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STATUTORY INSTRUMENTS

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**2013 No. 435**

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

**The Criminal Legal Aid (Remuneration) Regulations 2013**

*Made - - - - 26th February 2013*  
*Laid before Parliament 28th February 2013*  
*Coming into force - - 1st April 2013*

The Lord Chancellor makes these Regulations <sup>M1</sup> in exercise of the powers conferred by sections 2(3), 5(2) and (4), 30(2) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 <sup>M2</sup>.

**Marginal Citations**

- M1** Section 42(1) of the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.
- M2** [2012 c. 10](#).

**Citation and commencement**

1. These Regulations may be cited as the Criminal Legal Aid (Remuneration) Regulations 2013 and shall come into force on 1st April 2013.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“advocate” means a barrister, a solicitor advocate or a solicitor who is exercising their automatic rights of audience in the Crown Court;

“appropriate officer” means—

- (a) in the case of proceedings in the civil division of the Court of Appeal, the head of the civil appeals office;
- (b) in the case of proceedings in the criminal division of the Court of Appeal, the registrar of criminal appeals;

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- (c) in the case of proceedings in the Crown Court, the Lord Chancellor;
- (d) in respect of advice or assistance as to an appeal from the Crown Court to the Court of Appeal (except in the case of an appeal under section 9(11) of the Criminal Justice Act 1987<sup>M3</sup> (preparatory hearings)) where, on the advice of any representative instructed, notice of appeal is given, or application for leave to appeal is made, whether or not such appeal is later abandoned, the registrar of criminal appeals;
- (e) in respect of advice or assistance as to an appeal to the Courts-Martial Appeal Court, the registrar of criminal appeals;
- (f) in respect of advice or assistance as to an appeal from the Court of Appeal to the Supreme Court, where the appeal is not lodged with the Supreme Court, the registrar of criminal appeals; and
- (g) in any other case, the Lord Chancellor,

and, in any case, includes an officer designated by the person who is the appropriate officer by virtue of paragraphs (a) to (g) to act on his behalf for the purposes of these Regulations;

“assisted person” means an individual in whose favour a section 16 determination has been made;

“fee earner” means a litigator, or person employed by a litigator, who undertakes work on a case;

“instructed advocate” means—

- (a) where the section 16 determination provides for representation by a single advocate, the first barrister or solicitor advocate instructed in the case, who has primary responsibility for the case; or
- (b) where the section 16 determination provides for representation by more than one advocate, each of—
  - (i) the leading instructed advocate; and
  - (ii) the led instructed advocate;

“leading instructed advocate” means the first leading barrister or solicitor advocate instructed in the case who has primary responsibility for those aspects of a case undertaken by a leading advocate;

“led instructed advocate” means the first led barrister or solicitor advocate instructed in the case who has primary responsibility for those aspects of the case undertaken by a led advocate;

“litigator” means the person referred to in the representation order as representing an assisted person, being a solicitor, firm of solicitors or other appropriately qualified person.

[<sup>F1</sup>“main hearing” means—

- (a) in relation to a case which goes to trial, the trial;
- (b) in relation to a guilty plea (within the meaning of Schedule 1), the hearing at which pleas are taken or, where there is more than one such hearing, the last such hearing;
- (c) in relation to a cracked trial (within the meaning of Schedule 1), the hearing at which—
  - (i) the case becomes a cracked trial by meeting the conditions in the definition of a cracked trial, whether or not any pleas were taken at that hearing; or
  - (ii) a formal verdict of not guilty was entered as a result of the prosecution offering no evidence, whether or not the parties attended the hearing;
- (d) in relation to an appeal against conviction or sentence in the Crown Court, the hearing of the appeal;

- (e) in relation to proceedings arising out of a committal for sentence in the Crown Court, the sentencing hearing; and
- (f) in relation to proceedings arising out of an alleged breach of an order of the Crown Court, the hearing at which those proceedings are determined;]

“related proceedings” means—

- (a) two or more sets of proceedings involving the same defendant which are prepared, heard or dealt with together; or
- (b) proceedings involving more than one defendant which arise out of the same incident, so that the defendants are charged, tried or disposed of together;

“representation order” means a document which records a section 16 determination;

“representative” means a litigator or an advocate including, where appropriate, an instructed advocate [<sup>F2</sup>or trial advocate];

“section 16 determination” means a determination made under section 16 of the Act that an individual qualifies for representation for the purposes of criminal proceedings;

“senior solicitor” means a solicitor who, in the judgement of the appropriate officer, has the skill, knowledge and experience to deal with the most difficult and complex cases;

“solicitor advocate” means a solicitor who has obtained a higher courts advocacy qualification in accordance with regulations and rules of conduct of the Law Society;

“solicitor, legal executive or fee earner of equivalent experience” means a solicitor, Fellow of the Institute of Legal Executives or equivalent senior fee earner who, in the judgement of the appropriate officer, has good knowledge and experience of the conduct of criminal cases;

“trainee solicitor or fee earner of equivalent experience” means a trainee solicitor or other fee earner who is not a Fellow of the Institute of Legal Executives, who, in the judgement of the appropriate officer, carries out the routine work on a case;

[<sup>F1</sup>“trial advocate” means, unless otherwise provided, an advocate instructed pursuant to a section 16 determination to represent the assisted person at the main hearing in any case;]

“Very High Cost Case” means a case in which a section 16 determination has been made and which the Director classifies as a Very High Cost Case on the grounds that—

- (a) in relation to fees claimed by litigators—
  - (i) if the case were to proceed to trial, the trial would in the opinion of the Director be likely to last for more than 40 days and the Director considers that there are no exceptional circumstances which make it unsuitable to be dealt with under an individual case contract for Very High Cost Cases made by the Lord Chancellor under section 2(1) of the Act; or
  - (ii) if the case were to proceed to trial, the trial would in the opinion of the Director be likely to last no fewer than 25 and no more than 40 days and the Director considers that there are circumstances which make it suitable to be dealt with under an individual case contract for Very High Cost Cases made by the Lord Chancellor under section 2(1) of the Act;
- (b) in relation to fees claimed by advocates, if the case were to proceed to trial, the trial would in the opinion of the Director be likely to last for more than 60 days and the Director considers that there are no exceptional circumstances which make it unsuitable to be dealt with under an individual case contract for Very High Cost Cases made by the Lord Chancellor under section 2(1) of the Act.

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[<sup>F3</sup>“Very High Cost Case contract” means the 2013 VHCC contract between the Lord Chancellor and a representative for the provision of representation under section 16 of the Act (criminal legal aid).]

(2) The fees and rates set out in the Schedules to these Regulations are exclusive of value added tax.

(3) A function of the Lord Chancellor or Director under these Regulations may be exercised by, or by an employee of, a person authorised for that purpose by the Lord Chancellor or Director respectively <sup>M4</sup>.

#### Textual Amendments

- F1** Words in reg. 2(1) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(2)(a)** (with reg. 3)
- F2** Words in reg. 2(1) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(2)(b)** (with reg. 3)
- F3** Words in reg. 2(1) inserted (2.12.2013) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2803\)](#), regs. 1, **3(3)** (with reg. 4)

#### Marginal Citations

- M3** 1987 c. 38.
- M4** Section 6 of the Act (authorisations) makes provision for authorisations given for the purpose of section 5 of the Act (delegation) or regulations under that section.

### Scope

3.—(1) Regulations 5(2), 10 and 14(1) apply to proceedings in magistrates' courts and to proceedings in the Crown Court.

(2) Regulation 8 and Schedule 4 apply to proceedings in magistrates' courts, [<sup>F4</sup>to proceedings in the] [<sup>F5</sup>county court, to proceedings in the family court,] to proceedings in the Crown Court and to proceedings in the High Court.

[<sup>F6</sup>(3) Regulations 16 and 31 and Schedule 5 apply to proceedings in magistrates' courts, to proceedings in the county court, to proceedings in the family court, to proceedings in the Crown Court, to proceedings in the High Court and to proceedings in the Court of Appeal.]

(4) Regulations 4, 5(1) and (3) to (8), 13, 14(2) to (9), 15, 17 to 24 and 28 to 30 and Schedules 1 and 2 apply to proceedings in the Crown Court only.

(5) Regulations <sup>F7</sup>... 11 and 25 to 27, apply to proceedings in the Crown Court and to proceedings in the Court of Appeal.

[<sup>F8</sup>(5A) Regulation 9 applies to proceedings in magistrates' courts, to proceedings in the Crown Court and to proceedings in the Court of Appeal.]

(6) Regulation 6 and Schedule 3 apply to proceedings in the Court of Appeal only.

(7) Regulation 7 applies to proceedings in the Supreme Court only.

(8) With the exception of [<sup>F9</sup>regulations 12 and 12A,] paragraphs 13(8) and (9) of Schedule 2 [<sup>F10</sup>and Schedule 6], these Regulations do not apply to Very High Cost Cases.

(9) For the purpose of these Regulations, any reference to the Court of Appeal includes as appropriate a reference to—

- (a) the criminal division of the Court of Appeal;

- (b) the civil division of the Court of Appeal;
- (c) the Courts-Martial Appeal Court; and
- (d) a Divisional Court of the High Court.

#### Textual Amendments

- F4** Words in reg. 3(2) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(2)**
- F5** Words in reg. 3(2) substituted (17.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(b), **5(2)(a)**
- F6** Reg. 3(3) substituted (17.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(b), **5(2)(b)**
- F7** Word in reg. 3(5) omitted (1.4.2017) by virtue of The Criminal Legal Aid (Standard Crime Contract) (Amendment) Regulations 2017 (S.I. 2017/311), regs. 1, **3(2)** (with reg. 5)
- F8** Reg. 3(5A) inserted (1.4.2017) by The Criminal Legal Aid (Standard Crime Contract) (Amendment) Regulations 2017 (S.I. 2017/311), regs. 1, **3(3)** (with reg. 5)
- F9** Words in reg. 3(8) substituted (2.12.2013) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2013 (S.I. 2013/2803), regs. 1, **3(4)(a)** (with reg. 4)
- F10** Words in reg. 3(8) inserted (2.12.2013) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2013 (S.I. 2013/2803), regs. 1, **3(4)(b)** (with reg. 4)

#### Claims for fees by advocates – Crown Court

4.—(1) Claims for fees by <sup>F11</sup>a trial] advocate in proceedings in the Crown Court must be made and determined in accordance with the provisions of Schedule 1 to these Regulations.

(2) A claim for fees under this regulation and Schedule 1 must be made by each <sup>F12</sup>trial] advocate.

(3) Subject to regulation 31, a claim by <sup>F13</sup>a trial] advocate for fees in respect of work done pursuant to a section 16 determination must not be entertained unless <sup>F14</sup>the trial] advocate submits it within three months of the conclusion of the proceedings to which it relates.

(4) <sup>F15</sup>A trial] advocate must submit a claim for fees to the appropriate officer in such form and manner as the appropriate officer may direct.

(5) <sup>F15</sup>A trial] advocate must supply such further information and documents as the appropriate officer may require.

(6) Where a confiscation hearing under Part 2 of the Proceeds of Crime Act 2002 <sup>M5</sup> (confiscation: England and Wales), section 2 of the Drug Trafficking Act 1994 <sup>M6</sup> (confiscation orders) or section 71 of the Criminal Justice Act 1988 <sup>M7</sup> (confiscation orders) is to be held more than 28 days after—

- (a) the conclusion of the trial to which the section 16 determination relates; or
- (b) the entering of a guilty plea,

<sup>F16</sup>a trial] advocate may submit any claim for fees in respect of the trial or guilty plea as soon as the trial has concluded or the guilty plea has been entered.

(7) Where the section 16 determination provides for representation by—

- (a) a single advocate other than a QC; or
- (b) two or more advocates other than QC,

and a QC agrees to appear as the single advocate or as a leading junior, that QC must be treated for all the purposes of these Regulations as having been instructed in relation to that determination, and the remuneration of that QC must be determined as if the advocate were not a QC.

*Status: Point in time view as at 01/12/2017.*

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[<sup>F17</sup>(8) In this regulation, where the main hearing is a trial, “trial advocate” means an advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial.]

#### Textual Amendments

- F11** Words in [reg. 4\(1\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), [regs. 1, 2\(3\)\(a\)](#) (with [reg. 3](#))
- F12** Word in [reg. 4\(2\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), [regs. 1, 2\(5\)\(a\)](#) (with [reg. 3](#))
- F13** Words in [reg. 4\(3\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), [regs. 1, 2\(3\)\(a\)](#) (with [reg. 3](#))
- F14** Words in [reg. 4\(3\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), [regs. 1, 2\(6\)\(a\)](#) (with [reg. 3](#))
- F15** Words in [reg. 4\(4\)\(5\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), [regs. 1, 2\(4\)\(a\)](#) (with [reg. 3](#))
- F16** Words in [reg. 4\(6\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), [regs. 1, 2\(3\)\(a\)](#) (with [reg. 3](#))
- F17** [Reg. 4\(8\)](#) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), [regs. 1, 2\(7\)](#) (with [reg. 3](#))

#### Marginal Citations

- M5** [2002 c. 29](#).
- M6** [1994 c. 37](#). Section 2 was repealed by sections 456 and 457 of, and Schedules 11 and 12 to, the Proceeds of Crime Act 2002, subject to certain savings set out in [S.I. 2003/333](#).
- M7** [1998 c. 33](#). Section 71 was repealed by sections 456 and 457 of, and Schedules 11 and 12 to, the Proceeds of Crime Act 2002, subject to certain savings set out in [S.I. 2003/333](#).

### Claims for fees and disbursements by litigators – Crown Court

5.—(1) Claims for fees by litigators in proceedings in the Crown Court must be made and determined in accordance with the provisions of Schedule 2 to these Regulations.

(2) Claims for disbursements by litigators in proceedings in the Crown Court or in proceedings in a magistrates' court which are subsequently <sup>F18</sup>... sent for trial to the Crown Court must be made and determined in accordance with the provisions of regulations 14 to 17.

(3) Subject to regulation 31, a claim by a litigator for fees in respect of work done pursuant to a section 16 determination must not be entertained unless the litigator submits it within three months of the conclusion of the proceedings to which it relates.

(4) Subject to paragraph (5), a claim by a litigator for fees in proceedings in the Crown Court must be submitted to the appropriate officer in such form and manner as the appropriate officer may direct and must be accompanied by the representation order and any receipts or other documents in support of any disbursement claimed.

- (5) A claim under paragraph 20 or 26 of Schedule 2 to these Regulations must—
  - (a) summarise the items of work done by a fee earner in respect of which fees are claimed according to the classes specified in paragraph 26(2) of Schedule 2;
  - (b) state, where appropriate, the dates on which the items of work were done, the time taken, the sums claimed and whether the work was done for more than one assisted person;

- (c) specify, where appropriate, the level of fee earner who undertook each of the items of work claimed; and
  - (d) give particulars of any work done in relation to more than one indictment or a retrial.
- (6) Where the litigator claims that paragraph 29 of Schedule 2 applies in relation to an item of work, the litigator must give full particulars in support of the claim.
- (7) The litigator must specify any special circumstances which the litigator considers should be drawn to the attention of the appropriate officer.
- (8) The litigator must supply such further information and documents as the appropriate officer may require.

#### **Textual Amendments**

- F18** Words in [reg. 5\(2\)](#) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), [regs. 1\(2\)\(a\), 5\(2\)\(b\)](#) (with [reg. 10\(1\)](#))

#### **Proceedings in the Court of Appeal**

6. Claims for fees by representatives in proceedings in the Court of Appeal must be made and determined in accordance with the provisions of Schedule 3 to these Regulations.

#### **Proceedings in the Supreme Court**

7.—(1) In proceedings in the Supreme Court, the fees payable to a representative in respect of advice and assistance or representation made available to an individual in accordance with sections 15 or 16 of the Act must be determined by such officer as may be prescribed by order of the Supreme Court.

(2) Subject to paragraph (1), these Regulations do not apply to proceedings in the Supreme Court.

#### **Claims for fees for certain categories of work to which the Standard Crime Contract applies**

8.—(1) This regulation applies to—

- (a) advice and assistance provided pursuant to a determination made under section 13 or section 15 of the Act;
- (b) representation in proceedings in a magistrates' court pursuant to a section 16 determination;
- (c) representation pursuant to a section 16 determination in proceedings prescribed as criminal proceedings under section 14(h) of the Act; and
- (d) representation in appeals by way of case stated to the High Court.

(2) Claims for fees in cases to which this regulation applies must—

- (a) be made and determined in accordance with the [\[<sup>F19</sup>2017 Standard Crime Contract\]](#); and
- (b) be paid in accordance with the rates set out in Schedule 4.

(3) In this regulation and in Schedule 4, “[\[<sup>F19</sup>2017 Standard Crime Contract\]](#)” means the contract so named between the Lord Chancellor and a person with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act for the provision of advice, assistance and representation made available under sections 13, 15 and 16 of the Act.

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*Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)*

#### Textual Amendments

- F19** Words in reg. 8 substituted (1.4.2017) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2017 \(S.I. 2017/311\)](#), regs. 1, **3(4)** (with reg. 5)

#### Payments from other sources

**9.** Where representation is provided in respect of any proceedings, the representative, whether acting pursuant to a section 16 determination or otherwise, must not receive or be a party to the making of any payment for work done in connection with those proceedings, except such payments as may be made—

- (a) by the Lord Chancellor; or
- (b) in respect of any expenses or fees incurred in—
  - (i) preparing, obtaining or considering any report, opinion or further evidence, whether provided by an expert witness or otherwise; or
  - (ii) obtaining any transcripts or recordings,

where an application under regulation 13 for an authority to incur such fees or expenses has been refused by a committee appointed under arrangements made by the Lord Chancellor to deal with, amongst other things, appeals of, or review of, assessment of costs.

#### Cases <sup>F20</sup> ...sent for trial to the Crown Court

**10.—(1)** Where a case is <sup>F21</sup>... sent for trial <sup>F22</sup>... to the Crown Court, the payment in relation to work carried out in the magistrates' court is included within the applicable fee payable under Schedule 1 or Schedule 2.

- (2) Paragraph (1) does not apply where the case is remitted to a magistrates' court.

#### Textual Amendments

- F20** Words in [reg. 10](#) heading omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(2)(c)** (with reg. 10(1))
- F21** Words in [reg. 10\(1\)](#) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(2)(d)** (with reg. 10(1))
- F22** Words in [reg. 10\(1\)](#) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(3)** (with reg. 10(1))

#### Proceedings for contempt

**11.** Where representation is provided in proceedings referred to in section 14(g) of the Act (proceedings for contempt in the face of a court), the Lord Chancellor may only pay remuneration for services in accordance with Schedules 1, 2 and 3.

#### Notification of Very High Cost Cases

**12.—(1)** A litigator who has conduct of a case which is, or is likely to be classified as, a Very High Cost Case, must notify the Lord Chancellor in writing as soon as practicable.

(2) Where a litigator fails to comply with this regulation without good reason, and as a result there is a loss to public funds, the Lord Chancellor may refuse payment of the litigator's costs up to the extent of such loss.



(3) The Lord Chancellor must not refuse payment under paragraph (2) unless the litigator has been given a reasonable opportunity to show why the payment should not be refused.

### **[<sup>F23</sup>Fees in Very High Cost Cases**

**12A.** Where services consisting of representation made available under section 16 of the Act (criminal legal aid) are provided in a case which is the subject of a Very High Cost Case contract, fees for that case must be paid—

- (a) in accordance with the terms of that contract; and
- (b) at the rates set out for the appropriate category and level of representative set out in Schedule 6 to these Regulations.]

#### **Textual Amendments**

**F23** Reg. 12A inserted (2.12.2013) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2803\)](#), regs. 1, **3(5)** (with reg. 4)

### **Authorisation of expenditure**

**13.**—(1) Where it appears to a litigator necessary for the proper conduct of proceedings in the Crown Court for costs to be incurred in relation to representation by taking any of the following steps—

- (a) obtaining a written report or opinion of one or more experts;
- (b) employing a person to provide a written report or opinion (otherwise than as an expert);
- (c) obtaining any transcripts or recordings; or
- (d) performing an act which is either unusual in its nature or involves unusually large expenditure,

the litigator may apply to the Lord Chancellor for prior authority to do so.

(2) Where the Lord Chancellor authorises the taking of any step referred to in paragraph (1), the Lord Chancellor shall also authorise the maximum to be paid in respect of that step.

(3) A representative assigned to an assisted person in any proceedings in the Crown Court may apply to the Lord Chancellor for prior authority for the incurring of travelling and accommodation expenses in order to attend at the <sup>F24</sup>... main hearing in those proceedings.

#### **Textual Amendments**

**F24** Words in [reg. 13\(3\)](#) omitted (5.5.2015) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(8)** (with reg. 3)

### **Interim payment of disbursements**

**14.**—(1) A litigator may submit a claim to the appropriate officer for payment of a disbursement for which the litigator has incurred liability in proceedings in the Crown Court, or in proceedings in a magistrates' court which are subsequently <sup>F25</sup>... sent for trial <sup>F26</sup>... to the Crown Court, in accordance with the provisions of this regulation.

(2) A claim for payment under paragraph (1) may be made where—

- (a) a litigator has obtained prior authority to incur expenditure of £100 or more under regulation 13; and

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(b) the litigator has incurred such a liability.

(3) Without prejudice to regulation 17(4) and (5) a claim for payment under paragraph (1) must not exceed the maximum amount authorised under the prior authority.

(4) A claim for payment under paragraph (1) may be made at any time before the litigator submits a claim for fees under regulation 5.

(5) A claim for payment under paragraph (1) must be submitted to the appropriate officer in such form and manner as the appropriate officer may direct and must be accompanied by the authority to incur expenditure and any invoices or other documents in support of the claim.

(6) Subject to regulation 16, the appropriate officer must allow the disbursement subject to the limit in paragraph (3) if it appears to have been reasonably incurred in accordance with the prior authority.

(7) The appropriate officer must notify the litigator and, where the disbursement claimed includes the fees or charges of any person, may notify that person of the appropriate officer's decision.

