule 1 Part I.

(3) 1987 c. 38; section 4 was amended by the Criminal Justice Act 1988 (c. 33), section 144 and the Legal Aid Act 1988, Schedule 5 paragraph 22.

(4) 1991 c. 53.

(1) 1973 c. 62; section 1 has been amended by the Criminal Law Act 1977 (c. 45), Schedule 12, the Magistrates' Courts Act 1980 (c. 43), Schedule 7 paragraph 119 and the Criminal Justice Act 1982 (c. 48), section 63.

Classes of work covered by the standard fee

- 4.—(1) The classes of work covered by the standard fee are specified in sub-paragraph (2).
- (2) The classes of work are:—
- (a) any preparation within the meaning of regulation 6(1)(a), including listening to, or viewing, any tape or video recording of interviews or evidence;
 - (b) routine letters written and routine telephone calls within the meaning of regulation 6(1)(e);
 - (c) advocacy, including bail and other applications made in either a magistrates' court or the Crown Court;
 - (d) work done by a fee-earner acting as agent for the solicitor assigned under the legal aid order;
 - (e) unassigned counsel's preparation, advocacy and waiting time.

Standard fees: further provisions

5.—(1) Where the solicitor acts for more than one defendant in the proceedings, the claim for payment of a standard fee shall cover all the legally aided defendants whom he represents.

(2) Where a legal aid order is granted to a defendant in respect of more than one charge or information, the claim for payment of a standard fee shall cover all the charges or informations which form part of one case.

Costs additional to the standard fee

6. The following costs shall be payable in addition to the standard fee, and shall be determined in accordance with regulations 6 and 7:—

- (a) travelling and waiting time of fee-earners, which shall be payable at the rate provided in paragraph 1(1)(a) of Schedule 1 Part I; and
- (b) disbursements.

Allowance of standard fees

7.—(1) The appropriate authority shall allow a lower standard fee where the core costs would not, if they had been determined, have exceeded the lower limit.

(2) Where the core costs claimed by the solicitor exceed the lower limit, the appropriate authority shall determine the core costs in accordance with regulation 6(2) and, if the core costs so determined—

- (a) do not exceed the lower limit, allow the lower standard fee;
- (b) exceed the lower limit but do not exceed the higher limit, allow the higher standard fee;
- (c) exceed the higher limit, allow the core costs as determined.

(3) The rates specified in paragraph 1(1)(a) of Schedule 1 Part I shall apply to the costs claimed, subject to the provisions of paragraph 2 of that Part of that Schedule.

Fees payable

- 8.—(1) Standard fees are payable in accordance with the Table below:—

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TABLE

Type of proceedings	Lower standard fee	Lower limit	Higher standard fee	Higher limit
Category 1	£140	£261	£336	£451
London rate	£180	£335	£427	£565
Category 2	£247	£447	£566	£745
London rate	£317	£567	£711	£908
Category 3	£223	£395	£505	£689
London rate	£282	£479	£593	£733

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

(3) The costs payable in proceedings to which this Part applies shall (subject to any deductions or reductions made pursuant to regulations 9A or 17(2)) be:—

- (a) the relevant standard fee together with the costs determined in accordance with the provisions of paragraph 6; or
- (b) where the core costs allowed exceed the higher limit of the relevant standard fee, the costs as determined in accordance with regulations 6 and 7.

(4) Where, in circumstances to which regulation 5(1A) or paragraph 2(7) of this Part applies, a solicitor has been paid prior to the final disposal of the proceedings, any costs which would have been payable to that solicitor upon the final disposal of the proceedings shall be reduced to the extent that they formed part of the costs previously claimed.