(8) Where the appropriate officer allows the disbursement, the appropriate officer must notify the litigator and, where the disbursement includes the fees or charges of any person, may notify that person, of the amount payable, and must authorise payment to the litigator accordingly.

(9) Regulations 28 to 30 do not apply to a payment under this regulation.

#### **Textual Amendments**

**F25** Words in [reg. 14\(1\)](#) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(2)(e)** (with [reg. 10\(1\)](#))

**F26** Words in [reg. 14\(1\)](#) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(3)** (with [reg. 10\(1\)](#))

#### **Interim disbursements and final determination of fees**

**15.**—(1) On a final determination of fees, regulations 5(2) and 17 apply notwithstanding that a payment has been made under regulation 14.

(2) Where the amount found to be due under regulation 17 in respect of a disbursement is less than the amount paid under regulation 14 (“the interim payment”), the appropriate officer must deduct the difference from the sum otherwise payable to the litigator on the determination of fees, and where the amount due under regulation 17 exceeds the interim payment, the appropriate officer must add the difference to the amount otherwise payable to the litigator.

#### **Expert services**

**16.**—(1) Subject to paragraph (2), the Lord Chancellor may provide for the payment of expert services only at the fixed fees or at rates not exceeding the rates set out in Schedule 5.

(2) The appropriate officer may, in relation to a specific claim, increase the fixed fees or rates set out in Schedule 5 if that officer considers it reasonable to do so in exceptional circumstances.

(3) For the purposes of paragraph (2), exceptional circumstances are where the expert's evidence is key to the client's case and either—

- (a) the complexity of the material is such that an expert with a high level of seniority is required; or
- (b) the material is of such a specialised and unusual nature that only very few experts are available to provide the necessary evidence.

## Determination of litigators' disbursements

17.—(1) Subject to paragraphs (2) to (5), the appropriate officer must allow such disbursements claimed under regulation 5(2) as appear to the appropriate officer to have been reasonably incurred.

(2) If the disbursements claimed are abnormally large by reason of the distance of the court or the assisted person's residence or both from the litigator's place of business, the appropriate officer may limit reimbursement of the disbursements to what otherwise would, having regard to all the circumstances, be a reasonable amount.

(3) No question as to the propriety of any step or act in relation to which prior authority has been obtained under regulation 13 may be raised on any determination of disbursements, unless the litigator knew or ought reasonably to have known that the purpose for which the authority was given had failed or had become irrelevant or unnecessary before the disbursements were incurred.

(4) Where disbursements are reasonably incurred in accordance with and subject to the limit imposed by a prior authority given under regulation 13, no question may be raised on any determination of fees as to the amount of the payment to be allowed for the step or act in relation to which the authority was given.

(5) Where disbursements are incurred in taking any steps or doing any act for which authority may be given under regulation 13, without such authority having been given or in excess of any fee so authorised, payment in respect of those disbursements may nevertheless be allowed on a determination of disbursements payable under regulation 5.

(6) Paragraph (7) applies where the Lord Chancellor receives a request for funding of an expert service of a type not listed in Schedule 5.

(7) In considering the rate at which to fund the expert service the Lord Chancellor—

- (a) must have regard to the rates set out in Schedule 5; and
- (b) may require more than one quotation for provision of the service to be submitted to the Lord Chancellor.

## [<sup>F27</sup>Interim payment of litigators' fees

17A.—(1) A litigator may make a claim to the appropriate officer for an interim payment of the litigator's fees, in relation to proceedings in the Crown Court, in accordance with this regulation.

(2) Subject to paragraphs (3) to (6), a litigator may make a claim for an interim payment under this regulation in relation to one or more of the following stages in the proceedings—

- [<sup>F28</sup>(a) after the first hearing at which the assisted person enters a plea of not guilty;]
- (b) where representation is transferred to the litigator following the ordering of a retrial, after the date for the retrial has been set; and
- (c) after commencement of a trial which is listed for 10 days or more.

(3) A litigator may not make a claim for an interim payment under paragraph (2)(a) or (b) in relation to a case committed or sent for trial to the Crown Court on the election of a defendant where the magistrates' court has determined the case to be suitable for summary trial.

(4) Subject to paragraphs (5) and (6), a litigator may make only one claim in relation to each of the stages in the proceedings set out in paragraph (2).

(5) A litigator may not make a claim for an interim payment under paragraph (2)(a) or (b) at the same time as, or after, that litigator has made a claim for an interim payment under paragraph (2)(c).

(6) A litigator may not make a claim for an interim payment under paragraph (2)(c) if the trial in question is a retrial and the litigator was the litigator for the first or a previous trial.

(7) A litigator may not make a claim for an interim payment at the same time as, or after, that litigator has made a claim under regulation 5.

*Status: Point in time view as at 01/12/2017.*

*Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)*

(8) A litigator must make a claim for an interim payment to the appropriate officer in such form and manner as the appropriate officer may direct.

(9) A litigator must supply such information and documents as the appropriate officer may require to determine the claim for interim payment.

(10) Where a claim for an interim payment is made in accordance with this regulation, the appropriate officer must authorise payment.

(11) Where the claim is made under paragraph (2)(a) the amount of the interim payment is the sum of—

- (a) the fee which, on a final determination of fees, would be paid to the litigator if paragraph 13 of Schedule 2 and the scenario “Before trial transfer (original litigator)” set out in the table following that paragraph applied; and
- (b) any additional payments which, on a final determination of fees, would be paid to the litigator under paragraph 12 of Schedule 2.

(12) Where the claim is made under paragraph (2)(b), the amount of the interim payment is the sum of—

- (a) the fee which, on a final determination of fees, would be paid to the litigator under paragraph 13 of Schedule 2 and the scenario “Transfer before cracked retrial (new litigator)” set out in the table following that paragraph; and
- (b) any additional payments which, on a final determination of fees, would be paid to the litigator under paragraph 12 of Schedule 2.

(13) Where the claim is made under paragraph (2)(c), the amount of the interim payment is—

- (a) the sum of—
  - (i) the fee determined in accordance with paragraph (14) on the basis that the trial length is one day; and
  - (ii) any additional payments which, on a final determination of fees, must be paid to the litigator under paragraph 12 of Schedule 2;
- (b) less any amount paid to the litigator, in the proceedings in question, for a claim under paragraph (2)(a) or (b).

(14) The fee referred to in paragraph (13)(a)(i) is—

- (a) where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the table following paragraph 5(2) of Schedule 2, the basic fee specified in the table following paragraph 7(2) of that Schedule [<sup>F29</sup>as appropriate to the offence with which the assisted person is charged and the number of pages of prosecution evidence served on the court];
- (b) where the pages of prosecution evidence exceeds the PPE Cut-off specified in the table following paragraph 5(2) of Schedule 2, the final fee as calculated in accordance with paragraph 9(2) of that Schedule [<sup>F29</sup>as appropriate to the offence with which the assisted person is charged and the number of pages of prosecution evidence served on the court].

(15) For purposes of paragraphs (11) to (14)—

- (a) the number of defendants;
- (b) the number of pages of prosecution evidence served on the court; and
- (c) the offence with which the assisted person is charged

are determined as at the date of the claim for the interim payment.

(16) Where a litigator has received a hardship payment under regulation 21, the amount of that hardship payment must be deducted from any interim payment payable to that litigator under this regulation.

(17) Where a litigator has already received one or more interim payments under this regulation, the amount to be deducted under paragraph (16) excludes any hardship payment already deducted from any earlier interim payment.

(18) Regulations 28 to 30 do not apply to a payment under this regulation.

(19) In this regulation, [<sup>F30</sup>“cracked trial”, “guilty plea” and “PPE Cut-off” have] the meaning given in Schedule 2.]

[<sup>F31</sup>(20) For the purpose of this regulation, the number of pages of prosecution evidence served on the court must be determined in accordance with paragraph 1(3) to (5) of Schedule 2.]

#### Textual Amendments

- F27** Reg. 17A inserted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), reg. 1(1), **Sch.** (with reg. 3)
- F28** Reg. 17A(2)(a) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(4)**
- F29** Words in reg. 17A(14)(a)(b) inserted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(4)(b)(iii)** (with reg. 2(2)) (as amended by [S.I. 2015/2049](#), **reg. 2**)
- F30** Words in reg. 17A(19) substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(4)(c)** (with reg. 2(2)) (as amended by [S.I. 2015/2049](#), **reg. 2**)
- F31** Reg. 17A(20) inserted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(4)(d)** (with reg. 2(2)) (as amended by [S.I. 2015/2049](#), **reg. 2**)

#### Interim payments in cases awaiting determination of fees

**18.**—(1) The appropriate officer must authorise an interim payment in respect of a claim for fees in proceedings in the Crown Court in accordance with this regulation.

- (2) Entitlement to a payment arises in respect of a claim for fees by [<sup>F32</sup>a trial] advocate, where—
- (a) the graduated fee claimed in accordance with Schedule 1 is £4,000 or more (exclusive of value added tax); and
  - (b) the claim for fees is for less than the amount mentioned in sub-paragraph (a) but is related to any claim for fees falling under sub-paragraph (a).
- (3) For the purposes of this regulation, the following claims for fees are related to each other—
- (a) the claims of [<sup>F33</sup>trial] advocates acting in the same proceedings for a defendant; and
  - (b) the claims of any [<sup>F33</sup>trial] advocate acting for any assisted person in related proceedings.
- (4) Entitlement to a payment under paragraph (1) does not arise until three months have elapsed from the earlier of—
- (a) the date on which the claim for fees is received by the appropriate officer for determination, except that where there are related claims for fees, the date on which the last claim is received by the appropriate officer; or
  - (b) three months after the conclusion of the last of any related proceedings.
- (5) [<sup>F34</sup>A trial] advocate may submit a claim for an interim payment under this regulation where—

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- (a) no payment has been made under paragraph (1); and
  - (b) six months have elapsed from the conclusion of the proceedings against the assisted person.
- (6) Subject to regulation 31, payment must not be made under this regulation unless the [<sup>F35</sup>trial] advocate has submitted a claim for fees in accordance with regulation 4(3).
- [<sup>F36</sup>(7) In this regulation, where the main hearing is a trial, “trial advocate” means an advocate who—
- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
  - (b) attends the first day of the trial.]

#### Textual Amendments

- F32** Words in reg. 18(2) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(3)(b)** (with reg. 3)
- F33** Word in reg. 18(3) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(5)(b)** (with reg. 3)
- F34** Words in reg. 18(5) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(4)(b)** (with reg. 3)
- F35** Word in reg. 18(6) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(5)(b)** (with reg. 3)
- F36** Reg. 18(7) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(9)** (with reg. 3)

#### Amount of interim payments in cases awaiting determination of fees

**19.**—(1) Where entitlement to an interim payment arises under regulation 18, the amount payable is 40% of the total claim for fees, less any sum already paid.

(2) Regulations 28 to 30 do not apply to an interim payment under this regulation.

#### Staged payments in long Crown Court proceedings

**20.**—(1) An instructed advocate may submit a claim to the appropriate officer for a staged payment of the instructed advocate's fees in relation to proceedings in the Crown Court.

(2) Where a claim is submitted in accordance with this regulation, a staged payment must be allowed where the appropriate officer is satisfied—

- (a) that the claim relates to fees for a period of preparation of 100 hours or more, for which the instructed advocate will, subject to final determination of the fees payable, be entitled to be paid in accordance with Schedule 1; and
- (b) that the period from <sup>F37</sup>... sending for trial <sup>F37</sup>... (or from the date of the section 16 determination, if later) to the conclusion of the Crown Court proceedings is likely to exceed 12 months, having regard, amongst other matters, to the number of defendants, the anticipated pleas and the weight and complexity of the case.

(3) In this regulation, “preparation” means—

- (a) reading the papers in the case;
- (b) contact with prosecutors;
- (c) written or oral advice on plea;

- (d) researching the law, preparation for examination of witnesses and preparation of oral submissions;
- (e) viewing exhibits or undisclosed material at police stations;
- (f) written advice on evidence;
- (g) preparation of written submissions, notices or other documents for use at the trial;
- (h) attendance at views at the scene of the alleged offence,

and is limited to preparation done before the trial, except in proceedings in which a preparatory hearing has been ordered under section 8 of the Criminal Justice Act 1987 (commencement of trial and arraignment), in which case it is limited to preparation done before the date on which the jury is sworn (or on which it became certain, by reason of pleas of guilty or otherwise, that the matter would not proceed to trial).

(4) The amount allowed for preparation falling within paragraph (3) must be determined by reference to the number of hours of preparation which it appears to the appropriate officer, without prejudice to the final determination of the fees payable, has been reasonably done, multiplied by the hourly rate for special preparation as set out in the table following paragraph 24 of Schedule 1, as appropriate to the category of advocate.

(5) A claim for staged payment of fees under this regulation must be made to the appropriate officer in such form and manner as the appropriate officer may direct, including such case plan as the appropriate officer may require for the purposes of paragraph (2)(a).

(6) An instructed advocate may claim further staged payments in accordance with this regulation in respect of further periods of preparation exceeding 100 hours which were not included in an earlier claim.

(7) Regulations 28 to 30 do not apply to a payment under this regulation.

#### Textual Amendments

F37 Words in [reg. 20\(2\)\(b\)](#) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), [regs. 1\(2\)\(a\)](#), [5\(5\)](#) (with [reg. 10\(1\)](#))

#### Hardship payments

**21.**—(1) Subject to paragraphs (5) and (6), the appropriate officer may allow a hardship payment to a representative in the circumstances set out in paragraph (2).

(2) Those circumstances are that the representative—

- (a) represents the assisted person in proceedings in the Crown Court;
- (b) applies for such payment, in such form and manner as the appropriate officer may direct, not less than six months after the representative was first instructed in those proceedings, or in related proceedings if the representative was instructed in those proceedings earlier than in the proceedings to which the application relates;
- (c) is unlikely to receive final payment in respect of the proceedings, as determined under Schedule 1 or 2, within the three months following the application for the hardship payment; and
- (d) satisfies the appropriate officer that, by reason of the circumstance in sub-paragraph (c), the representative is likely to suffer financial hardship.

(3) Every application for a hardship payment by an advocate must be accompanied by such information and documents as the appropriate officer may require as evidence of—

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- (a) the work done by the advocate in relation to the proceedings up to the date of the application; and
  - (b) the likelihood of financial hardship.
- (4) Every application for a hardship payment by a litigator must be accompanied by such information and documents as the appropriate officer may require as evidence of—
- (a) the Class of Offence with which the assisted person is charged, in accordance with Part 7 of Schedule 1;
  - (b) the length of trial, where appropriate;
  - (c) the number of pages of prosecution evidence, determined in accordance with paragraph 1(2) of Schedule 2;
  - (d) the total number of defendants in the proceedings who are represented by the litigator [<sup>F38</sup>, where appropriate];
  - (e) the likelihood of financial hardship.
- (5) The amount of any hardship payment is at the discretion of the appropriate officer, but must not exceed such sum as would be reasonable remuneration for the work done by the representative in the proceedings up to the date of the application.
- (6) A hardship payment must not be made if it appears to the appropriate officer that the sum which would be reasonable remuneration for the representative, or the sum required to relieve the representative's financial hardship, is less than £5,000 (excluding value added tax).
- (7) [<sup>F39</sup>Subject to paragraphs (9) and (10)] where the appropriate officer allows a hardship payment under paragraph (1), the appropriate officer must authorise payment accordingly.
- (8) Where the application for a hardship payment is made by an advocate other than [<sup>F40</sup>a trial] advocate, and the appropriate officer allows a hardship payment under paragraph (1)—
- [<sup>F41</sup>(a) payment must be made to the—
    - (i) appropriate trial advocate who attends the first day of trial, where the trial has commenced;
    - (ii) appropriate trial advocate, where a trial has not commenced, or
    - (iii) appropriate instructed advocate, where there is no trial advocate, and]
  - (b) the appropriate officer must notify the advocate who made the application that payment has been made to the [<sup>F42</sup>appropriate trial advocate or the appropriate] instructed advocate.
- [<sup>F43</sup>(9) Where a litigator has received an interim payment under regulation 17A, the amount of that interim payment must be deducted from any hardship payment payable to that litigator under this regulation.
- (10) Where a litigator has already received one or more hardship payments under this regulation, the amount deducted under paragraph (9) excludes any interim payment already deducted from any earlier hardship payment.]
- [<sup>F44</sup>(11) In paragraph (8)—
- “appropriate instructed advocate” means—
    - (a) where the section 16 determination provides for representation by a single advocate, the instructed advocate, or
    - (b) where the section 16 determination provides for representation by more than one advocate, the leading instructed advocate or the led instructed advocate, as appropriate, and
  - “appropriate trial advocate” means—



- (a) where the section 16 determination provides for representation by a single advocate, the trial advocate, or
- (b) where the section 16 determination provides for representation by more than one advocate, the leading trial advocate or the led trial advocate, as appropriate.]

#### Textual Amendments

- F38** Words in reg. 21(4)(d) inserted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(5)** (with reg. 2(2)) (as amended by [S.I. 2015/2049](#), reg. 2)
- F39** Words in reg. 21(7) inserted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(4)(a)** (with reg. 3)
- F40** Words in reg. 21(8) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(3)(c)** (with reg. 3)
- F41** Reg. 21(8)(a) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(10)(a)** (with reg. 3)
- F42** Words in reg. 21(8)(b) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(10)(b)** (with reg. 3)
- F43** Reg. 21(9)(10) inserted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(4)(b)** (with reg. 3)
- F44** Reg. 21(11) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(10)(c)** (with reg. 3)

#### Computation of final claim where an interim payment has been made

22.—(1) At the conclusion of a case in which one or more payments have been made to an instructed advocate [<sup>F45</sup>, a trial advocate] or a litigator under regulations [<sup>F46</sup>17A to 21], [<sup>F47</sup>the trial] advocate or litigator must submit a claim under regulation 4 or 5 for the determination of the overall remuneration, whether or not such a claim will result in any payment additional to those already made.

(2) In the determination of the amount payable to [<sup>F48</sup>a trial] advocate or litigator under regulation 4 or 5—

- (a) the appropriate officer must deduct the amount of any payment made under regulations [<sup>F46</sup>17A to 21] in respect of the same case from the amount that would otherwise be payable; and
- (b) if the amount of the interim payment is greater than the amount that would otherwise be payable, the appropriate officer may recover the amount of the difference, either by way of repayment by [<sup>F49</sup>the trial] advocate or litigator or by way of deduction from any other amount that may be due to [<sup>F49</sup>the trial] advocate or litigator.

[<sup>F50</sup>(3) In this regulation, where the main hearing is a trial, “trial advocate” means an advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial.]

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*Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)*

#### Textual Amendments

- F45** Words in [reg. 22\(1\)](#) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(11)(a)** (with reg. 3)
- F46** Words in [reg. 22](#) substituted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(5)** (with reg. 3)
- F47** Words in [reg. 22\(1\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(6)(b)** (with reg. 3)
- F48** Words in [reg. 22\(2\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(3)(d)** (with reg. 3)
- F49** Words in [reg. 22\(2\)\(b\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(6)(b)** (with reg. 3)
- F50** [Reg. 22\(3\)](#) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(11)(b)** (with reg. 3)

#### Payment of fees to advocates – Crown Court

**23.**—(1) Having determined the fees payable to each [<sup>F51</sup>trial] advocate, in accordance with Schedule 1, the appropriate officer must notify each [<sup>F51</sup>trial] advocate of the fees payable and authorise payment accordingly.

(2) Where, as a result of any redetermination or appeal made or brought pursuant to regulations 28 to 30, the fees payable under paragraph (1) are altered—

- (a) if they are increased, the appropriate officer must authorise payment of the increase; or
- (b) if they are decreased, [<sup>F52</sup>the trial] advocate must repay the amount of such decrease.

(3) Where the payment of any fees of [<sup>F53</sup>a trial] advocate is ordered under regulation 29(12) or regulation 30(8), the appropriate officer must authorise payment.

[<sup>F54</sup>(4) In this regulation, where the main hearing is a trial, “trial advocate” means an advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial.]

#### Textual Amendments

- F51** Word in [reg. 23\(1\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(5)(c)** (with reg. 3)
- F52** Words in [reg. 23\(2\)\(b\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(6)(c)** (with reg. 3)
- F53** Words in [reg. 23\(3\)](#) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(3)(e)** (with reg. 3)
- F54** [Reg. 23\(4\)](#) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(12)** (with reg. 3)

#### Payment of fees to litigators – Crown Court

**24.**—(1) Having determined the fees payable to a litigator in accordance with Schedule 2, the appropriate officer must authorise payment accordingly.

(2) Where the appropriate officer determines that the fees payable under paragraph (1) are greater than or less than the amount claimed by the litigator under regulation 5(1), the appropriate officer must notify the litigator of the amount the appropriate officer has determined to be payable.

(3) Where, as a result of any redetermination or appeal made or brought pursuant to regulations 28 to 30, the fees payable under paragraph (1) are altered—

- (a) if they are increased, the appropriate officer must authorise payment of the increase; or
- (b) if they are decreased, the litigator must repay the amount of such decrease.

(4) Where the payment of any fees of the litigator is ordered under regulation 29(12) or regulation 30(8), the appropriate officer must authorise payment.

### Recovery of overpayments

**25.**—(1) This regulation applies where a representative is entitled to be paid a certain sum (“the amount due”) by virtue of the provisions of Schedule 1, 2 or 3 and, for whatever reason, the representative is paid an amount greater than that sum.

(2) Where this regulation applies, the appropriate officer may—

- (a) require immediate repayment of the amount in excess of the amount due (“the excess amount”); or
- (b) deduct the excess amount from any other sum which is or becomes payable to the representative by virtue of the provisions of Schedule 1, 2 or 3,

and where sub-paragraph (a) applies the representative must repay the excess amount to the appropriate officer.

(3) The appropriate officer may proceed under paragraph (2)(b) without first proceeding under paragraph (2)(a).

(4) Paragraph (2) applies notwithstanding that the representative to whom the excess amount was paid is exercising, or may exercise, a right under regulations 28 to 30.

[<sup>F55</sup>(5) In this regulation, where the main hearing is a trial, “trial advocate” means, for the purposes of the meaning of “representative”, the advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial.]

#### Textual Amendments

**F55** Reg. 25(5) inserted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, 2(13) (with reg. 3)

### Adverse observations

**26.**—(1) Where in any proceedings to which Schedule 1, 2 or 3 applies, the court makes adverse observations concerning a representative's conduct of the proceedings, the appropriate officer may reduce any fee which would otherwise be payable in accordance with Schedule 1, 2 or 3 by such proportion as the appropriate officer considers reasonable.

(2) Before reducing the fee payable to a representative in accordance with the provisions of paragraph (1), the appropriate officer must give the representative the opportunity to make representations about whether it is appropriate to reduce the fee and the extent to which the fee should be reduced.

**Wasted costs orders**

27.—(1) Subject to paragraph (2), where the court has disallowed the whole or any part of any wasted costs under section 19A of the Prosecution of Offences Act 1985<sup>M8</sup> (costs against legal representatives etc), the appropriate officer, in determining fees in respect of work done by the representative against whom the wasted costs order was made, may deduct the amount in the wasted costs order from the amount otherwise payable in accordance with these Regulations.

(2) Where the appropriate officer, in accordance with this regulation, is minded to disallow any amount of a claim for work done to which the wasted costs order relates, the appropriate officer must disallow that amount or the amount of the wasted costs order, whichever is the greater.

**Marginal Citations**

**M8** 1985 c. 23. Section 19A was inserted by section 111 of the [Courts and Legal Services Act 1990 \(c. 41\)](#).

**Redetermination of fees by appropriate officer**

28.—(1) Where—

- (a) an advocate in proceedings in the Crown Court is dissatisfied with the decision not to allow any of the following fees, or with the number of hours allowed in the calculation of such a fee, namely—
  - (i) a special preparation fee under paragraph 17 of Schedule 1; or
  - (ii) a wasted preparation fee under paragraph 18 of Schedule 1; or
- (b) <sup>F56</sup>a][<sup>F57</sup>trial] advocate in proceedings in the Crown Court is dissatisfied with—
  - (i) the decision not to allow an hourly fee in respect of attendance at conferences or views at the scene of the alleged offence under paragraph 19 of Schedule 1, or with the number of hours allowed in the calculation of such a fee;
  - (ii) the calculation by the appropriate officer of the fee payable to the <sup>F57</sup>trial] advocate in accordance with Schedule 1; or
  - (iii) the decision of the appropriate officer under paragraph 3(3) of Schedule 1 (reclassification of an offence not specifically listed in the relevant Table of Offences and so deemed to fall within Class H); or
- (c) a litigator is dissatisfied with—
  - (i) the <sup>F58</sup>determination] by the appropriate officer of the fee payable to the litigator in accordance with Schedule 2; or
  - (ii) the decision of the appropriate officer under paragraph 3(3) of Schedule 2 (reclassification of an offence not specifically listed in the relevant Table of Offences and so deemed to fall within Class H),

the advocate, <sup>F57</sup>trial] advocate or litigator, as the case may be, may apply to the appropriate officer to redetermine those fees, to review that decision or to reclassify the offence, as appropriate.

(2) An application under paragraph (1) may not challenge the quantum of any of the fees set out in Schedule 1 or Schedule 2.

(3) Subject to regulation 31, an application under paragraph (1), or paragraph 11(1) of Schedule 3, must be made—

- (a) within 21 days of the receipt of the fees payable under regulation 23, regulation 24 or paragraph 10 of Schedule 3, as appropriate;

- (b) by giving notice in writing to the appropriate officer, specifying the matters in respect of which the application is made and the grounds of objection; and
  - (c) in such form and manner as the appropriate officer may direct.
- (4) The notice of application must be accompanied by the information and documents supplied under regulation 4, regulation 5 or Schedule 3, as appropriate.
- (5) The notice of application must state whether the applicant wishes to appear or to be represented and, if the applicant so wishes, the appropriate officer must notify the applicant of the hearing date and time.
- (6) The applicant must supply such further information and documents as the appropriate officer may require.
- (7) The appropriate officer must, in the light of the objections made by the applicant or on behalf of the applicant—
- (a) redetermine the fees, whether by way of confirmation, or increase or decrease in the amount previously determined;
  - (b) confirm the classification of the offence within Class H; or
  - (c) reclassify the offence,
- as the case may be, and must notify the applicant of his decision.
- (8) Where the applicant so requests, the appropriate officer must give reasons in writing for the appropriate officer's decision.
- (9) Subject to regulation 31, any request under paragraph (8) must be made within 21 days of receiving notification of the appropriate officer's decision under paragraph (7).
- [<sup>F59</sup>(10) In this regulation, where the main hearing is a trial, “trial advocate” means an advocate who—
- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
  - (b) attends the first day of the trial.]

#### **Textual Amendments**

- F56** Word in reg. 28(1)(b) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(14)(a)** (with reg. 3)
- F57** Word in reg. 28 substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(14)(b)** (with reg. 3)
- F58** Word in reg. 28(1)(c)(i) substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(6)** (with reg. 2(2)) (as amended by [S.I. 2015/2049](#), reg. 2)
- F59** Reg. 28(10) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(14)(c)** (with reg. 3)

#### **Appeals to a Costs Judge**

- 29.**—(1) Where the appropriate officer has given his reasons for his decision under regulation 28(8), a representative who is dissatisfied with that decision may appeal to a Costs Judge.
- (2) Subject to regulation 31, an appeal under paragraph (1) or paragraph 11(2) of Schedule 3 must be instituted within 21 days of the receipt of the appropriate officer's reasons, by giving notice in writing to the Senior Costs Judge.

*Status: Point in time view as at 01/12/2017.*

*Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)*

(3) The appellant must send a copy of any notice of appeal given under paragraph (2) to the appropriate officer.

(4) The notice of appeal must be accompanied by—

- (a) a copy of any written representations given under regulation 28(3);
- (b) the appropriate officer's reasons for the appropriate officer's decision given under regulation 28(8); and
- (c) the information and documents supplied to the appropriate officer under regulation 28.

(5) The notice of appeal must—

- (a) be in such form as the Senior Costs Judge may direct;
- (b) specify separately each item appealed against, showing (where appropriate) the amount claimed for the item, the amount determined and the grounds of the objection to the determination; and
- (c) state whether the appellant wishes to appear or to be represented or whether the appellant will accept a decision given in the appellant's absence.

(6) The Senior Costs Judge may, and if so directed by the Lord Chancellor either generally or in a particular case must, send to the Lord Chancellor a copy of the notice of appeal together with copies of such other documents as the Lord Chancellor may require.

(7) With a view to ensuring that the public interest is taken into account, the Lord Chancellor may arrange for written or oral representations to be made on the Lord Chancellor's behalf and, if the Lord Chancellor intends to do so, the Lord Chancellor must inform the Senior Costs Judge and the appellant.

(8) Any written representations made on behalf of the Lord Chancellor under paragraph (7) must be sent to the Senior Costs Judge and the appellant and, in the case of oral representations, the Senior Costs Judge and the appellant must be informed of the grounds on which such representations will be made.

(9) The appellant must be permitted a reasonable opportunity to make representations in reply.

(10) The Costs Judge must inform the appellant (or the person representing him) and the Lord Chancellor, where representations have been or are to be made on the Lord Chancellor's behalf, of the date of any hearing and, subject to the provisions of this regulation, may give directions as to the conduct of the appeal.

(11) The Costs Judge may consult the trial judge or the appropriate officer and may require the appellant to provide any further information which the Costs Judge requires for the purpose of the appeal and, unless the Costs Judge otherwise directs, no further evidence may be received on the hearing of the appeal and no ground of objection may be raised which was not raised under regulation 28.

(12) The Costs Judge has the same powers as the appropriate officer under these Regulations and, in the exercise of such powers, may alter the redetermination of the appropriate officer in respect of any sum allowed, whether by increasing or decreasing it, as the Costs Judge thinks fit.

(13) The Costs Judge must communicate his decision and the reasons for it in writing to the appellant, the Lord Chancellor and the appropriate officer.

(14) Where the Costs Judge increases the sums redetermined under regulation 28, the Costs Judge may allow the appellant a sum in respect of part or all of any reasonable costs incurred by the appellant in connection with the appeal (including any fee payable in respect of an appeal).

## Appeals to the High Court

**30.**—(1) A representative who is dissatisfied with the decision of a Costs Judge on an appeal under regulation 29 may apply to a Costs Judge to certify a point of principle of general importance.

(2) Subject to regulation 31, an application under paragraph (1) or paragraph 11(3) of Schedule 3 must be made within 21 days of receiving notification of a Costs Judge's decision under regulation 29(13).

(3) Where a Costs Judge certifies a point of principle of general importance the appellant may appeal to the High Court against the decision of a Costs Judge on an appeal under regulation 29, and the Lord Chancellor must be a respondent to such an appeal.

(4) Subject to regulation 31, an appeal under paragraph (3) must be instituted within 21 days of receiving notification of a Costs Judge's certificate under paragraph (1).

(5) Where the Lord Chancellor is dissatisfied with the decision of a Costs Judge on an appeal under regulation 29, the Lord Chancellor may, if no appeal has been made by an appellant under paragraph (3), appeal to the High Court against that decision, and the appellant must be a respondent to the appeal.

(6) Subject to regulation 31, an appeal under paragraph (5) must be instituted within 21 days of receiving notification of the Costs Judge's decision under regulation 29(13).

(7) An appeal under paragraph (3) or (5) must—

- (a) be brought in the Queen's Bench Division;
- (b) subject to paragraph (4), follow the procedure set out in Part 52 of the Civil Procedure Rules 1998 <sup>M9</sup>; and
- (c) be heard and determined by a single judge whose decision will be final.

(8) The judge has the same powers as the appropriate officer and a Costs Judge under these Regulations and may reverse, affirm or amend the decision appealed against or make such other order as the judge thinks fit.

### Marginal Citations

**M9** [S.I. 1998/3132](#). There are relevant amendments in [S.I. 2000/221](#) and 2092, 2003/2113 and 3361, 2004/2072, 2005/3515, 2006/1689 and 3435, 2007/2204, 2009/2092 and 3390, 2010/1953 and 2012/2208.

## Time limits

**31.**—(1) Subject to paragraph (2), the time limit within which any act is required or authorised to be done under these Regulations may, for good reason, be extended—

- (a) in the case of acts required or authorised to be done under regulations 29 or 30, by a Costs Judge or the High Court as the case may be; and
- (b) in the case of acts required or authorised to be done by a representative under any other regulation, by the appropriate officer.

(2) Where a representative without good reason has failed (or, if an extension were not granted, would fail) to comply with a time limit, the appropriate officer, a Costs Judge or the High Court, as the case may be, may, in exceptional circumstances, extend the time limit and must consider whether it is reasonable in the circumstances to reduce the fees payable to the representative under regulations 4, 5 or 6, provided that the fees must not be reduced unless the representative has been allowed a reasonable opportunity to show cause orally or in writing why the fees should not be reduced.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

(3) A representative may appeal to a Costs Judge against a decision made under this regulation by an appropriate officer and such an appeal must be instituted within 21 days of the decision being given by giving notice in writing to the Senior Costs Judge specifying the grounds of appeal.

[<sup>F60</sup>(4) In this regulation, where the main hearing is a trial, “trial advocate” means, for the purposes of the meaning of “representative”, the advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial.]

**Textual Amendments**

**F60** Reg. 31(4) inserted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, **2(15)** (with reg. 3)

Signed by authority of the Lord Chancellor

Ministry of Justice

*McNally*  
Minister of State



## SCHEDULE 1

Regulation 4

### Advocates' Graduated Fee Scheme

## PART 1

### Definitions and Scope

#### Interpretation

1.—(1) In this Schedule—

“case” means proceedings in the Crown Court against any one assisted person—

- (a) on one or more counts of a single indictment;
  - (b) arising out of a single notice of appeal against conviction or sentence, or a single committal for sentence, whether on one or more charges; or
  - (c) arising out of a single alleged breach of an order of the Crown Court,
- and a case falling within paragraph (c) must be treated as a separate case from the proceedings in which the order was made;

“cracked trial” means a case on indictment in which—

- (a) [<sup>F61</sup>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] and—
  - (i) the case does not proceed to trial (whether by reason of pleas of guilty or for other reasons) or the prosecution offers no evidence; and
  - (ii) either—
    - (aa) in respect of one or more counts to which the assisted person pleaded guilty, the assisted person did not so plead at the [<sup>F62</sup>first hearing at which he or she entered a plea]; or
    - (bb) in respect of one or more counts which did not proceed, the prosecution did not, before or at the [<sup>F63</sup>first hearing at which the assisted person entered a plea], declare an intention of not proceeding with them; or
- (b) the case is listed for trial without a [<sup>F64</sup>hearing at which the assisted person enters a plea];

[<sup>F65</sup>“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);]

“guilty plea” means a case on indictment which—

- (a) is disposed of without a trial because the assisted person pleaded guilty to one or more counts; and
- (b) is not a cracked trial;

<sup>F66</sup> ...

“Newton Hearing” means a hearing at which evidence is heard for the purpose of determining the sentence of a convicted person in accordance with the principles of R v Newton (1982) 77 Cr App R 13;

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“standard appearance” means an appearance by the trial advocate or substitute advocate in any of the following hearings [<sup>F67</sup>unless it is an excluded hearing]—

- (a) a plea and case management hearing <sup>F68</sup> ...;
- (b) a pre-trial review;
- (ba) [<sup>F69</sup>a pre-trial preparation hearing;
- (bb) a case management hearing;]
- (c) the hearing of a case listed for plea which is adjourned for trial;
- (d) any hearing (except a trial, [<sup>F70</sup>the first hearing at which the assisted person enters a plea] or a hearing referred to in paragraph 2(1)(b)) which is listed but cannot proceed because of the failure of the assisted person or a witness to attend, the unavailability of a pre-sentence report or other good reason;
- (e) custody time limit applications;
- (f) bail and other applications (except where any such applications take place in the course of a hearing referred to in paragraph 2(1)(b));
- (g) the hearing of the case listed for mention only, including applications relating to the date of the trial (except where an application takes place in the course of a hearing referred to in paragraph 2(1)(b));
- (h) a sentencing hearing other than one falling within paragraph 2(1)(b)(ii), paragraph 15(1) or paragraph 34;
- (i) a preliminary hearing; or
- (j) a hearing, whether contested or not, relating to breach of bail, failure to surrender to bail or execution of a bench warrant,

provided that a fee is not payable elsewhere under this Schedule in respect of the hearing;

“substitute advocate” means an advocate who is not an instructed advocate or the trial advocate but who undertakes work on the case; <sup>F71</sup> ...

<sup>F66</sup> ...

(2) For the purposes of this Schedule, the number of pages of prosecution evidence served on the court must be determined in accordance with sub-paragraphs (3) to (5).

(3) The number of pages of prosecution evidence includes all—

- (a) witness statements;
- (b) documentary and pictorial exhibits;
- (c) records of interviews with the assisted person; and
- (d) records of interviews with other defendants,

which form part of the <sup>F72</sup>... served prosecution documents or which are included in any notice of additional evidence.

(4) Subject to sub-paragraph (5), a document served by the prosecution in electronic form is included in the number of pages of prosecution evidence.

(5) A documentary or pictorial exhibit which—

- (a) has been served by the prosecution in electronic form; and
- (b) has never existed in paper form,

is not included within the number of pages of prosecution evidence unless the appropriate officer decides that it would be appropriate to include it in the pages of prosecution evidence taking into account the nature of the document and any other relevant circumstances.

(6) In proceedings on indictment in the Crown Court initiated otherwise than by [F73 sending] for trial, the appropriate officer must determine the number of pages of prosecution evidence in accordance with sub-paragraphs (2) to (5) or as nearly in accordance with those sub-paragraphs as possible as the nature of the case permits.

(7) A reference to the Table of Offences in this Schedule is to the Table of Offences in Part 7 and a reference to a Class of Offence in this Schedule is to the Class in which that offence is listed in the Table of Offences.

### Textual Amendments

- F61** Words in Sch. 1 para. 1(1) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(6)(a)**
- F62** Words in Sch. 1 para. 1(1) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(6)(b)**
- F63** Words in Sch. 1 para. 1(1) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(6)(c)**
- F64** Words in Sch. 1 para. 1(1) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(6)(d)**
- F65** Words in Sch. 1 para. 1(1) inserted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(a)(i)**
- F66** Words in Sch. 1 para. 1(1) omitted (5.5.2015) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(a)(i)** (with reg. 3)
- F67** Words in Sch. 1 para. 1(1) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(a)(ii)(aa)**
- F68** Words in Sch. 1 para. 1(1) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(a)(ii)(bb)**
- F69** Words in Sch. 1 para. 1(1) inserted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(a)(ii)(cc)**
- F70** Words in Sch. 1 para. 1(1) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(a)(ii)(dd)**
- F71** Word in Sch. 1 para. 1(1) omitted (5.5.2015) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(a)(ii)** (with reg. 3)
- F72** Words in Sch. 1 para. 1(3) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(7)(a)** (with reg. 10(1))
- F73** Word in Sch. 1 para. 1(6) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(7)(b)** (with reg. 10(1))

### Application

- 2.—(1) Subject to sub-paragraphs (2) to (11), this Schedule applies to—
- (a) every case on indictment; and
  - (b) the following proceedings in the Crown Court—
    - (i) an appeal against conviction or sentence;
    - (ii) a sentencing hearing following a committal for sentence to the Crown Court; and
    - (iii) proceedings arising out of an alleged breach of an order of the Crown Court (whether or not this Schedule applies to the proceedings in which the order was made).
- (2) Sub-paragraphs (3) and (4) apply where, following a trial, an order is made for a new trial and the same trial advocate appears at both trials where—
- (a) the defendant is an assisted person at both trials; or

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- (b) the defendant is an assisted person at the new trial only; or
- (c) the new trial is a cracked trial or guilty plea.

(3) Subject to sub-paragraph (4), in respect of a new trial, or if the trial advocate so elects, in respect of the first trial, the graduated fee payable to the trial advocate must be calculated in accordance with Part 2 or Part 3, as appropriate, except that the fee must be reduced by—

- (a) 30%, where the new trial started within one month of the conclusion of the first trial;
- (b) 20%, where the new trial did not start within one month of the conclusion of the first trial;
- (c) 40%, where the new trial becomes a cracked trial or guilty plea within one month of the conclusion of the first trial; or
- (d) 25% where the new trial becomes a cracked trial or guilty plea more than one month after the conclusion of the first trial.

(4) Where—

- (a) in relation to the first trial, the case was <sup>F74</sup>... sent for trial to the Crown Court on the election of a defendant where the magistrates' court had determined the case to be suitable for summary trial; and
- (b) the new trial becomes a cracked trial or guilty plea,

the fee payable to the trial advocate must be—

- (i) the graduated fee calculated in accordance with Part 2, in respect of the first trial; and
- (ii) the fixed fee set out in paragraph 10 in respect of the new trial.

(5) Sub-paragraphs (6) and (7) apply in the circumstances set out in sub-paragraph (2) but where a different trial advocate appears for the assisted person at each trial.

(6) Subject to sub-paragraph (7), in respect of each trial, the graduated fee payable to the trial advocate must be calculated in accordance with Part 2 or Part 3 as appropriate.

(7) Where—

- (a) in relation to the first trial, the case was <sup>F75</sup>... sent for trial to the Crown Court on the election of a defendant where the magistrates' court had determined the case to be suitable for summary trial; and
- (b) the new trial becomes a cracked trial or guilty plea,

the fee payable to the trial advocate at the first trial must be the graduated fee, calculated in accordance with Part 2 and the fee payable to the trial advocate at the new trial must be the fixed fee set out in paragraph 10.

(8) Where following a case on indictment a Newton hearing takes place—

- (a) for the purposes of this Schedule the case is to be treated as having gone to trial;
- (b) the length of the trial is to be taken to be the combined length of the main hearing and the Newton hearing;
- (c) the provisions of this Schedule relating to cracked trials and guilty pleas do not apply; and
- (d) no fee is payable under paragraph 15 in respect of the Newton hearing.

<sup>F76</sup>(9) .....

[<sup>F77</sup>(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), or
- (b) dismissed pursuant to paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal),

the provisions of paragraph 22 apply.]

(11) For the purposes of this Schedule, a case on indictment which discontinues at or before [F78 the first hearing at which the assisted person enters a plea] otherwise than—

- (a) by reason of a plea of guilty being entered; or
- (b) in accordance with sub-paragraph (10),

must be treated as a guilty plea.

#### Textual Amendments

- F74** Words in Sch. 1 para. 2(4)(a) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(2)(f)** (with reg. 10(1))
- F75** Words in Sch. 1 para. 2(7)(a) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(2)(f)** (with reg. 10(1))
- F76** Sch. 1 para. 2(9) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(11)(b)(i)** (with reg. 10(1))
- F77** Sch. 1 para. 2(10) substituted (5.10.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(11)(b)(ii)** (with reg. 10(1))
- F78** Words in Sch. 1 para. 2(11) substituted (5.10.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(8)(a)**

#### Class of Offences

3.—(1) For the purposes of this Schedule—

- (a) every indictable offence falls within the Class under which it is listed in the Table of Offences and, subject to sub-paragraph (2), indictable offences not specifically so listed are deemed to fall within Class H;
- (b) conspiracy to commit an indictable offence contrary to section 1 of the Criminal Law Act 1977 <sup>M10</sup> (the offence of conspiracy), incitement to commit an indictable offence and attempts to commit an indictable offence contrary to section 1 of the Criminal Attempts Act 1981 <sup>M11</sup> (attempting to commit an offence) fall within the same Class as the substantive offence to which they relate;
- (c) where the Table of Offences specifies that the Class within which an offence falls depends on whether the value involved exceeds a stated limit, the value must be presumed not to exceed that limit unless the advocate making the claim under regulation 4 proves otherwise to the satisfaction of the appropriate officer;
- (d) where more than one count of the indictment is for an offence in relation to which the Class depends on the value involved, that value must be taken to be the total value involved in all those offences, but where two or more counts relate to the same property, the value of that property must be taken into account once only;
- (e) where an entry in the Table of Offences specifies an offence as being contrary to a statutory provision, then subject to any express limitation in the entry that entry includes every offence contrary to that statutory provision whether or not the words of description in the entry are appropriate to cover all such offences;
- (f) where in a case on indictment there is a hearing to determine the question of whether an assisted person is unfit to plead or unfit to stand trial, the trial advocate must elect whether that hearing falls within the same Class as the indictable offence to which it relates or within Class D; and

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(g) where in a case on indictment a restriction order is made under section 41 of the Mental Health Act 1983<sup>M12</sup> (power of higher courts to restrict discharge from hospital), the offence falls within Class A, regardless of the Class under which the offence would be listed in the Table of Offences but for this paragraph.

(2) Where an advocate in proceedings in the Crown Court is dissatisfied with the classification within Class H of an indictable offence not listed in the Table of Offences, the advocate may apply to the appropriate officer when lodging the claim for fees to reclassify the offence.

(3) The appropriate officer must, in light of the objections made by the advocate—

- (a) confirm the classification of the offence within Class H; or
- (b) reclassify the offence,

and must notify the advocate of the decision.

#### Marginal Citations

**M10** 1977 c. 45.

**M11** 1981 c. 47.

**M12** 1983 c. 20.

## PART 2

### Graduated Fees for Trial

#### Calculation of Graduated Fees

4. The amount of the graduated fee for a single trial advocate representing one assisted person being tried on one indictment in the Crown Court in a trial lasting one to 40 days must be calculated in accordance with the following formula—

$$G = B + (d \times D) + (e \times E) + (w \times W)$$

Where—

**G** is the amount of the graduated fee;

**B** is the basic fee specified in the table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

**d** is the number of days or parts of a day on which the advocate attends at court by which the trial exceeds 2 days but does not exceed 40 days;

**D** is the fee payable in respect of daily attendance at court for the number of days by which the trial exceeds 2 days but does not exceed 40 days, as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

**e** is the number of pages of prosecution evidence excluding the first 50, up to a maximum of 10,000;

**E** is the evidence uplift specified in the table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

**w** is the number of prosecution witnesses excluding the first 10;

**W** is the witness uplift specified in the table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate.

**Table of fees**

5. For the purposes of paragraph 4 the basic fee (B), the daily attendance fee (D), the evidence uplift (E) and the witness uplift (W) appropriate to any offence are those specified in the table following this paragraph in accordance with the Class within which that offence falls.

**Table of Fees and Uplifts**

<i>Class of Offence</i>	<i>Basic Fee (B)</i>	<i>Daily Attendance Fee (D)</i>	<i>Evidence Uplift (E)</i>	<i>Witness Uplift (W)</i>	<i>Uplift</i>
	(£)	(£)	(£)	(£)	
QC					
A	2,856	979	1.63	6.53	
B	2,529	857	1.63	6.53	
C	1,968	816	1.63	6.53	
D	2,284	816	1.63	6.53	
E	1,514	612	1.63	6.53	
F	1,514	612	1.63	6.53	
G	1,514	612	1.63	6.53	
H	1,903	816	1.63	6.53	
I	2,122	816	1.63	6.53	
J	2,856	979	1.63	6.53	
K	2,856	979	1.63	6.53	
Leading Junior					
A	2,142	734	1.23	4.90	
B	1,897	643	1.23	4.90	
C	1,476	612	1.23	4.90	
D	1,714	612	1.23	4.90	
E	1,136	459	1.23	4.90	
F	1,136	459	1.23	4.90	
G	1,136	459	1.23	4.90	
H	1,427	612	1.23	4.90	
I	1,592	612	1.23	4.90	
J	2,142	734	1.23	4.90	
K	2,142	734	1.23	4.90	
Led Junior					
A	1,632	490	0.81	3.26	
B	1,265	428	0.81	3.26	
C	898	408	0.81	3.26	

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

D	1,125	408	0.81	3.26
E	694	306	0.81	3.26
F	694	306	0.81	3.26
G	694	306	0.81	3.26
H	816	408	0.81	3.26
I	979	408	0.81	3.26
J	1,632	490	0.81	3.26
K	1,428	490	0.81	3.26
Junior Alone				
A	1,632	530	0.98	4.90
B	1,305	469	0.98	4.90
C	898	408	0.98	4.90
D	1,125	408	0.98	4.90
E	653	326	0.98	4.90
F	694	326	0.98	4.90
G	694	326	0.98	4.90
H	816	408	0.98	4.90
I	979	408	0.98	4.90
J	1,632	530	0.98	4.90
K	1,632	530	0.98	4.90

## PART 3

### Graduated Fees for Guilty Pleas and Cracked Trials

#### Scope of Part 3

<sup>F79</sup>6.—(1) Subject to sub-paragraph (2) and to paragraph 22, this Part does not apply to a case <sup>F80</sup>... sent for trial to the Crown Court on the election of a defendant where the magistrates' court has determined the case to be suitable for a summary trial.

(2) This Part applies in all cases where the trial is a cracked trial because the prosecution offer no evidence on all counts against a defendant and the judge directs that a not guilty verdict be entered.]

#### Textual Amendments

**F79** Sch. 1 para. 6 substituted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(6)(a)** (with reg. 3)

**F80** Words in Sch. 1 para. 6(1) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(2)(f)** (with reg. 10(1))



### Calculation of graduated fees in guilty pleas and cracked trials

7.—(1) The amount of the graduated fee for a single trial advocate representing one assisted person in a guilty plea or cracked trial is—

- (a) where the case is a guilty plea or a trial which cracks in the first third—
  - (i) the basic fee specified in Table A following paragraph 8 as appropriate to the offence with which the assisted person is charged, and the category of trial advocate; and
  - (ii) the evidence uplift, as appropriate to the number of pages of prosecution evidence, calculated in accordance with that table; and
- (b) where the case is a trial which cracks in the second or last third—
  - (i) the basic fee specified in Table B following paragraph 8 as appropriate to the offence with which the assisted person is charged and the category of trial advocate; and
  - (ii) the evidence uplift, as appropriate to the number of pages of prosecution evidence, calculated in accordance with that table.

(2) Where—

- (a) the trial of a case does not commence on the date first fixed; or
- (b) the case is not taken and disposed of from the first warned list in which it is entered,

the basic fee and evidence uplift for the offence are those specified for the last third in Table B following paragraph 8.

(3) In this paragraph, and in the tables following paragraph 8, references to the first, second and last third are references to the first, second and last third—

- (a) where a case is first listed for trial on a fixed date, of the period of time beginning with the day after the date on which the case is so listed and ending with the day before the date so fixed;
- (b) where the case is first placed in a warned list, of the period of time beginning with the day after the date on which the case is so placed and ending with the day before the date of the start of that warned list,

and where the number of days in this period of time cannot be divided by three equally, any days remaining after such division must be added to the last third.

(4) Where a graduated fee is calculated in accordance with this Part for the purposes of paragraph 2(3), the fee must be calculated as if the trial had cracked in the last third.

### Tables of fees

8. Subject to paragraph 7, the basic fee and evidence uplift appropriate to any offence are specified in the tables following this paragraph in accordance with the Class within which that offence falls, the category of trial advocate and whether the case is a guilty plea, a trial which cracks in the first third or a trial which cracks in the second or last third.

**Table A – Fees and uplifts in guilty pleas and trials which crack in the first third**

<i>Class of Offence</i>	<i>Basic Fee (£)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 1,000) (£)</i>	<i>Evidence uplift per page of prosecution evidence (1,001 to 10,000) (£)</i>
QC			
A	1,714	2.85	1.43

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

B	1,305	1.8	0.90
C	1,224	1.28	0.64
D	1,305	2.85	1.43
E	1,081	0.92	0.46
F	1,081	1.20	0.61
G	1,081	1.20	0.61
H	1,224	1.65	0.82
I	1,224	1.61	0.80
J	1,714	2.85	1.43
K	1,714	1.59	0.80
Leading Junior			
A	1,285	2.15	1.07
B	979	1.35	0.67
C	918	0.96	0.48
D	979	2.15	1.07
E	811	0.69	0.35
F	811	0.90	0.46
G	811	0.90	0.46
H	918	1.24	0.61
I	918	1.21	0.60
J	1,285	2.15	1.07
K	1,285	1.19	0.60
Led Junior			
A	857	1.43	0.72
B	653	0.90	0.45
C	612	0.64	0.32
D	653	1.43	0.72
E	541	0.46	0.23
F	541	0.61	0.30
G	541	0.61	0.30
H	612	0.83	0.42
I	612	0.80	0.40
J	857	1.43	0.72
K	857	0.80	0.40
Junior Alone			
A	979	1.19	0.59

**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

B	694	0.81	0.41
C	449	0.60	0.30
D	694	1.19	0.59
E	408	0.35	0.17
F	408	0.54	0.27
G	408	0.54	0.27
H	490	0.54	0.28
I	571	0.42	0.22
J	979	1.19	0.59
K	979	1.02	0.51

**Table B – Fees and uplifts in trials which crack in the second or last third**

<i>Class of Offence</i>	<i>Basic Fee (£)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 250) (£)</i>	<i>Evidence uplift per page of prosecution evidence (pages 251 to 1,000) (£)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000) (£)</i>
QC				
A	2,324	5.07	1.27	1.68
B	1,743	3.20	0.80	1.06
C	1,520	2.27	0.57	0.75
D	1,743	5.07	1.27	1.68
E	1,232	1.63	0.41	0.54
F	1,232	2.14	0.54	0.71
G	1,232	2.14	0.54	0.71
H	1,540	2.93	0.73	0.96
I	1,598	2.87	0.71	0.94
J	2,324	5.07	1.27	1.68
K	2,324	2.83	0.71	0.94
Leading Junior				
A	1,744	3.80	0.95	1.26
B	1,307	2.40	0.60	0.80
C	1,140	1.70	0.43	0.56
D	1,307	3.80	0.95	1.26
E	924	1.22	0.31	0.41
F	924	1.60	0.41	0.53
G	924	1.60	0.41	0.53

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

H	1,155	2.20	0.54	0.72
I	1,198	2.14	0.53	0.71
J	1,744	3.80	0.95	1.26
K	1,744	2.13	0.53	0.71
Led Junior				
A	1,162	2.54	0.64	0.84
B	871	1.60	0.40	0.53
C	760	1.14	0.28	0.37
D	871	2.54	0.64	0.84
E	616	0.82	0.20	0.27
F	616	1.07	0.27	0.36
G	616	1.07	0.27	0.36
H	770	1.46	0.37	0.48
I	798	1.43	0.36	0.48
J	1,162	2.54	0.64	0.84
K	1,162	1.42	0.36	0.47
Junior Alone				
A	1,307	4.52	2.10	0.69
B	908	3.11	1.45	0.48
C	581	2.31	1.07	0.36
D	808	4.52	2.10	0.69
E	508	1.34	0.63	0.20
F	508	2.08	0.96	0.32
G	508	2.08	0.96	0.32
H	618	2.08	0.97	0.32
I	726	1.63	0.76	0.25
J	1,307	4.52	2.10	0.69
K	1,234	3.91	1.82	0.60

## PART 4

### Fixed Fee for Guilty Pleas and Cracked Trials

#### Scope of Part 4

[<sup>F81</sup>9.—(1) Subject to sub-paragraph (2), this Part applies to a case <sup>F82</sup>... sent for trial to the Crown Court on the election of a defendant where the magistrates' court has determined the case to be suitable for summary trial.

(2) This Part does not apply where the trial is a cracked trial because the prosecution offer no evidence on all counts against a defendant and the judge directs that a not guilty verdict be entered.]

**Textual Amendments**

- F81** Sch. 1 para. 9 substituted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(6)(b)** (with reg. 3)
- F82** Words in Sch. 1 para. 9(1) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(2)(f)** (with reg. 10(1))

**Fixed fee for guilty pleas or cracked trials**

**10.** The fee payable to an advocate in relation to a guilty plea or cracked trial to which this Part applies is £194 per proceedings.

**PART 5**

Fixed Fees

**General provisions**

**11.—**(1) All work undertaken by an advocate in a case to which Part 4 applies is included within the fee set out in paragraph 10 except for attendance at a confiscation hearing to which paragraph 14 applies.

(2) Except as provided under this Part, all work undertaken by an advocate in a case to which Part 3 applies is included within the basic fee (B) specified in the table following paragraph 5, or that following paragraph 8, as appropriate to—

- (a) the offence for which the assisted person is tried;
- (b) the category of advocate; and
- (c) whether the case is a cracked trial, guilty plea or trial.

**Fees for <sup>F83</sup>... standard appearances**

**12.—**(1) The fee payable in respect of—

- (a) an appearance by the trial advocate or substitute advocate at the first [<sup>F84</sup>hearing at which the assisted person enters a plea]<sup>F85</sup>...; and
- (b) up to four standard appearances by the trial advocate or substitute advocate,

is included within the basic fee (B) specified in the table following paragraph 5, or that following paragraph 8, as appropriate to the offence for which the assisted person is tried and the category of trial advocate.

(2) The fee payable in respect of an appearance by the trial advocate or substitute advocate at a <sup>F86</sup>...standard appearance not included in sub-paragraph (1) is specified in the table following paragraph 24 as appropriate to the category of trial advocate or substitute advocate.

<sup>F87</sup>(3) .....

(4) This paragraph does not apply to a standard appearance which is or forms part of the main hearing in a case or to a hearing for which a fee is payable elsewhere under this Schedule.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

### Textual Amendments

- F83** Words in Sch. 1 para. 12 heading omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(c)(i)**
- F84** Words in Sch. 1 para. 12(1)(a) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(c)(ii)(aa)**
- F85** Words in Sch. 1 para. 12(1)(a) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(c)(ii)(bb)**
- F86** Words in Sch. 1 para. 12(2) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(c)(iii)**
- F87** Sch. 1 para. 12(3) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(c)(iv)** (with reg. 10(2))

### Fees for abuse of process, disclosure, admissibility and withdrawal of plea hearings

13.—(1) This paragraph applies to—

- (a) the hearing of an application to stay the case on indictment or any count on the ground that the proceedings constitute an abuse of the process of the court;
- (b) any hearing relating to the question of whether any material should be disclosed by the prosecution to the defence or the defence to the prosecution (whether or not any claim to public interest immunity is made);
- (c) the hearing of an application under section 2(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965 <sup>M13</sup> (issue of witness summons on application to Crown Court) for disclosure of material held by third parties;
- (d) any hearing relating to the question of the admissibility as evidence of any material; and
- (e) the hearing of an application to withdraw a plea of guilty where the application is—
  - (i) made by an advocate other than the advocate who appeared at the hearing at which the plea of guilty was entered; and
  - (ii) unsuccessful.

(2) Where a hearing to which this paragraph applies is held on any day of the main hearing of a case on indictment, no separate fee is payable in respect of attendance at the hearing, but the hearing is included in the length of the main hearing for the purpose of calculating the fees payable.

(3) Where a hearing to which this paragraph applies is held prior to the first or only day of the main hearing, it is not included in the length of the main hearing for the purpose of calculating the fees payable and the trial advocate or substitute advocate must be remunerated for attendance at such a hearing—

- (a) in respect of any day where the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the table following paragraph 24 as appropriate to the category of trial advocate or substitute advocate; or
- (b) in respect of any day where the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in the table following paragraph 24 as appropriate to the category of trial advocate or substitute advocate.

### Marginal Citations

**M13** 1965 c 69.

## Fees for confiscation hearings

14.—(1) This paragraph applies to—

- (a) a hearing under Part 2 of the Proceeds of Crime Act 2002 <sup>M14</sup> (confiscation: England and Wales);
- (b) a hearing under section 2 of the Drug Trafficking Act 1994 <sup>M15</sup> (confiscation orders); and
- (c) a hearing under section 71 of the Criminal Justice Act 1988 <sup>M16</sup> (confiscation orders).

(2) A hearing to which this paragraph applies is not included in the length of the main hearing or of any sentencing hearing for the purpose of calculating the fees payable, and the trial advocate or substitute advocate must be remunerated in respect of such a hearing—

- (a) where the number of pages of evidence is fewer than 51, for attendance—
  - (i) in respect of any day when the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the first section of the table following this sub-paragraph; or
  - (ii) in respect of any day when the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in the first section of that table,
 as appropriate to the category of trial advocate or substitute advocate;
- (b) where the number of pages of evidence is between 51 and 1000—
  - (i) at the rates for the relevant number of pages set out in the second section of the table following this sub-paragraph; and
  - (ii) where the hearing lasts for more than one day, for attendance on subsequent days or half-days at the daily rate or half-daily rate set out in the first section of that table,
 as appropriate to the category of trial advocate or substitute advocate; or
- (c) where the number of pages of evidence exceeds 1000—
  - (i) at the rates for 751 to 1000 pages set out in the second section of the table following this sub-paragraph;
  - (ii) with such fee as the appropriate officer considers reasonable for preparation in respect of the pages in excess of 1000, at the hourly rates for preparation set out in the third section of that table; and
  - (iii) where the hearing lasts for more than one day, for attendance on subsequent days or half-days at the daily rate or half-daily rate set out in the first section of that table,
 as appropriate to the category of trial advocate or substitute advocate.

### Fees for confiscation hearings

	<i>Fee for QC (£)</i>	<i>Fee for Leading Junior (£)</i>	<i>Fee for Junior Alone (£)</i>	<i>Fee for Led Junior (£)</i>
1. Daily and half daily rates				
Half daily rate	260	195	130	130
Daily rate	497	346	238	238
2. Pages of evidence				
51-250	649	541	433	324

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

251-500	973	811	649	486
501-750	1,298	1,081	865	649
751-1000	1,946	1,622	1,298	973
3. Preparation				
hourly rates	74	56	39	39

- (3) In sub-paragraph (2) “evidence” means—
- (a) the statement of information served under section 16 of the Proceeds of Crime Act 2002 and relied on by the prosecution for the purposes of a hearing under Part 2 of that Act, or a similar statement served and so relied on for the purposes of a hearing under section 2 of the Drug Trafficking Act 1994 or under section 71 of the Criminal Justice Act 1988 and, in each case, any attached annexes and exhibits;
  - (b) any other document which—
    - (i) is served as a statement or an exhibit for the purposes of the trial;
    - (ii) is specifically referred to in, but not served with, a statement mentioned in paragraph (a); and
    - (iii) the prosecution state that they intend to rely on in the hearing; and
  - (c) any written report of an expert obtained with the prior authority of the Lord Chancellor under regulation 13 or allowed by the appropriate officer under these Regulations, and any attached annexes and exhibits, other than documents contained in such annexes or exhibits which have also been served under paragraph (a) or (b) or which consist of financial records or similar data.

**Marginal Citations**  
**M14** 2002 c 29.  
**M15** 1994 c. 37.  
**M16** 1988 c. 33.

**Fees for sentencing hearings**

15.—(1) This paragraph applies to a sentencing hearing following a case on indictment to which this Schedule applies, where sentence has been deferred under section 1 of the Powers of Criminal Courts (Sentencing) Act 2000<sup>M17</sup> (deferment of sentence).

(2) The fee payable to an advocate for appearing at a hearing to which this paragraph applies is that set out in the table following paragraph 24 as appropriate to the category of trial advocate or substitute advocate and the circumstances of the hearing.

**Marginal Citations**  
**M17** 2000 c. 6.

**Fees for ineffective trials**

16. The fee set out in the table following paragraph 24 as appropriate to the category of trial advocate is payable in respect of each day on which the case was listed for trial but did not proceed on the day for which it was listed, for whatever reason.



## Fees for special preparation

17.—(1) This paragraph applies where, in any case on indictment in the Crown Court in respect of which a graduated fee is payable under Part 2 or Part 3—

- (a) it has been necessary for an advocate to do work by way of preparation substantially in excess of the amount normally done for cases of the same type because the case involves a very unusual or novel point of law or factual issue;
- (b) the number of pages of prosecution evidence, as defined in paragraph 1(2), exceeds 10,000 and the appropriate officer considers it reasonable to make a payment in excess of the graduated fee payable under this Schedule; or
- (c) a documentary or pictorial exhibit is served by the prosecution in electronic form where—
  - (i) the exhibit has never existed in paper form; and
  - (ii) the appropriate officer—
    - (aa) does not consider it appropriate to include the exhibit in the pages of prosecution evidence; and
    - (bb) considers it reasonable to make a payment in respect of the exhibit in excess of the graduated fee.

(2) Where this paragraph applies, a special preparation fee may be paid, in addition to the graduated fee payable under Part 2 or Part 3.

(3) The amount of the special preparation fee must be calculated—

- (a) where sub-paragraph (1)(a) applies, from the number of hours preparation in excess of the amount the appropriate officer considers reasonable for cases of the same type;
- (b) where sub-paragraph (1)(b) applies, from the number of hours which the appropriate officer considers reasonable to read the excess pages; and
- (c) where sub-paragraph (1)(c) applies, from the number of hours which the appropriate officer considers reasonable to view the prosecution evidence,

and in each case using the hourly fee rates set out in the table following paragraph 24 as appropriate to the category of trial advocate.

(4) Any claim for a special preparation fee under this paragraph must be made by [<sup>F88</sup>a trial] advocate, whether or not [<sup>F89</sup>the trial] advocate did the work claimed for.

(5) [<sup>F90</sup>A trial] advocate claiming a special preparation fee must supply such information and documents as may be required by the appropriate officer in support of the claim.

(6) In determining a claim under this paragraph, the appropriate officer must take into account all the relevant circumstances of the case, including, where special preparation work has been undertaken by more than one advocate, the benefit of such work to the trial advocate.

[<sup>F91</sup>(7) In sub-paragraphs (4) and (5), where the main hearing is a trial, “trial advocate” means the advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial.]

### Textual Amendments

**F88** Words in Sch. 1 para. 17(4) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(3)(f)** (with reg. 3)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

- F89** Words in Sch. 1 para. 17(4) substituted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, 2(6)(d) (with reg. 3)
- F90** Words in Sch. 1 para. 17(5) substituted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, 2(4)(c) (with reg. 3)
- F91** Sch. 1 para. 17(7) inserted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, 2(16)(b) (with reg. 3)

### Fees for wasted preparation

18.—(1) A wasted preparation fee may be claimed where a trial advocate in any case to which this paragraph applies is prevented from representing the assisted person in the main hearing by any of the following circumstances—

- (a) the trial advocate is instructed to appear in other proceedings at the same time as the main hearing in the case and has been unable to secure a change of date for either the main hearing or the other proceedings;
- (b) the date fixed for the main hearing is changed by the court despite the trial advocate's objection;
- (c) the trial advocate has withdrawn from the case with the leave of the court because of the trial advocate's professional code of conduct or to avoid embarrassment in the exercise of the trial advocate's profession;
- (d) the trial advocate has been dismissed by the assisted person or the litigator; or
- (e) the trial advocate is obliged to attend at any place by reason of a judicial office held by the trial advocate or other public duty.

(2) This paragraph applies to every case on indictment to which this Schedule applies provided that—

- (a) the case goes to trial, and the trial lasts for five days or more; or
- (b) the case is a cracked trial, and the number of pages of prosecution evidence exceeds 150.

(3) The amount of the wasted preparation fee must be calculated from the number of hours of preparation reasonably carried out by the trial advocate, using the hourly fee rates set out in the table following paragraph 24 as appropriate to the category of trial advocate, but no such fee is payable unless the number of hours of preparation is eight or more.

(4) Any claim for a wasted preparation fee under this paragraph must be made by [<sup>F92</sup>a trial] advocate, whether or not [<sup>F93</sup>the trial] advocate did the work claimed for.

(5) [<sup>F94</sup>A trial] advocate claiming a wasted preparation fee must supply such information and documents as may be required by the appropriate officer as proof of the circumstances in which the <sup>F95</sup>... advocate was prevented from representing the assisted person and of the number of hours of preparation.

[<sup>F96</sup>(6) In sub-paragraphs (4) and (5), where the main hearing is a trial, “trial advocate” means an advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial.]

### Textual Amendments

- F92** Words in Sch. 1 para. 18(4) substituted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, 2(3)(f) (with reg. 3)

- F93** Words in Sch. 1 para. 18(4) substituted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, **2(6)(d)** (with reg. 3)
- F94** Words in Sch. 1 para. 18(5) substituted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, **2(4)(c)** (with reg. 3)
- F95** Word in Sch. 1 para. 18(5) omitted (5.5.2015) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, **2(16)(c)(i)** (with reg. 3)
- F96** Sch. 1 para. 18(6) inserted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, **2(16)(c)(ii)** (with reg. 3)

### Fees for conferences and views

19.—(1) This paragraph applies to the following types of work—

- (a) attendance by the trial advocate at pre-trial conferences with prospective or actual expert witnesses not held at court;
- (b) attendance by the trial advocate at views at the scene of the alleged offence;
- (c) attendance by the trial advocate at pre-trial conferences with the assisted person not held at court;
- (d) reasonable travelling time by the trial advocate for the purpose of attending a view at the scene of the alleged offence; or
- (e) reasonable travelling time by the trial advocate for the purpose of attending a pre-trial conference with the assisted person or prospective or actual expert witness, where the appropriate officer is satisfied that the assisted person or prospective or actual expert witness was unable or could not reasonably have been expected to attend a conference at the trial advocate's chambers or office.

(2) The fees payable in respect of attendance at the first three pre-trial conferences or views, as set out in sub-paragraph (1)(a) to (c), are included in the basic fee (B) specified in the table following paragraph 5, or that following paragraph 8, as appropriate to the offence for which the assisted person is tried, the category of trial advocate and whether the case is a guilty plea, cracked trial or trial, provided that the trial advocate satisfies the appropriate officer that the work was reasonably necessary.

(3) The fee specified in the table following paragraph 24 as appropriate to the category of trial advocate is payable in the following circumstances, provided that the trial advocate satisfies the appropriate officer that the work was reasonably necessary—

- (a) for trials lasting not less than 21 and not more than 25 days, and cracked trials where it was accepted by the court at [<sup>F97</sup>the first hearing at which the assisted person entered a plea] that the trial would last not less than 21 days and not more than 25 days, one further pre-trial conference or view not exceeding two hours;
- (b) for trials lasting not less than 26 and not more than 35 days, and cracked trials where it was accepted by the court at [<sup>F97</sup>the first hearing at which the assisted person entered a plea] that the trial would last not less than 26 days and not more than 35 days, two further pre-trial conferences or views each not exceeding two hours; and
- (c) for trials lasting not less than 36 days, and cracked trials where it was accepted by the court at [<sup>F97</sup>the first hearing at which the assisted person entered a plea] that the trial would last not less than 36 days and not more than 40 days, three further pre-trial conferences or views each not exceeding two hours.

(4) Travel expenses must be paid for all conferences and views set out in sub-paragraph (1)(a) to (c), provided that the trial advocate satisfies the appropriate officer that they were reasonably incurred.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

(5) Travelling time must be paid for all conferences and views set out in sub-paragraph (1)(a) to (c), provided that the trial advocate satisfies the appropriate officer that it was reasonable.

#### Textual Amendments

**F97** Words in Sch. 1 para. 19(3) substituted (5.10.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(11)(d)**

#### Fees for appeals, committals for sentence and breach hearings

**20.**—(1) Subject to sub-paragraphs (4) and (5) and paragraph 26 the fee payable to a trial advocate in any of the hearings referred to in paragraph 2(1)(b) is the fixed fee specified in the table following paragraph 24.

(2) Where a hearing referred to in paragraph 2(1)(b) is listed but cannot proceed because of the failure of the assisted person or a witness to attend, the unavailability of a pre-sentence report, or other good reason, the fee payable to the advocate is the fixed fee specified in the table following paragraph 24.

(3) Where—

- (a) a bail application;
- (b) a mention hearing; or
- (c) any other application,

takes place in the course of a hearing referred to in paragraph 2(1)(b), the fee payable to the advocate is the fixed fee specified in the table following paragraph 24.

(4) Where it appears to the appropriate officer that the fixed fee allowed under sub-paragraph (1) would be inappropriate taking into account all of the relevant circumstances of the case the appropriate officer may instead allow fees of such amounts as appear to the appropriate officer to be reasonable remuneration for the relevant work in accordance with sub-paragraph (5).

(5) The appropriate officer may allow any of the following classes of fees to an advocate in respect of work allowed by the appropriate officer under this paragraph—

- (a) a fee for preparation including, where appropriate, the first day of the hearing including, where they took place on that day—
  - (i) short conferences;
  - (ii) consultations;
  - (iii) applications and appearances (including bail applications);
  - (iv) views at the scene of the alleged offence; and
  - (v) any other preparation;
- (b) a refresher fee for any day or part of a day for which a hearing continued, including, where they took place on that day—
  - (i) short conferences;
  - (ii) consultations;
  - (iii) applications and appearances (including bail applications);
  - (iv) views at the scene of the alleged offence; and
  - (v) any other preparation; and
- (c) subsidiary fees for—

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- (i) attendance at conferences, consultations and views at the scene of the alleged offence not covered by paragraph (a) or (b);
- (ii) written advice on evidence, plea, appeal, case stated or other written work; and
- (iii) attendance at applications and appearances (including bail applications and adjournments for sentence) not covered by paragraph (a) or (b).

**Fees for contempt proceedings**

21.—(1) Subject to sub-paragraph (2), remuneration for advocates in proceedings referred to in section 14(g) of the Act in the Crown Court must be at the rates specified in the table following this sub-paragraph.

<i>Category of advocate</i>	<i>Payment rates (£ per day)</i>
QC	300
Leading Junior	225
Led Junior or Junior acting alone	150

(2) Where an advocate and a litigator are instructed in proceedings referred to in section 14(g) of the Act, remuneration must be at the rates specified in the table following this sub-paragraph, as appropriate to the category of advocate.

<i>Category of advocate</i>	<i>Payment rates (£ per day)</i>
QC	175
Leading Junior	125
Led Junior or Junior acting alone	100

**Discontinuance or dismissal of <sup>F98</sup>... proceedings**

22.—<sup>F99</sup>(1) This paragraph applies to proceedings which are sent for trial to the Crown Court.]

(2) Where proceedings referred to in sub-paragraph (1) are 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) at any time before the prosecution serves its evidence in accordance with the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005 <sup>M18</sup> the advocate must be paid 50% of the basic fee (B) for a guilty plea, as specified in the table following paragraph 8 as appropriate to the offence for which the assisted person is charged and the category of advocate.

(3) Where proceedings referred to in sub-paragraph (1) are 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) at any time after the prosecution serves its evidence in accordance with the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005, the advocate must be paid a graduated fee calculated in accordance with paragraph 7, as appropriate for representing an assisted person in a guilty plea.

<sup>F100</sup>(4) .....

(5) Where, at <sup>F101</sup> or before the first hearing at which the assisted person enters a plea]—

- (a) the prosecution offers no evidence and the assisted person is discharged; or
- (b) the case is remitted to the magistrates' court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998,

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the advocate instructed in the proceedings must be paid a graduated fee calculated in accordance with paragraph 7, as appropriate for representing an assisted person in a guilty plea.

(6) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 <sup>F102</sup> ... the advocate must be remunerated for attendance at the hearing of the application for dismissal—

- (a) in respect of any day where the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the table following paragraph 24 as appropriate to the category of advocate; or
- (b) in respect of any day where the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in that table as appropriate to the category of advocate,

provided that a fee is not payable elsewhere under this Schedule in respect of any day of the hearing.

(7) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 <sup>F103</sup> ... and—

- (a) the charge, or charges, are dismissed and the assisted person is discharged; or
- (b) the case is remitted to the magistrates' court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998,

in respect of the first day of the hearing of the application to dismiss, the advocate instructed in the proceedings must be paid a graduated fee calculated in accordance with paragraph 7, as appropriate for representing an assisted person in a guilty plea.

(8) Where an advocate represents more than one assisted person in proceedings referred to in sub-paragraph (1), the advocate must be paid a fixed fee of 20% of—

- (a) the fee specified in sub-paragraph (2) where that sub-paragraph applies; or
- (b) the basic fee (B) specified in the table following paragraph 8 where sub-paragraph (3), (4) or (5) applies, as appropriate for the circumstances set out in the relevant sub-paragraph,

in respect of each additional assisted person the advocate represents.

#### Textual Amendments

**F98** Words in Sch. 1 para. 22 heading omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(9)(a)** (with reg. 10(1))

**F99** Sch. 1 para. 22(1) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(9)(b)** (with reg. 10(1))

**F100** Sch. 1 para. 22(4) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(e)(i)**

**F101** Words in Sch. 1 para. 22(5) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(e)(ii)**

**F102** Words in Sch. 1 para. 22(6) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(e)(iii)** (with reg. 10(1))

**F103** Words in Sch. 1 para. 22(7) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(10)(a)** (with reg. 10(1))

#### Marginal Citations

**M18** [S.I. 2005/902](#) as amended by [S.I. 2012/1345](#).

**Noting brief fees**

23. The fee payable to an advocate retained solely for the purpose of making a note of any hearing must be the daily fee set out in the table following paragraph 24.

**Fixed fees**

24. The table following this paragraph sets out the fixed fees payable in relation to the category of work specified in the first column of the table.

**Fixed Fees**

<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Fee for QC (£)</i>	<i>Fee for Leading Junior (£)</i>	<i>Fee for Led Junior or Junior alone (£)</i>
Standard appearance	12(2)	173 per day	130 per day	87 per day
F104	F104	F104	F104	F104
...	...	...	...	...
Abuse of process hearing	13(1)(a) and 13(3)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Hearings relating to disclosure	13(1)(b), 13(1)(c) and 13(3)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Hearings relating to the admissibility of evidence	13(1)(d) and 13(3)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Hearings on withdrawal of guilty plea	13(1)(e) and 13(3)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Deferred sentencing hearing	15(2)	324 per day	238 per day	173 per day
Ineffective trial payment	16	281 per day	195 per day	130 per day
Special preparation	17	74 per hour	56 per hour	39 per hour
Wasted preparation	18	74 per hour	56 per hour	39 per hour
Conferences and views	19	74 per hour	56 per hour	39 per hour
Appeals to the Crown Court against conviction	20(1)	260 per day	195 per day	130 per day
Appeals to the Crown Court against sentence	20(1)	216 per day	151 per day	108 per day
Proceedings relating to breach of an order of the Crown Court	20(1)	216 per day	151 per day	108 per day
Committal for sentence	20(1)	260 per day	195 per day	130 per day
Adjourned appeals, committals for sentence and breach hearings	20(2)	173 per day	130 per day	87 per day

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

Bail applications, 20(3) mentions and other applications in appeals, committals for sentence and breach hearings	173 per day	130 per day	87 per day
Second and subsequent days of an application to dismiss	22(6) 260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Noting brief	24		108 per day
Hearing for mitigation of sentence	34	260 per day	173 per day 108 per day

#### Textual Amendments

**F104** Words in Sch. 1 para. 24 omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(11)(f)** (with reg. 10(2))

## PART 6

### Miscellaneous

#### Identity of instructed advocate

**25.**—(1) Where an instructed advocate is appointed before [<sup>F105</sup>the first hearing at which the assisted person enters a plea], the instructed advocate must notify the Court in writing as soon as the appointment is made and, where appropriate, must confirm whether the instructed advocate is the leading instructed advocate or the led instructed advocate.

(2) Where the section 16 determination provides for representation by a single advocate and no instructed advocate has been notified to the Court in accordance with sub-paragraph (1)—

- (a) the barrister or solicitor advocate who attends [<sup>F105</sup>the first hearing at which the assisted person enters a plea] is deemed to be the instructed advocate; and
- (b) the Court must make a written record of this fact.

(3) Where the section 16 determination provides for representation by a single advocate and no barrister or solicitor advocate attends [<sup>F105</sup>the first hearing at which the assisted person enters a plea]—

- (a) the barrister or solicitor advocate who attends the next hearing in the case is deemed to be the instructed advocate; and
- (b) the Court must make a written record of this fact.

(4) Where the section 16 determination provides for representation by more than one advocate, and no leading instructed advocate has been notified to the Court in accordance with sub-paragraph (1), the leading advocate who attends—

- (a) [<sup>F105</sup>the first hearing at which the assisted person enters a plea]; or
- (b) where no leading advocate attends [<sup>F105</sup>the first hearing at which the assisted person enters a plea], the next hearing in the case attended by a leading advocate,

is deemed to be the leading instructed advocate, and the Court must make a written record of this fact.



(5) Where the section 16 determination provides for representation by more than one advocate, and no led instructed advocate has been notified to the Court in accordance with sub-paragraph (1), the led advocate who attends—

- (a) [F<sup>105</sup>the first hearing at which the assisted person enters a plea]; or
- (b) where no led advocate attends [F<sup>105</sup>the first hearing at which the assisted person enters a plea], the next hearing in the case attended by a led advocate,

is deemed to be the led instructed advocate, and the Court must make a written record of this fact.

(6) Where a section 16 determination is amended after [F<sup>105</sup>the first hearing at which the assisted person enters a plea] to provide for representation by more than one advocate—

- (a) the additional instructed advocate must notify the Court in writing of the additional instructed advocate's appointment within 7 days of the date on which the section 16 determination is amended; and
- (b) each instructed advocate must notify the Court whether that instructed advocate is the leading instructed advocate or the led instructed advocate.

(7) Where no additional instructed advocate has been notified to the Court in accordance with sub-paragraph (6)(a), the advocate who attends the next hearing in the case is deemed to be an instructed advocate and the Court must record in writing whether that instructed advocate is the leading instructed advocate or the led instructed advocate, as appropriate to the circumstances of the case.

(8) Where—

- (a) a case ceases to be a Very High Cost Case (in relation to fees claimed by advocates); and
- (b) none of sub-paragraphs (1) to (7) applies,

the instructed advocate must notify the Court in writing of the instructed advocate's appointment within 7 days of the case ceasing to be a Very High Cost Case.

(9) The Court must attach—

- (a) any notice received under sub-paragraph (1), (6) or (8); and
- (b) any record made by it under sub-paragraph (2), (3), (4), (5) or (7),

to the representation order.

(10) An instructed advocate must remain as instructed advocate at all times, except where—

- (a) a date for trial is fixed at or before [F<sup>105</sup>the first hearing at which the assisted person enters a plea] and the instructed advocate is unable to conduct the trial due to the instructed advocate's other pre-existing commitments;
- (b) the instructed advocate is dismissed by the assisted person or the litigator; or
- (c) the instructed advocate is required to withdraw because of his professional code of conduct.

(11) Where, in accordance with sub-paragraph (10), an instructed advocate withdraws, the instructed advocate must—

- (a) immediately notify the court of the withdrawal—
  - (i) in writing; or
  - (ii) where the withdrawal takes place at a F<sup>106</sup>... hearing, orally; and
- (b) within 7 days of the date of the withdrawal, notify the court in writing of the identity of a replacement instructed advocate, who must fulfil all the functions of an instructed advocate in accordance with these Regulations.

(12) This paragraph does not apply to a claim for fees under paragraph 32, 33 or 34.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

#### Textual Amendments

- F105** Words in Sch. 1 para. 25 substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(8)(a)**
- F106** Words in Sch. 1 para. 25(11)(a)(ii) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(g)**

#### Payment of fees to instructed advocate

**26.**—(1) In accordance with regulation 23 the appropriate officer must notify each [F107trial] advocate of the total fees payable and authorise payment to the [F107trial] advocate accordingly.

(2) Payment of the fees in accordance with sub-paragraph (1) must be made to each [F107trial] advocate.

(3) Where the section 16 determination provides for representation by a single advocate, the [F107trial] advocate is responsible for arranging payment of fees to the [F108instructed] advocate and any substitute advocate who has undertaken work on the case.

(4) Where there are two[F107trial]advocates for an assisted person, payment must be made to each [F107trial] advocate individually, and—

- (a) the leading[F107trial] advocate is responsible for arranging payment of fees to the [F108instructed] advocate and any substitute advocate who have undertaken work on the case of a type for which a leading advocate is responsible; and
- (b) the led[F107trial]advocate is responsible for arranging payment of fees to the [F108instructed] advocate and any substitute advocate who have undertaken work on the case of a type for which a led advocate is responsible.

[F109(4A) In this paragraph, where the main hearing is a trial, “trial advocate” means an advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial.]

(5) This paragraph does not apply to a claim for fees under paragraph 32, 33 or 34.

#### Textual Amendments

- F107** Word in Sch. 1 para. 26 substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(5)(d)** (with reg. 3)
- F108** Word in Sch. 1 para. 26 substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(d)(i)** (with reg. 3)
- F109** Sch. 1 para. 26(4A) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(d)(ii)** (with reg. 3)

#### Additional charges and additional cases

**27.**—(1) Where an assisted person is charged with more than one offence on one indictment, the fee payable to the trial advocate under this Schedule must be based on whichever of those offences the trial advocate selects.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

(2) Where two or more cases to which this Schedule applies involving the same trial advocate are heard concurrently (whether involving the same or different assisted persons)—

- (a) the trial advocate must select one case (“the principal case”), which must be treated for the purposes of remuneration in accordance with this Schedule;
- (b) in respect of the main hearing in each of the other cases the trial advocate must be paid a fixed fee of 20% of—
  - (i) the basic fee (B) specified in the table following paragraph 5 or that following paragraph 8, as appropriate, for the principal case, where that is a case falling within paragraph 2(1)(a); or
  - (ii) the fixed fee for the principal case, where that is a case falling within paragraph 2(1)(b) or paragraph 10.

(3) Nothing in sub-paragraphs (4) to (6) permits a fixed fee under Part 5, other than one to which paragraph 14 applies, to be paid in a case to which Part 4 applies.

(4) Where a trial advocate or substitute advocate appears at a hearing specified in paragraph 12, 13, 14, 15 or 16, forming part of two or more cases involving different assisted persons, the trial advocate or substitute advocate must be paid—

- (a) in respect of the first such case, the fixed fee for that hearing specified in the table following paragraph 24; and
- (b) in respect of each of the other cases, 20% of that fee.

(5) Subject to sub-paragraphs (1) to (4), where a trial advocate or substitute advocate appears at a hearing forming part of two or more cases, the trial advocate or substitute advocate must be paid the fixed fee for that hearing specified in the table following paragraph 24 in respect of one such case, without any increase in respect of the other cases.

(6) Where a trial advocate selects—

- (a) one offence, in preference to another offence, under sub-paragraph (1); or
- (b) one case as the principal case, in preference to another case, under sub-paragraph (2),

that selection does not affect the trial advocate's right to claim any of the fees set out in the table following paragraph 24 to which the trial advocate would otherwise have been entitled.

### **Multiple advocates**

**28.** Where a section 16 determination provides for representation by three advocates in a case the provisions of this Schedule apply, and the fees payable to the led juniors in accordance with Part 2 or Part 3 are payable to each led junior who is instructed in the case.

### **Non-local appearances**

**29.** Where an advocate is instructed to appear in a court which is not within 40 kilometres of the advocate's office or chambers, the appropriate officer may allow an amount for travelling and other expenses incidental to that appearance, provided that the amount must not be greater than the amount, if any, which would be payable to a trial advocate from the nearest local Bar or the nearest advocate's office (whichever is the nearer) unless the advocate instructed to appear has obtained prior approval under regulation 13 for the incurring of such expenses or can justify the attendance having regard to all the relevant circumstances of the case.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

### **Trials lasting over 40 days**

**30.** Where a trial exceeds 40 days, the trial advocate must be paid a fee as set out in the table following this paragraph, as appropriate to the category of trial advocate and the Class of Offence, for each day by which the trial exceeds 40 days on which the trial advocate attends at court.

#### **Daily rates payable where a trial lasts over 40 days**

<i>Class of Offence</i>	<i>Daily rate payable for days 41-50 (£)</i>	<i>Daily rate payable for days 51 and over (£)</i>
QC		
A	387	414
B	387	414
C	387	414
D	387	414
E	387	414
F	387	414
G	387	414
H	387	414
I	387	414
J	387	414
K	387	414
Leading Junior		
A	331	356
B	331	356
C	331	356
D	331	356
E	331	356
F	331	356
G	331	356
H	331	356
I	331	356
J	331	356
K	331	356
Led Junior		
A	221	237
B	221	237
C	221	237
D	221	237

E	221	237
F	221	237
G	221	237
H	221	237
I	221	237
J	221	237
K	221	237
Junior Alone		
A	266	285
B	247	265
C	247	265
D	266	285
E	225	241
F	225	241
G	225	241
H	247	265
I	247	265
J	266	285
K	266	285

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**Assisted person unfit to plead or stand trial**

**31.** Where in any case a hearing is held to determine the question of whether the assisted person is unfit to plead or to stand trial (a “fitness hearing”)—

- (a) if a trial on indictment is held, or continues, at any time thereafter, the length of the fitness hearing is included in determining the length of the trial for the calculation of the graduated fee in accordance with Part 2 or Part 3;
- (b) if a trial on indictment is not held, or does not continue, thereafter by reason of the assisted person being found unfit to plead or to stand trial, the trial advocate must be paid—
  - (i) a graduated fee calculated in accordance with paragraph 4 as appropriate to the combined length of—
    - (aa) the fitness hearing; and
    - (bb) any hearing under section 4A of the Criminal Procedure (Insanity) Act 1964<sup>M19</sup> (finding that the accused did the act or made the omission charged against him); or
  - (ii) a graduated fee calculated in accordance with paragraph 7 as appropriate for representing an assisted person in a cracked trial, whichever the trial advocate elects; and
- (c) if at any time the assisted person pleads guilty to the indictable offence, the trial advocate must be paid either—

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- (i) a graduated fee calculated in accordance with paragraph 4 as appropriate to the length of the fitness hearing; or
  - (ii) a graduated fee calculated in accordance with paragraph 7 as appropriate for representing an assisted person in a guilty plea,
- whichever the trial advocate elects.

#### Marginal Citations

**M19** 1964 c. 84, as amended by section 2 of the [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25\)](#) and section 22 of the [Domestic Violence Crime and Victims Act 2004 \(c. 28\)](#).

#### Cross examination of witness

**32.**—(1) Where in any case on indictment an advocate is retained solely for the purpose of cross-examining a witness under section 38 of the Youth Justice and Criminal Evidence Act 1999 <sup>M20</sup> (defence representation for purposes of cross-examination), the advocate must be paid a graduated fee calculated in accordance with paragraph 4.

(2) For the purposes of this paragraph the daily attendance fee (D) is as set out in the table following paragraph 5 as appropriate to the number of days of attendance at court by the advocate.

#### Marginal Citations

**M20** 1999 c. 23.

#### Provision of written or oral advice

**33.**—(1) Where in any case on indictment an advocate is assigned pursuant to a section 16 determination solely for the purpose of providing written or oral advice, the advocate must be paid for the reasonable number of hours of preparation for that advice using the hourly fee rates for special preparation set out in the table following paragraph 24 as appropriate to the category of trial advocate.

(2) An advocate claiming a fee for advice under this paragraph may apply to the appropriate officer to redetermine the fee under regulation 28 and the advocate must supply such information and documents as may be required by the appropriate officer as proof of the number of hours of preparation.

#### Mitigation of sentence

**34.**—(1) Where in any case on indictment an advocate is assigned pursuant to a section 16 determination to appear at a sentencing hearing solely for the purpose of applying to the court to mitigate the assisted person's sentence, the advocate must be paid in respect of that appearance the fee specified in the table following paragraph 24 together with a fee calculated from the reasonable number of hours of preparation for that appearance using the hourly fee rates for special preparation set out in the table following paragraph 24 as appropriate to the category of trial advocate.

(2) An advocate claiming an hourly preparation fee under this paragraph may apply to the appropriate officer to redetermine such hourly fee under regulation 28 and the advocate must supply such information and documents as may be required by the appropriate officer as proof of the number of hours of preparation.

**PART 7**

## Table of Offences

<i>Offence</i>	<i>Contrary to</i>	<i>Year and Chapter</i>
Class A: Homicide and related grave offences		
Murder	Common law	
Manslaughter	Common law	
Soliciting to commit murder	Offences against the Person Act 1861, s.4	1861 c. 100
Child destruction	Infant Life (Preservation) Act 1929, s.1(1)	1929 c. 34
Infanticide	Infanticide Act 1938, s.1(1)	1938 c. 36
Causing explosion likely to endanger life or property	Explosive Substances Act 1883, s.2	1883 c. 3
Attempt to cause explosion, making or keeping explosives etc.	Explosive Substances Act 1883, s.3	As above
Class B: Offences involving serious violence or damage, and serious drug offences		
Endangering the safety of an aircraft	Aviation Security Act 1982, s.2(1)(b)	1982 c. 36
Racially aggravated arson (not endangering life)	Crime and Disorder Act 1998, s.30(1)	1998 c. 37
Kidnapping	Common law	
False imprisonment	Common law	
Aggravated criminal damage	Criminal Damage Act 1971, s.1(2)	1971 c. 48
Aggravated arson	Criminal Damage Act 1971, s.1(2), (3)	As above
Arson (where value exceeds £30,000)	Criminal Damage Act 1971, s.1(3)	As above
Possession of firearm with intent to endanger life	Firearms Act 1968, s.16	1968 c. 27
Use of firearm to resist arrest	Firearms Act 1968, s.17	As above
Possession of firearm with criminal intent	Firearms Act 1968, s.18	As above
Possession or acquisition of certain prohibited weapons etc.	Firearms Act 1968, s.5	As above
Aggravated burglary	Theft Act 1968, s.10	1968 c. 60
Armed robbery	Theft Act 1968, s.8(1)	As above
Assault with weapon with intent to rob	Theft Act 1968, s.8(2)	As above
Blackmail	Theft Act 1968, s.21	As above
Riot	Public Order Act 1986, s.1	1986 c. 64

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Violent disorder	Public Order Act 1986, s.2	As above
Contamination of good with intent	Public Order Act 1986, s.38	As above
Causing death by dangerous driving	Road Traffic Act 1988, s.1	1988 c. 52
Causing death by careless driving while under the influence of drink or drugs	Road Traffic Act 1988, s.3A	As above
Aggravated vehicle taking resulting in death	Theft Act 1968, s.12A	1968 c. 60
Causing danger to road users	Road Traffic Act 1988, s.22A	1988 c. 52
Attempting to choke, suffocate, strangle etc.	Offences against the Person Act 1861, s.21	1861 c. 100
Causing miscarriage by poison, instrument	Offences against the Person Act 1861, s.58	As above
Making threats to kill	Offences against the Person Act 1861, s.16	As above
Wounding or grievous bodily harm with intent to cause grievous bodily harm etc.	Offences against the Person Act 1861, s.18	As above
Endangering the safety of railway passengers	Offences against the Person Act 1861, ss. 32, 33, 34	As above
Impeding persons endeavouring to escape wrecks	Offences against the Person Act 1861, s.17	As above
Administering chloroform, laudanum etc.	Offences against the Person Act 1861, s.22	As above
Administering poison etc. so as to endanger life	Offences against the Person Act 1861, s.23	As above
Cruelty to persons under 16	Children and Young Persons Act 1933, s.1	1933 c. 12
Aiding and abetting suicide	Suicide Act 1961, s.2	1961 c. 60
Prison mutiny	Prison Security Act 1992, s.1	1992 c. 25
Assaulting prison officer whilst possessing firearm etc.	Criminal Justice Act 1991, s.90	1991 c. 53
Producing or supplying a Class A or B drug	Misuse of Drugs Act 1971, s.4	1971 c. 38
Possession of a Class A or B drug with intent to supply	Misuse of Drugs Act 1971, s.5(3)	As above
Manufacture and supply of scheduled substances	Criminal Justice (International Co-operation) Act 1990, s.12	1990 c. 5
Fraudulent evasion of controls on Class A and B drugs	Customs and Excise Management Act 1979, s.170(2)(b), (c)	1979 c. 2



Illegal importation of Class A and B drugs	Customs and Excise Management Act 1979, s.50	As above
Offences in relation to proceeds of drug trafficking	Drug Trafficking Act 1994, ss. 49, 50, 51	1994 c. 37
Offences in relation to money laundering investigations	Drug Trafficking Act 1994, ss. 52, 53	As above
Practitioner contravening drug supply regulations	Misuse of Drugs Act 1971, ss. 12, 13	1971 c. 38
Cultivation of cannabis plant	Misuse of Drugs Act 1971, s.6	As above
Occupier knowingly permitting drugs offences etc.	Misuse of Drugs Act 1971, s.8	As above
Activities relating to opium	Misuse of Drugs Act 1971, s.9	As above
Drug trafficking offences at sea	Criminal Justice (International Co-operation) Act 1990, s.18	1990 c. 5
Firing on Revenue vessel	Customs and Excise Management Act 1979, s.85	1979 c. 2
Making or possession of explosive in suspicious circumstances	Explosive Substances Act 1883, s.4(1)	1883 c. 3
Causing bodily injury by explosives	Offences against the Person Act 1861, s.28	1861 c. 100
Using explosive or corrosives with intent to cause grievous bodily harm	Offences against the Person Act 1861, s.29	As above
Hostage taking	Taking of Hostages Act 1982, s.1	1982 c. 28
Offences against international protection of nuclear material	Nuclear Material (Offences) Act 1983, s.2	1983 c. 18
Placing explosives with intent to cause bodily injury	Offences against the Person Act 1861, s.30	1861 c. 100
Membership of proscribed organisations	Terrorism Act 2000, s.11	2000 c. 11
Support or meeting of proscribed organisations	Terrorism Act 2000, s.12	As above
Uniform of proscribed organisations	Terrorism Act 2000, s.13	As above
Fund raising for terrorism	Terrorism Act 2000, s.15	As above
Other offences involving money or property to be used for terrorism	Terrorism Act 2000, ss.16-18	As above
Disclosure prejudicing, or interference of material relevant to, investigation of terrorism	Terrorism Act 2000, s.39	As above
Weapons training	Terrorism Act 2000, s.54	As above
Directing terrorist organisation	Terrorism Act 2000, s.56	As above

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Possession of articles for terrorist purposes	Terrorism Act 2000, s.57	As above
Unlawful collection of information for terrorist purposes	Terrorism Act 2000, s.58	As above
Incitement of terrorism overseas	Terrorism Act 2000, s.59	As above
Concealing criminal property	Proceeds of Crime Act 2002 c. 29 2002, s.327	
Involvement in arrangements facilitating the acquisition, retention, use or control of criminal property	Proceeds of Crime Act 2002, s.328	As above
Acquisition, use or possession of criminal property	Proceeds of Crime Act 2002, s.329	As above
Failure to disclose knowledge or suspicion of money laundering: regulated sector	Proceeds of Crime Act 2002, s.330	As above
Failure to disclose knowledge or suspicion of money laundering: nominated officers in the regulated sector	Proceeds of Crime Act 2002, s.331	As above
Failure to disclose knowledge or suspicion of money laundering: other nominated officers	Proceeds of Crime Act 2002, s.332	As above
Tipping off	Proceeds of Crime Act 2002, s.333	As above
Disclosure under sections 330, 331, 332 or 333 of the Proceeds of Crime Act 2002 otherwise than in the form and manner prescribed	Proceeds of Crime Act 2002, s.339(1A)	As above
Causing or allowing the death of a child	Domestic Violence, Crime and Victims Act 2004 c. 28 and Victims Act 2004, s.5	
Class C: Lesser offences involving violence or damage and less serious drugs offences		
Racially aggravated assault	Crime and Disorder Act 1998 c. 37 1998, s.29(1)	
Racially aggravated criminal damage	Crime and Disorder Act 1998, s.30(1)	As above
Robbery (other than armed robbery)	Theft Act 1968, s.8(1)	1968 c. 60
Unlawful wounding	Offences against the Person Act 1861, s.20	1861 c. 100
Assault occasioning actual bodily harm	Offences against the Person Act 1861, s.47	As above
Concealment of birth	Offences against the Person Act 1861, s.60	As above
Abandonment of children under two	Offences against the Person Act 1861, s.27	As above
Arson (other than aggravated arson) where value does not exceed £30,000	Criminal Damage Act 1971, s.1(3)	1971 c. 48
Criminal damage (other than aggravated criminal damage)	Criminal Damage Act 1971, s.1(1)	As above

Possession of firearm without certificate	Firearms Act 1968 s.1	1968 c. 27
Carrying loaded firearm in public place	Firearms Act 1968, s.19	As above
Trespassing with a firearm	Firearms Act 1968, s.20	As above
Shortening of shotgun or possession of shortened shotgun	Firearms Act 1968 s.4	As above
Shortening of smooth bore gun	Firearms Amendment Act 1988, s.6(1)	1988 c. 45
Possession or acquisition of shotgun without certificate	Firearms Act 1968, s.2	1968 c. 27
Possession of firearms by person convicted of crime	Firearms Act 1968, s.21(4)	As above
Acquisition by or supply of firearms to person denied them	Firearms Act 1968, s.21(5)	As above
Dealing in firearms	Firearms Act 1968, s.3	As above
Failure to comply with certificate when transferring firearm	Firearms Act 1968, s.42	As above
Permitting an escape	Common law	
Rescue	Common law	
Escape from lawful custody without force	Common law	
Breach of prison	Common law	
Harbouring escaped prisoners	Criminal Justice Act 1961, s.22	1961 c. 39
Assisting prisoners to escape	Prison Act 1952, s.39	1952 c. 52
Fraudulent evasion of agricultural levy	Customs and Excise Management Act 1979, s.68A(1) and (2)	1979 c. 2
Offender armed or disguised	Customs and Excise Management Act 1979, s.86	As above
Making threats to destroy or damage property	Criminal Damage Act 1971, s.2	1971 c. 48
Possessing anything with intent to destroy or damage property	Criminal Damage Act 1971, s.3	As above
Child abduction by connected person	Child Abduction Act 1984, s.1	1984 c. 37
Child abduction by other person	Child Abduction Act 1984, s.2	As above
Bomb hoax	Criminal Law Act 1977, s.51	1977 c. 45
Producing or supplying Class C drug	Misuse of Drugs Act 1971, s.4	1971 c. 38

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Possession of a Class C drug with intent to supply	Misuse of Drugs Act 1971	As above
	s.5(3)	
Fraudulent evasion of controls on Class C drugs	Customs and Excise Management Act 1979,	1979 c. 2
	s.170(2)(b),(c)	
Illegal importation of Class C drugs	Customs and Excise Management Act 1979,	As above
	s.50	
Possession of Class A drug	Misuse of Drugs Act 1971,	1971 c. 38
	s.5(2)	
Failure to disclose knowledge or suspicion of money laundering	Drug Trafficking Offences Act 1986,	1986 c. 32
	s.26B	
Tipping off in relation to money laundering investigations	Drug Trafficking Offences Act 1986,	As above
	s.26C	
Assaults on officers saving wrecks	Offences against the Person Act 1861,	1861 c. 100
	s.37	
Attempting to injure or alarm the Sovereign	Treason Act 1842,	1842 c. 51
Assisting illegal entry or harbouring persons	Immigration Act 1971,	1971 c. 77
Administering poison with intent to injure etc.	Offences against the Person Act 1861,	1861 c. 100
	s.24	
Neglecting to provide food for or assaulting servants etc.	Offences against the Person Act 1861,	As above
	s.26	
Setting spring guns with intent to inflict grievous bodily harm	Offences against the Person Act 1861,	As above
	s.31	
Supplying instrument etc. to cause miscarriage	Offences against the Person Act 1861,	As above
	s.59	
Failure to disclose information about terrorism	Terrorism Act 2000,	2000 c. 11
Circumcision of females	Prohibition of Female Circumcision Act 1985,	1985 c. 38
	s.1	
Breaking or injuring submarine telegraph cables	Submarine Telegraph Act 1885,	1885 c. 49
	s.3	
Failing to keep dogs under proper control resulting in injury	Dangerous Dogs Act 1991,	1991 c. 65
	s.3	
Making gunpowder etc. to commit offences	Offences against the Person Act 1861,	1861 c. 100
	s.64	
Stirring up racial hatred	Public Order Act 1986,	1986 c. 64
	ss.18-23	
Class D: Sexual offences and offences against children		
Administering drugs to obtain intercourse	Sexual Offences Act 1956,	1956 c. 69
	s.4	
Procurement of a defective	Sexual Offences Act 1956,	As above
	s.9	

Incest other than by man with a girl under 13	Sexual Offences Act 1956, As above s.10, 11
Gross indecency between male of 21 or over and male under 16	Sexual Offences Act 1956, As above s.13
Indecent assault on a woman	Sexual Offences Act 1956, As above s.14
Indecent assault on a man	Sexual Offences Act 1956, As above s.15
Abuse of position of trust	Sexual Offences 2000 c. 44 (Amendment) Act 2000, s.3
Man living on earnings of prostitution	Sexual Offences Act 1956, 1956 c. 69 s.30
Woman exercising control over prostitute	Sexual Offences Act 1956, As above s.31
Living on earnings of male prostitution	Sexual Offences Act 1967, 1967 c. 60 s.5
Incitement to commit incest	Criminal Law Act 1977, 1977 c. 45 s.54
Ill-treatment of persons of unsound mind	Mental Health Act 1983, 1983 c. 20 s.127
Abduction of unmarried girl under 18 from parent	Sexual Offences Act 1956, 1956 c. 69 s.19
Abduction of defective from parent	Sexual Offences Act 1956, As above s.21
Procuration of girl under 21	Sexual Offences Act 1956, As above s.23
Permitting defective to use premises for intercourse	Sexual Offences Act 1956, As above s.27
Causing or encouraging prostitution of defective	Sexual Offences Act 1956, As above s.29
Sexual assault	Sexual Offences Act 2003, 2003 c. 42 s.3
Causing sexual activity without penetration	Sexual Offences Act 2003, As above s.4
Engaging in sexual activity in the presence of a child	Sexual Offences Act 2003, As above s.11
Causing a child to watch a sexual act	Sexual Offences Act 2003, As above s.12
Child sex offence committed by person under 18	Sexual Offences Act 2003, As above s.13
Meeting child following sexual grooming	Sexual Offences Act 2003, As above s.15

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Abuse of trust: sexual activity with a child	Sexual Offences Act 2003, As above s.16
Abuse of position of trust: causing a child to engage in sexual activity	Sexual Offences Act 2003, As above s.17
Abuse of trust: sexual activity in the presence of a child	Sexual Offences Act 2003, As above s.18
Abuse of position of trust: causing a child to watch sexual activity	Sexual Offences Act 2003, As above s.19
Engaging in sexual activity in the presence of a person with a mental disorder	Sexual Offences Act 2003, As above s.32
Causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003, As above s.33
Engaging in sexual activity in the presence of a person with a mental disorder	Sexual Offences Act 2003, As above s.36
Causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003, As above s.37
Care workers: sexual activity in presence of a person with a mental disorder	Sexual Offences Act 2003, As above s.40
Care workers: causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003, As above s.41
Causing or inciting prostitution for gain	Sexual Offences Act 2003, As above s.52
Controlling prostitution for gain	Sexual Offences Act 2003, As above s.53
Administering a substance with intent	Sexual Offences Act 2003, As above s.61
Committing offence with intent to commit sexual offence	Sexual Offences Act 2003, As above s.62
Trespass with intent to commit sexual offence	Sexual Offences Act 2003, As above s.63
Sex with adult relative	Sexual Offences Act 2003, As above ss.64,65
Exposure	Sexual Offences Act 2003, As above s.66
Voyeurism	Sexual Offences Act 2003, As above s.67
Intercourse with an animal	Sexual Offences Act 2003, As above s.69
Sexual penetration of a corpse	Sexual Offences Act 2003, As above s.70
Class E: Burglary etc. Burglary (domestic)	Theft Act 1968, s.9(3)(a) 1968 c. 60

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Going equipped to steal	Theft Act 1968, s.25	As above
Burglary (non-domestic)	Theft Act 1968, s.9(3)(b)	As above
Classes F G and K: Other offences of dishonesty		
<i>The following offences are always in Class F</i>		
Destruction of registers of birth etc.	Forgery Act 1861, s.36	1861 c. 98
Making false entries in copies of registers sent to the registrar	Forgery Act 1861, s.37	As above
Possession (with intention) of false identity documents	Identity Cards Act 2006, s.25(1)	2006 c. 15
Possession (with intention) of apparatus or material for making false identity documents	Identity Cards Act 2006, s.25(3)	As above
Possession (without reasonable excuse) of false identity documents or apparatus or material for making false identity documents	Identity Cards Act 2006, s.25(5)	As above
<i>The following offences are always in Class G</i>		
Undischarged bankrupt being concerned in a company	Insolvency Act 1986, s.360	1986 c. 45
Counterfeiting notes and coins	Forgery and Counterfeiting Act 1981, s.14	1981 c. 45
Passing counterfeit notes and coins	Forgery and Counterfeiting Act 1981, s.15	As above
Offences involving custody or control of counterfeit notes and coins	Forgery and Counterfeiting Act 1981, s.16	As above
Making, custody or control of counterfeiting materials etc.	Forgery and Counterfeiting Act 1981, s.175	As above
Illegal importation: counterfeit notes or coins	Customs and Excise Management Act 1979, s.50	1979 c. 2
Fraudulent evasion: counterfeit notes or coins	Customs and Excise Management Act 1979, s.170(2)(b),(c)	As above
<i>The following offences are in Class G if the value involved exceeds £30,000, Class K if the value exceeds £100,000 and in Class F otherwise</i>		
VAT offences	Value Added Tax Act 1994, s.72(1) to (8)	1994 c. 23
Fraudulent evasion of duty	Customs and Excise Management Act 1979, s.170(1)(b)	1979 c. 2
Theft	Theft Act 1968, s.1	1968 c. 60
Removal of articles from places open to the public	Theft Act 1968, s.11	As above
Abstraction of electricity	Theft Act 1968, s.13	As above

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Obtaining property by deception	Theft Act 1968, s.15	As above
Obtaining pecuniary advantage by deception	Theft Act 1968, s.16	As above
False accounting	Theft Act 1968, s.17	As above
Handling stolen goods	Theft Act 1968, s.22	As above
Obtaining services by deception	Theft Act 1978, s.1	1978 c. 31
Evasion of liability by deception	Theft Act 1978, s.2	As above
Illegal importation: not elsewhere specified	Customs and Excise Management Act 1979, s.50	1979 c. 2
Counterfeiting Customs documents	Customs and Excise Management Act 1979, s.168	As above
Fraudulent evasion: not elsewhere specified	Customs and Excise Management Act 1979, s.170(2)(b),(c)	As above
Forgery	Forgery and Counterfeiting Act 1981, s.1	1981 c. 45
Copying false instrument with intent	Forgery and Counterfeiting Act 1981, s.2	As above
Using a false instrument	Forgery and Counterfeiting Act 1981, s.3	As above
Using a copy of a false instrument	Forgery and Counterfeiting Act 1981, s.4	As above
Custody of control of false instruments etc.	Forgery and Counterfeiting Act 1981, s.5	As above
Offences in relation to dies or stamps	Stamp Duties Management Act 1891, s.13	1891 c. 38
Counterfeiting of dies or marks	Hallmarking Act 1973, s.6	1973 c. 43
Fraud by false representation	Fraud Act 2006, s.2	2006 c. 35
Fraud by failing to disclose information	Fraud Act 2006, s.3	As above
Fraud by abuse of position	Fraud Act 2006, s.4	As above
Possession etc. of article for use in frauds	Fraud Act 2006, s.6	As above
Making or supplying articles for use in frauds	Fraud Act 2006, s.7	As above
Participation in fraudulent business carried on by a sole trader etc.	Fraud Act 2006, s.9	As above
Obtaining services dishonestly	Fraud Act 2006, s.11	As above
Class H: Miscellaneous other offences		
[ <sup>F110</sup> Breach of a sexual harm prevention order or interim sexual harm prevention order	Sexual Offences Act 2003, s.103I	2003 c. 42]
[ <sup>F110</sup> Breach of a sexual risk order or interim sexual risk order	Sexual Offences Act 2003, s.122H	As above]



[ <sup>F110</sup> Breach of a criminal behaviour order	Anti-social Behaviour, 2014 c. 12] Crime and Policing Act 2014, s.30
Racially aggravated public order offence	Crime and Disorder Act As above 1998, s.31(1)
Racially aggravated harassment/putting another in fear of violence	Crime and Disorder Act As above 1998, s.32(1)
Having an article with a blade or point in a public place	Criminal Justice Act 1988, 1988 c. 33 s.39
Breach of harassment injunction	Protection from Harassment 1997 c. 40 Act 1997, s.3(6)
Putting people in fear of violence	Protection from Harassment As above Act 1997, s.4(1)
Breach of restraining order	Protection from Harassment As above Act 1997, s.5(5)
Being drunk on an aircraft	Air Navigation Order 2005, SI 2005/1970 article 75
Possession of offensive weapon	Prevention of Crime Act 1953 c. 14 1953, s.1
Affray	Public Order Act 1986, s.3 1986 c. 64
Assault with intent to resist arrest	Offences against the Person 1861 c. 100 Act 1861, s.38
Unlawful eviction and harassment of occupier	Protection from Eviction 1977 c. 43 Act 1977, s.1
Obscene articles intended for publication for gain	Obscene Publications Act 1964 c. 74 1964, s.1
Gross indecency between males (other than where one is 21 or over and the other is under 16)	Sexual Offences Act 1956, 1956 c. 69 s.13
Solicitation for immoral purposes	Sexual Offences Act 1956, As above s.32
Buggery of males of 16 or over otherwise than in private	Sexual Offences Act 1956, As above s.12
Acts outraging public decency	Common law
Offences of publication of obscene matter	Obscene Publications Act 1959 c. 66 1959, s.2
Keeping a disorderly house	Common law: Disorderly 1751 c. 36 Houses Act 1751, s.8
Indecent display	Indecent Displays (Control) 1981 c. 42 Act 1981, s.1
Presentation of obscene performance	Theatres Act 1968, s.2 1968 c. 54
Procurement of intercourse by threats etc.	Sexual Offences Act 1956, 1956 c. 69 s.2

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Causing prostitution of women	Sexual Offences Act 1956, As above s.22
Detention of woman in brothel or other premises	Sexual Offences Act 1956, As above s.24
Procurement of a woman by false pretences	Sexual Offences Act 1956, As above s.3
Procuring others to commit homosexual acts	Sexual Offences Act 1967, 1967 c. 60 s.4
Trade description offences (9 offences)	Trade Descriptions Act 1968 c. 29 1968, ss.1, 8, 9, 12, 13, 14
Misconduct endangering ship or persons on board ship	Merchant Shipping Act 1970 c. 36 1970, s.27
Obstructing engine or carriage on railway	Malicious Damage Act 1861 c. 97 1861, s.36
Offences relating to the safe custody of controlled drugs	Misuse of Drugs Act 1971, 1971 c. 38 s.11
Possession of Class B or Class C drug	Misuse of Drugs Act 1971, As above s.5(2)
Wanton or furious driving	Offences against the Person Act 1861 c. 100 1861, s.35
Dangerous driving	Road Traffic Act 1988, s.2 1988 c. 52
Forgery and misuse of driving documents	Public Passenger Vehicles Act 1981 c. 14 1981, s.65
Forgery of driving documents	Road Traffic Act 1960, 1960 c. 16 s.233
Forgery etc. of licences and other documents	Road Traffic Act 1988, 1988 c. 52 s.173
Mishandling or falsifying parking documents etc.	Road Traffic Regulation Act 1984 c. 27 1984, s.115
Aggravated vehicle taking	Theft Act 1968, s.12A 1968 c. 60
Forgery, alteration, fraud of licences etc.	Vehicle Excise and Registration Act 1994, s.44 1994 c. 22
Making off without payment	Theft Act 1978, s.3 1978 c. 31
Agreeing to indemnify sureties	Bail Act 1976, s.9(1) 1976 c. 63
Sending prohibited articles by post	Post Office Act 1953, s.11 1953 c. 36
Impersonating Customs Officer	Customs and Excise Management Act 1979, s.13 1979 c. 2
Obstructing Customs Officer	Customs and Excise Management Act 1979, s.16 As above
Class I: Offences against public justice and similar offences	

Conspiring to commit offences outside the United Kingdom	Criminal Justice (Terrorism and Conspiracy) Act 1998, s.5	1998 c. 40
Perverting the course of public justice	Common Law	
Perjuries (7 offences)	Perjury Act 1911, ss.1 to 7(2)	1911 c. 6
Corrupt transactions with agents	Prevention of Corruption Act 1906, s.1	1906 c. 34
Corruption in public office	Public Bodies Corrupt Practices Act 1889, s.1	1889 c. 69
Embracery	Common law	
Offences of bribing another person	Bribery Act 2010, s.1	2010 c. 23
Offences relating to being bribed	Bribery Act 2010, s.2	As above
Bribery of foreign public officials	Bribery Act 2010 s.6	As above
Fabrication of evidence with intent to mislead a tribunal	Common law	
Personation of jurors	Common law	
Concealing an arrestable offence	Criminal Law Act 1967, s.5	1967 c. 58
Assisting offenders	Criminal Law Act 1967, s.4(1)	As above
False evidence before European Court	European Communities Act 1972, s.11	1972 c. 68
Personating for purposes of bail etc.	Forgery Act 1861, s.34	1861 c. 98
Intimidating a witness, juror etc.	Criminal Justice and Public Order Act 1994, s.51(1)	1994 c. 33
Harming, threatening to harm a witness, juror etc.	Criminal Justice and Public Order Act 1994, s.51(2)	As above
Prejudicing a drug trafficking investigation	Drug Trafficking Act 1994, s.58(1)	1994 c. 37
Giving false statements to procure cremation	Cremation Act 1902, s.8(2)	1902 c. 8
False statement tendered under section 9 of the Criminal Justice Act 1967	Criminal Justice Act 1967, s.89	1967 c. 80
Making a false statement to obtain interim possession order	Criminal Justice and Public Order Act 1994, s.75(1)	1994 c. 33
Making false statement to resist making of interim possession order	Criminal Justice and Public Order Act 1994, s.75(2)	As above
False statement tendered under section 5B of the Magistrates' Courts Act 1980	Magistrates' Courts Act 1980, s.106	1980 c. 43
Making false statements to authorised officer	Trade Descriptions Act 1968, s. 29(2)	1968 c. 29
Class J: Serious sexual offences		

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Rape	Sexual Offences Act 1956, 1956 c. 69 s.1(1)
Sexual intercourse with girl under 13	Sexual Offences Act 1956, As above s.5
Sexual intercourse with girl under 16	Sexual Offences Act 1956, As above s.6
Sexual intercourse with defective	Sexual Offences Act 1956, As above s.7
Incest by man with a girl under 13	Sexual Offences Act 1956, As above s.10
Buggery of person under 16	Sexual Offences Act 1956, As above s.12
Indecency with children under 14	Indecency with Children 1960 c. 33 Act 1960, s.1(1)
Taking, having etc. indecent photographs of children	Protection of Children Act 1978 c. 37 1978, s.1
Assault with intent to commit buggery	Sexual Offences Act 1956, 1956 c. 69 s.16
Abduction of woman by force	Sexual Offences Act 1956, As above s.17
Permitting girl under 13 to use premises for sexual intercourse	Sexual Offences Act 1956, As above s.25
Allowing or procuring child under 16 to go abroad to perform	Children and Young Persons 1933 c. 12 Act 1933, ss.25, 26
Sexual intercourse with patients	Mental Health Act 1959, 1959 c. 72 s.128
Abduction of unmarried girl under 16 from parent	Sexual Offences Act 1956, 1956 c. 69 s.20
Permitting girl under 16 to use premises for intercourse	Sexual Offences Act 1956, As above s.26
Causing or encouraging prostitution of girl under 16	Sexual Offences Act 1956, As above s.28
Rape	Sexual Offences Act 2003, 2003 c. 42 s.1
Assault by penetration	Sexual Offences Act 2003, As above s.2
Causing sexual activity with penetration	Sexual Offences Act 2003, As above s.4
Rape of child under 13	Sexual Offences Act 2003, As above s.5
Assault of child under 13 by penetration	Sexual Offences Act 2003, As above s.6

Sexual assault of child under 13	Sexual Offences Act 2003, As above s.7
Causing a child under 13 to engage in sexual activity	Sexual Offences Act 2003, As above s.8
Sexual activity with a child	Sexual Offences Act 2003, As above s.9
Causing a child to engage in sexual activity	Sexual Offences Act 2003, As above s.10
Arranging child sex offence	Sexual Offences Act 2003, As above s.14
Sexual activity with a child family member, with penetration	Sexual Offences Act 2003, As above s.25
Inciting a child family member to engage in sexual activity	Sexual Offences Act 2003, As above s.26
Sexual activity with a person with a mental disorder	Sexual Offences Act 2003, As above s.30
Causing or inciting a person with a mental disorder to engage in sexual activity	Sexual Offences Act 2003, As above s.31
Offering inducement to procure sexual activity with a person with a mental disorder	Sexual Offences Act 2003, As above s.34
Inducing person with mental disorder to engage in sexual activity	Sexual Offences Act 2003, As above s.35
Care workers: sexual activity with a person with a mental disorder	Sexual Offences Act 2003, As above s.38
Care workers: inciting person with mental disorder to engage in sexual act	Sexual Offences Act 2003, As above s.39
Paying for sexual services of a child	Sexual Offences Act 2003, As above s.47
Causing or inciting child prostitution or pornography	Sexual Offences Act 2003, As above s.48
Controlling a child prostitute	Sexual Offences Act 2003, As above s.49
Facilitating child prostitution	Sexual Offences Act 2003, As above s.50
Trafficking into UK for sexual exploitation	Sexual Offences Act 2003, As above s.57
Trafficking within UK for sexual exploitation	Sexual Offences Act 2003, As above s.58
Trafficking out of UK for sexual exploitation	Sexual Offences Act 2003, As above s.59
[ <sup>F111</sup> Trafficking people for sexual exploitation	Sexual Offences Act 2003, As above] s.59A

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Class K: Other offences of dishonesty (high value)  
*Class K offences are listed under Classes F and G*

#### Textual Amendments

- F110** Words in Sch. 1 Pt. 7 substituted (23.3.2015) by [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), regs. 1, **3(3)** (with reg. 4(1))
- F111** Words in Sch. 1 Pt. 7 inserted (13.5.2013) by [The Protection of Freedoms Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/862\)](#), art. 1(2), **Sch. para. 3**

## SCHEDULE 2

Regulation 5

### Litigators' Graduated Fee Scheme

## PART 1

### Definitions and Scope

#### Interpretation

1.—(1) In this Schedule—

“case” means proceedings in the Crown Court against any one assisted person—

- (a) on one or more counts of a single indictment;
  - (b) arising out of a single notice of appeal against conviction or sentence, or a single committal for sentence, whether on one or more charges; or
  - (c) arising out of a single alleged breach of an order of the Crown Court,
- and a case falling within paragraph (c) must be treated as a separate case from the proceedings in which the order was made;

“cracked trial” means a case on indictment in which—

- (a) [<sup>F112</sup>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] and—
    - (i) the case does not proceed to trial (whether by reason of pleas of guilty or for other reasons) or the prosecution offers no evidence; and
    - (ii) either—
      - (aa) in respect of one or more counts to which the assisted person pleaded guilty, the assisted person did not so plead at the [<sup>F113</sup>first hearing at which he or she entered a plea]; or
      - (bb) in respect of one or more counts which did not proceed, the prosecution did not, before or at the [<sup>F114</sup>first hearing at which the assisted person entered a plea], declare an intention of not proceeding with them; or
  - (b) the case is listed for trial without a [<sup>F115</sup>hearing at which the assisted person enters a plea];
- “guilty plea” means a case on indictment which—

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(a) is disposed of without a trial because the assisted person pleaded guilty to one or more counts; and

(b) is not a cracked trial;

“main hearing” means—

(a) in relation to a case which goes to trial, the trial;

(b) in relation to a guilty plea, the hearing at which pleas are taken or, where there is more than one such hearing, the last such hearing;

(c) in relation to a cracked trial, the hearing at which—

(i) the case becomes a cracked trial by meeting the conditions in the definition of a cracked trial, whether or not any pleas were taken at that hearing; or

(ii) a formal verdict of not guilty was entered as a result of the prosecution offering no evidence, whether or not the parties attended the hearing;

(d) in relation to an appeal against conviction or sentence in the Crown Court, the hearing of the appeal;

(e) in relation to proceedings arising out of a committal for sentence in the Crown Court, the sentencing hearing; and

(f) in relation to proceedings arising out of an alleged breach of an order of the Crown Court, the hearing at which those proceedings are determined;

“Newton Hearing” means a hearing at which evidence is heard for the purpose of determining the sentence of a convicted person in accordance with the principles of *R v Newton* (1982) 77 Cr App R 13;

“PPE Cut-off” means the <sup>F116</sup>... number of pages of prosecution evidence for use in [<sup>F117</sup>determining] the fee payable to a litigator under this Schedule, as set out in the tables following paragraph 5(1) and (2)

(2) For the purposes of this Schedule, the number of pages of prosecution evidence served on the court must be determined in accordance with sub-paragraphs (3) to (5).

(3) The number of pages of prosecution evidence includes all—

(a) witness statements;

(b) documentary and pictorial exhibits;

(c) records of interviews with the assisted person; and

(d) records of interviews with other defendants,

which form part of the <sup>F118</sup>... served prosecution documents or which are included in any notice of additional evidence.

(4) Subject to sub-paragraph (5), a document served by the prosecution in electronic form is included in the number of pages of prosecution evidence.

(5) A documentary or pictorial exhibit which—

(a) has been served by the prosecution in electronic form; and

(b) has never existed in paper form,

is not included within the number of pages of prosecution evidence unless the appropriate officer decides that it would be appropriate to include it in the pages of prosecution evidence taking into account the nature of the document and any other relevant circumstances.

(6) In proceedings on indictment in the Crown Court initiated otherwise than by [<sup>F119</sup>sending] for trial, the appropriate officer must determine the number of pages of prosecution evidence in

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accordance with sub-paragraphs (2) to (5) or as nearly in accordance with those sub-paragraphs as possible as the nature of the case permits.

(7) A reference to the Table of Offences in this Schedule is to the Table of Offences in Part 7 of Schedule 1 and a reference to a Class of Offence in this Schedule is to the Class in which that offence is listed in the Table of Offences.

<b>Textual Amendments</b>	
<b>F112</b>	Words in Sch. 2 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(6)(a)</b>
<b>F113</b>	Words in Sch. 2 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(6)(b)</b>
<b>F114</b>	Words in Sch. 2 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(6)(c)</b>
<b>F115</b>	Words in Sch. 2 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(6)(d)</b>
<b>F116</b>	Word in Sch. 2 para. 1(1) omitted (1.4.2016) by virtue of <a href="#">The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369)</a> , regs. 1(2)(b), <b>6(7)(b)(i)</b> (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
<b>F117</b>	Word in Sch. 2 para. 1(1) substituted (1.4.2016) by <a href="#">The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369)</a> , regs. 1(2)(b), <b>6(7)(b)(ii)</b> (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
<b>F118</b>	Words in Sch. 2 para. 1(3) omitted (5.10.2015) by virtue of <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(7)(a)</b> (with reg. 10(1))
<b>F119</b>	Word in Sch. 2 para. 1(6) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(7)(b)</b> (with reg. 10(1))

**Application**

2.—(1) Subject to sub-paragraphs (2) to (7), this Schedule applies to—

- (a) every case on indictment;
- (b) the following proceedings in the Crown Court—
  - (i) an appeal against conviction or sentence from the magistrates' court;
  - (ii) a sentencing hearing following a committal for sentence to the Crown Court;
  - (iii) proceedings arising out of an alleged breach of an order of the Crown Court (whether or not this Schedule applies to the proceedings in which the order was made);
- (c) a sentencing hearing following a case on indictment to which this Schedule applies, where sentence has been deferred under section 1 of the Powers of Criminal Courts (Sentencing) Act 2000 <sup>M21</sup> (deferment of sentence);
- (d) any other post-sentence hearing.

<sup>F120</sup>(2) . . . . .

[<sup>F121</sup>(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.]



- (4) Where, following a case on indictment, a Newton hearing takes place—
- (a) for the purposes of this Schedule the case is to be treated as having gone to trial;
  - (b) the length of the trial is to be taken to be the combined length of the main hearing and the Newton hearing; and
  - (c) the provisions of this Schedule relating to cracked trials and guilty pleas will not apply.
- (5) For the purposes of this Schedule, a case on indictment which discontinues at or before [<sup>F122</sup>the first hearing at which the assisted person enters a plea] otherwise than—
- (a) by reason of a plea of guilty being entered; or
  - (b) in accordance with sub-paragraph (3),
- must be treated as a guilty plea.
- (6) For the purposes of this Schedule, where a trial that is not a Very High Cost Case (in relation to fees claimed by litigators) lasts over 200 days, it must be treated as if it had lasted 200 days.
- (7) For the purposes of this Schedule, where the number of pages of prosecution evidence in a case which is not a Very High Cost Case (in relation to fees claimed by litigators) exceeds—
- (a) the PPE Cut-off figure specified in the table following paragraph 5(2) as appropriate to the offence for which the assisted person is to be tried and the length of trial; and
  - (b) [<sup>F123</sup>6,000],
- the case must be treated as though it had [<sup>F123</sup>6,000] pages of prosecution evidence.

#### Textual Amendments

- F120** Sch. 2 para. 2(2) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(12)(a)(i)** (with reg. 10(1))
- F121** Sch. 2 para. 2(3) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(12)(a)(ii)** (with reg. 10(1))
- F122** Words in Sch. 2 para. 2(5) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(8)(b)**
- F123** Word in Sch. 2 para. 2(7) substituted (1.12.2017) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2017 \(S.I. 2017/1019\)](#), regs. 1, **2(2)** (with reg. 3)

#### Marginal Citations

- M21** 2000 c. 6.

### Class of Offences

- 3.—(1) For the purposes of this Schedule—
- (a) every indictable offence falls within the Class under which it is listed in the Table of Offences and, subject to sub-paragraph (2), indictable offences not specifically so listed are deemed to fall within Class H;
  - (b) conspiracy to commit an indictable offence contrary to section 1 of the Criminal Law Act 1977 <sup>M22</sup> (the offence of conspiracy), incitement to commit an indictable offence and attempts to commit an indictable offence contrary to section 1 of the Criminal Attempts Act 1981 <sup>M23</sup> (attempting to commit an offence) fall within the same Class as the substantive offence to which they relate;
  - (c) where the Table of Offences specifies that the Class within which an offence falls depends on whether the value involved exceeds a stated limit, the value must be presumed not to

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exceed that limit unless the litigator making the claim under regulation 5 proves otherwise to the satisfaction of the appropriate officer;

- (d) where more than one count of the indictment is for an offence in relation to which the Class depends on the value involved, that value must be taken to be the total value involved in all those offences, but where two or more counts relate to the same property, the value of that property must be taken into account once only;
- (e) where an entry in the Table of Offences specifies an offence as being contrary to a statutory provision, then subject to any express limitation in the entry that entry includes every offence contrary to that statutory provision whether or not the words of description in the entry are appropriate to cover all such offences;
- (f) where in a case on indictment there is a hearing to determine the question of whether an assisted person is unfit to plead or unfit to stand trial, the litigator must elect whether that hearing falls within the same Class as the indictable offence to which it relates or within Class D;
- (g) where in a case on indictment a restriction order is made under section 41 of the Mental Health Act 1983 <sup>M24</sup> (power of higher courts to restrict discharge from hospital), the offence falls within Class A, regardless of the Class under which the offence would be listed in the Table of Offences, but for this paragraph.

(2) Where a litigator in proceedings in the Crown Court is dissatisfied with the classification within Class H of an indictable offence not listed in the Table of Offences, the litigator may apply to the appropriate officer, when lodging the claim for fees, to reclassify the offence.

- (3) The appropriate officer must, in light of the objections made by the litigator—
- (a) confirm the classification of the offence within Class H; or
  - (b) reclassify the offence,

and must notify the litigator of the decision.

#### Marginal Citations

**M22** 1977 c. 45.

**M23** 1981 c. 47.

**M24** 1983 c. 20.

## PART 2

### Graduated Fees for Guilty Pleas, Cracked Trials and Trials

#### Scope

<sup>F124</sup>4.—(1) Subject to sub-paragraph (2) and to paragraph 21, this Part does not apply to a guilty plea or cracked trial in a case <sup>F125</sup>... sent for trial to the Crown Court on the election of a defendant where the magistrates' court has determined the case to be suitable for summary trial.

(2) This Part applies in all cases where the trial is a cracked trial because the prosecution offer no evidence on all counts against a defendant and the judge directs that a not guilty verdict be entered.]

**Textual Amendments**

**F124** Sch. 2 para. 4 substituted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(7)(a)** (with reg. 3)

**F125** Words in Sch. 2 para. 4(1) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(2)(g)** (with reg. 10(1))

**Pages of Prosecution Evidence**

5.—(1) For the purposes of this Part, the PPE Cut-off figures in a cracked trial or guilty plea are specified in the table following this sub-paragraph, as appropriate to the offence with which the assisted person is charged.

**PPE Cut-off figures in cracked trials and guilty pleas**

Type of case	<i>Class of Offence</i>										
	A	B	C	D	E	F	G	H	I	J	K
Cracked trial or guilty plea	80	70	40	80	40	50	50	40	40	80	120

(2) For the purposes of this Part, the PPE Cut-off figures in a trial are specified in the table following this sub-paragraph, as appropriate to the offence for which the assisted person is tried and the length of trial.

**PPE Cut-off figures in trials**

<i>Trial length in days</i>	<i>PPE Cut off A</i>	<i>PPE Cut off B</i>	<i>PPE Cut off C</i>	<i>PPE Cut off D</i>	<i>PPE Cut off E</i>	<i>PPE Cut off F</i>	<i>PPE Cut off G</i>	<i>PPE Cut off H</i>	<i>PPE Cut off I</i>	<i>PPE Cut off J</i>	<i>PPE Cut off K</i>
1	80	70	40	80	40	50	50	40	40	80	120
2	80	70	40	80	40	50	50	40	40	80	120
3	95	105	81	95	120	138	138	122	134	95	186
4	126	139	120	126	158	173	173	157	185	126	252
5	156	170	157	156	195	206	206	191	232	156	314
6	186	203	193	186	229	240	240	225	281	186	372
7	218	238	230	218	265	276	276	260	329	218	433
8	257	274	267	257	301	310	310	301	376	257	495
9	293	306	301	293	333	342	342	338	420	293	550
10	330	338	339	330	365	373	373	374	464	330	606
11	367	370	378	367	399	405	405	412	509	367	663
12	404	402	417	404	433	437	437	449	554	404	721
13	440	434	455	440	467	470	470	486	598	440	779
14	477	465	493	477	500	501	501	523	642	477	836

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15	514	497	531	514	532	533	533	559	686	514	894
16	551	535	569	551	565	564	564	596	730	551	951
17	587	573	607	587	598	596	596	637	774	587	1,007
18	624	611	646	624	646	627	627	687	818	624	1,063
19	661	649	684	661	696	659	659	736	862	661	1,119
20	697	687	722	697	746	690	690	786	907	697	1,174
21	742	722	753	742	787	720	720	826	943	742	1,230
22	786	757	785	786	828	752	752	867	980	786	1,286
23	830	792	819	830	868	784	784	908	1,017	830	1,341
24	874	826	857	874	908	816	816	948	1,053	874	1,396
25	917	860	894	917	948	848	848	988	1,088	917	1,451
26	961	895	931	961	988	880	880	1,028	1,124	961	1,505
27	1,005	935	967	1,005	1,028	912	912	1,068	1,160	1,005	1,560
28	1,049	975	1,004	1,049	1,068	944	944	1,107	1,196	1,049	1,615
29	1,099	1,016	1,041	1,099	1,108	976	976	1,147	1,231	1,099	1,670
30	1,150	1,057	1,077	1,150	1,148	1,007	1,007	1,187	1,267	1,150	1,725
31	1,200	1,098	1,114	1,200	1,188	1,039	1,039	1,226	1,303	1,200	1,780
32	1,251	1,138	1,151	1,251	1,228	1,070	1,070	1,266	1,349	1,251	1,835
33	1,301	1,179	1,187	1,301	1,268	1,102	1,102	1,307	1,394	1,301	1,889
34	1,352	1,220	1,224	1,352	1,308	1,133	1,133	1,357	1,439	1,352	1,944
35	1,402	1,261	1,262	1,402	1,347	1,165	1,165	1,407	1,485	1,402	1,999
36	1,453	1,302	1,303	1,453	1,435	1,196	1,196	1,457	1,530	1,453	2,054
37	1,503	1,348	1,345	1,503	1,526	1,228	1,228	1,507	1,575	1,503	2,109
38	1,554	1,395	1,386	1,554	1,617	1,259	1,259	1,557	1,621	1,554	2,164
39	1,604	1,441	1,428	1,604	1,708	1,291	1,291	1,607	1,666	1,604	2,219
40	1,652	1,484	1,444	1,652	1,745	1,314	1,314	1,629	1,704	1,652	2,271
41	1,700	1,527	1,461	1,700	1,782	1,338	1,338	1,651	1,742	1,700	2,324
42	1,748	1,570	1,477	1,748	1,820	1,361	1,361	1,673	1,780	1,748	2,377
43	1,796	1,613	1,494	1,796	1,857	1,384	1,384	1,695	1,818	1,796	2,430
44	1,844	1,656	1,511	1,844	1,895	1,410	1,410	1,716	1,856	1,844	2,483
45	1,892	1,699	1,527	1,892	1,932	1,440	1,440	1,738	1,894	1,892	2,536
46	1,939	1,742	1,544	1,939	1,970	1,470	1,470	1,760	1,932	1,939	2,589
47	1,987	1,785	1,560	1,987	2,007	1,501	1,501	1,782	1,970	1,987	2,642
48	2,039	1,828	1,577	2,039	2,045	1,531	1,531	1,804	2,008	2,039	2,695
49	2,091	1,871	1,594	2,091	2,082	1,561	1,561	1,826	2,046	2,091	2,749

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

50	2,144	1,914	1,610	2,144	2,120	1,591	1,591	1,848	2,084	2,144	2,802
51	2,196	1,957	1,627	2,196	2,158	1,622	1,622	1,870	2,122	2,196	2,855
52	2,249	2,000	1,644	2,249	2,195	1,652	1,652	1,892	2,160	2,249	2,908
53	2,301	2,043	1,660	2,301	2,233	1,682	1,682	1,914	2,198	2,301	2,962
54	2,354	2,086	1,677	2,354	2,271	1,712	1,712	1,936	2,236	2,354	3,015
55	2,406	2,129	1,694	2,406	2,308	1,743	1,743	1,958	2,275	2,406	3,068
56	2,459	2,172	1,710	2,459	2,346	1,773	1,773	1,980	2,313	2,459	3,121
57	2,512	2,215	1,727	2,512	2,384	1,803	1,803	2,002	2,351	2,512	3,175
58	2,564	2,258	1,744	2,564	2,422	1,833	1,833	2,024	2,389	2,564	3,228
59	2,617	2,301	1,760	2,617	2,459	1,864	1,864	2,046	2,427	2,617	3,281
60	2,669	2,345	1,777	2,669	2,497	1,894	1,894	2,068	2,465	2,669	3,335
61	2,722	2,388	1,794	2,722	2,535	1,924	1,924	2,090	2,503	2,722	3,388
62	2,775	2,431	1,811	2,775	2,572	1,959	1,959	2,112	2,542	2,775	3,442
63	2,827	2,474	1,827	2,827	2,610	2,020	2,020	2,134	2,580	2,827	3,495
64	2,880	2,517	1,844	2,880	2,648	2,081	2,081	2,156	2,618	2,880	3,549
65	2,933	2,561	1,861	2,933	2,686	2,141	2,141	2,178	2,656	2,933	3,602
66	2,985	2,604	1,877	2,985	2,723	2,202	2,202	2,200	2,694	2,985	3,656
67	3,038	2,647	1,894	3,038	2,761	2,263	2,263	2,222	2,776	3,038	3,709
68	3,091	2,690	1,911	3,091	2,799	2,323	2,323	2,244	2,865	3,091	3,763
69	3,144	2,734	1,927	3,144	2,836	2,384	2,384	2,266	2,954	3,144	3,816
70	3,196	2,777	1,944	3,196	2,874	2,445	2,445	2,288	3,043	3,196	3,870
71	3,249	2,820	1,961	3,249	2,912	2,506	2,506	2,310	3,132	3,249	3,923
72	3,302	2,864	1,978	3,302	2,950	2,566	2,566	2,332	3,221	3,302	3,977
73	3,355	2,907	1,994	3,355	2,987	2,627	2,627	2,354	3,310	3,355	4,031
74	3,407	2,950	2,016	3,407	3,025	2,688	2,688	2,376	3,399	3,407	4,084
75	3,460	2,994	2,040	3,460	3,063	2,749	2,749	2,398	3,488	3,460	4,138
76	3,513	3,037	2,064	3,513	3,101	2,809	2,809	2,420	3,577	3,513	4,192
77	3,566	3,080	2,089	3,566	3,138	2,870	2,870	2,442	3,666	3,566	4,245
78	3,619	3,124	2,113	3,619	3,176	2,931	2,931	2,464	3,755	3,619	4,299
79	3,672	3,167	2,137	3,672	3,214	2,992	2,992	2,486	3,844	3,672	4,353
80	3,724	3,211	2,161	3,724	3,251	3,052	3,052	2,508	3,933	3,724	4,406
81	3,777	3,254	2,185	3,777	3,289	3,113	3,113	2,530	4,023	3,777	4,460
82	3,830	3,297	2,210	3,830	3,327	3,174	3,174	2,552	4,112	3,830	4,514
83	3,883	3,341	2,234	3,883	3,365	3,235	3,235	2,575	4,201	3,883	4,568
84	3,936	3,384	2,258	3,936	3,402	3,295	3,295	2,597	4,290	3,936	4,622

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

85	3,989	3,428	2,282	3,989	3,440	3,356	3,356	2,619	4,379	3,989	4,675
86	4,042	3,471	2,307	4,042	3,478	3,417	3,417	2,641	4,469	4,042	4,729
87	4,095	3,515	2,331	4,095	3,516	3,478	3,478	2,663	4,558	4,095	4,783
88	4,148	3,558	2,355	4,148	3,553	3,539	3,539	2,685	4,647	4,148	4,837
89	4,201	3,602	2,379	4,201	3,591	3,599	3,599	2,707	4,737	4,201	4,891
90	4,254	3,645	2,404	4,254	3,629	3,660	3,660	2,729	4,826	4,254	4,945
91	4,307	3,689	2,428	4,307	3,666	3,721	3,721	2,751	4,915	4,307	4,999
92	4,360	3,733	2,452	4,360	3,704	3,782	3,782	2,774	5,005	4,360	5,053
93	4,413	3,776	2,477	4,413	3,742	3,843	3,843	2,796	5,094	4,413	5,107
94	4,466	3,820	2,501	4,466	3,780	3,903	3,903	2,818	5,183	4,466	5,161
95	4,519	3,863	2,525	4,519	3,817	3,964	3,964	2,840	5,273	4,519	5,215
96	4,572	3,907	2,549	4,572	3,855	4,025	4,025	2,862	5,362	4,572	5,269
97	4,625	3,951	2,574	4,625	3,893	4,086	4,086	2,884	5,452	4,625	5,323
98	4,679	3,994	2,598	4,679	3,930	4,147	4,147	2,906	5,541	4,679	5,377
99	4,732	4,038	2,622	4,732	3,968	4,207	4,207	2,929	5,631	4,732	5,431
100	4,785	4,082	2,647	4,785	4,006	4,268	4,268	2,951	5,720	4,785	5,485
101	4,838	4,125	2,671	4,838	4,044	4,329	4,329	2,973	5,810	4,838	5,539
102	4,891	4,169	2,695	4,891	4,081	4,390	4,390	2,995	5,899	4,891	5,593
103	4,944	4,213	2,720	4,944	4,119	4,451	4,451	3,032	5,989	4,944	5,647
104	4,997	4,257	2,744	4,997	4,157	4,512	4,512	3,073	6,079	4,997	5,702
105	5,051	4,300	2,768	5,051	4,195	4,573	4,573	3,114	6,168	5,051	5,756
106	5,104	4,344	2,793	5,104	4,232	4,633	4,633	3,155	6,258	5,104	5,810
107	5,157	4,388	2,817	5,157	4,270	4,694	4,694	3,196	6,348	5,157	5,864
108	5,210	4,432	2,841	5,210	4,308	4,755	4,755	3,237	6,437	5,210	5,918
109	5,264	4,475	2,866	5,264	4,345	4,816	4,816	3,278	6,527	5,264	5,973
110	5,317	4,519	2,890	5,317	4,383	4,877	4,877	3,319	6,617	5,317	6,027
111	5,370	4,563	2,914	5,370	4,421	4,938	4,938	3,361	6,706	5,370	6,081
112	5,423	4,607	2,939	5,423	4,459	4,999	4,999	3,402	6,796	5,423	6,135
113	5,477	4,650	2,963	5,477	4,496	5,059	5,059	3,443	6,886	5,477	6,189
114	5,530	4,694	2,987	5,530	4,534	5,120	5,120	3,484	6,976	5,530	6,244
115	5,583	4,738	3,012	5,583	4,572	5,181	5,181	3,525	7,066	5,583	6,298
116	5,637	4,782	3,036	5,637	4,610	5,242	5,242	3,566	7,155	5,637	6,352
117	5,690	4,826	3,060	5,690	4,647	5,303	5,303	3,607	7,245	5,690	6,406
118	5,743	4,869	3,085	5,743	4,685	5,364	5,364	3,648	7,335	5,743	6,460
119	5,797	4,913	3,109	5,797	4,723	5,425	5,425	3,689	7,425	5,797	6,514

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

120	5,850	4,957	3,133	5,850	4,760	5,486	5,486	3,730	7,515	5,850	6,569
121	5,904	5,001	3,158	5,904	4,798	5,547	5,547	3,771	7,605	5,904	6,623
122	5,956	5,044	3,182	5,956	4,836	5,607	5,607	3,812	7,693	5,956	6,677
123	6,009	5,088	3,206	6,009	4,874	5,668	5,668	3,853	7,782	6,009	6,731
124	6,061	5,131	3,230	6,061	4,911	5,729	5,729	3,895	7,871	6,061	6,785
125	6,114	5,175	3,254	6,114	4,949	5,789	5,789	3,936	7,959	6,114	6,839
126	6,167	5,218	3,278	6,167	4,987	5,850	5,850	3,977	8,048	6,167	6,892
127	6,219	5,261	3,302	6,219	5,025	5,911	5,911	4,017	8,137	6,219	6,945
128	6,272	5,304	3,326	6,272	5,062	5,971	5,971	4,058	8,225	6,272	6,999
129	6,324	5,347	3,350	6,324	5,100	6,032	6,032	4,098	8,314	6,324	7,052
130	6,377	5,390	3,374	6,377	5,138	6,093	6,093	4,139	8,403	6,377	7,106
131	6,430	5,433	3,398	6,430	5,175	6,153	6,153	4,179	8,491	6,430	7,159
132	6,482	5,476	3,422	6,482	5,213	6,214	6,214	4,219	8,580	6,482	7,212
133	6,535	5,520	3,446	6,535	5,251	6,274	6,274	4,260	8,669	6,535	7,266
134	6,588	5,563	3,470	6,588	5,289	6,335	6,335	4,300	8,757	6,588	7,319
135	6,640	5,606	3,494	6,640	5,326	6,396	6,396	4,341	8,846	6,640	7,373
136	6,693	5,649	3,518	6,693	5,364	6,456	6,456	4,381	8,935	6,693	7,426
137	6,745	5,692	3,542	6,745	5,402	6,517	6,517	4,422	9,023	6,745	7,479
138	6,798	5,735	3,566	6,798	5,439	6,578	6,578	4,462	9,112	6,798	7,533
139	6,851	5,778	3,590	6,851	5,477	6,638	6,638	4,503	9,201	6,851	7,586
140	6,903	5,821	3,614	6,903	5,515	6,699	6,699	4,543	9,289	6,903	7,639
141	6,956	5,864	3,638	6,956	5,553	6,760	6,760	4,584	9,378	6,956	7,693
142	7,008	5,908	3,662	7,008	5,590	6,820	6,820	4,624	9,467	7,008	7,746
143	7,061	5,951	3,686	7,061	5,628	6,881	6,881	4,664	9,555	7,061	7,800
144	7,114	5,994	3,709	7,114	5,666	6,942	6,942	4,705	9,644	7,114	7,853
145	7,166	6,037	3,733	7,166	5,704	7,002	7,002	4,745	9,733	7,166	7,906
146	7,219	6,080	3,757	7,219	5,741	7,063	7,063	4,786	9,821	7,219	7,960
147	7,272	6,123	3,781	7,272	5,779	7,124	7,124	4,826	9,910	7,272	8,013
148	7,324	6,166	3,805	7,324	5,817	7,184	7,184	4,867	9,999	7,324	8,067
149	7,377	6,209	3,829	7,377	5,854	7,245	7,245	4,907	10,087	7,377	8,120
150	7,429	6,252	3,853	7,429	5,892	7,305	7,305	4,948	10,176	7,429	8,173
151	7,482	6,296	3,877	7,482	5,930	7,366	7,366	4,988	10,265	7,482	8,227
152	7,535	6,339	3,901	7,535	5,968	7,427	7,427	5,029	10,353	7,535	8,280
153	7,587	6,382	3,925	7,587	6,005	7,487	7,487	5,069	10,442	7,587	8,333
154	7,640	6,425	3,949	7,640	6,043	7,548	7,548	5,110	10,531	7,640	8,387

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155	7,692	6,468	3,973	7,692	6,081	7,609	7,609	5,150	10619	7,692	8,440
156	7,745	6,511	3,997	7,745	6,119	7,669	7,669	5,190	10,708	7,745	8,494
157	7,798	6,554	4,021	7,798	6,156	7,730	7,730	5,231	10,797	7,798	8,547
158	7,850	6,597	4,045	7,850	6,194	7,791	7,791	5,271	10,885	7,850	8,600
159	7,903	6,641	4,069	7,903	6,232	7,851	7,851	5,312	10,974	7,903	8,654
160	7,956	6,684	4,093	7,956	6,269	7,912	7,912	5,352	11,063	7,956	8,707
161	8,008	6,727	4,117	8,008	6,307	7,973	7,973	5,393	11,151	8,008	8,760
162	8,061	6,770	4,141	8,061	6,345	8,033	8,033	5,433	11,240	8,061	8,814
163	8,113	6,813	4,165	8,113	6,383	8,094	8,094	5,474	11,329	8,113	8,867
164	8,166	6,856	4,189	8,166	6,420	8,155	8,155	5,514	11,417	8,166	8,921
165	8,219	6,899	4,213	8,219	6,458	8,215	8,215	5,555	11,506	8,219	8,974
166	8,271	6,942	4,237	8,271	6,496	8,276	8,276	5,595	11,595	8,271	9,027
167	8,324	6,985	4,261	8,324	6,534	8,337	8,337	5,636	11,683	8,324	9,081
168	8,376	7,029	4,285	8,376	6,571	8,397	8,397	5,676	11,772	8,376	9,134
169	8,429	7,072	4,309	8,429	6,609	8,458	8,458	5,716	11,861	8,429	9,188
170	8,482	7,115	4,333	8,482	6,647	8,518	8,518	5,757	11,949	8,482	9,241
171	8,534	7,158	4,357	8,534	6,684	8,579	8,579	5,797	12,038	8,534	9,294
172	8,587	7,201	4,380	8,587	6,722	8,640	8,640	5,838	12,127	8,587	9,348
173	8,639	7,244	4,404	8,639	6,760	8,700	8,700	5,878	12,215	8,639	9,401
174	8,692	7,287	4,428	8,692	6,798	8,761	8,761	5,919	12,304	8,692	9,454
175	8,745	7,330	4,452	8,745	6,835	8,822	8,822	5,959	12,393	8,745	9,508
176	8,797	7,373	4,476	8,797	6,873	8,882	8,882	6,000	12,481	8,797	9,561
177	8,850	7,417	4,500	8,850	6,911	8,943	8,943	6,040	12,570	8,850	9,615
178	8,903	7,460	4,524	8,903	6,948	9,004	9,004	6,081	12,659	8,903	9,668
179	8,955	7,503	4,548	8,955	6,986	9,064	9,064	6,121	12,747	8,955	9,721
180	9,008	7,546	4,572	9,008	7,024	9,125	9,125	6,162	12,836	9,008	9,775
181	9,060	7,589	4,596	9,060	7,062	9,186	9,186	6,202	12,925	9,060	9,828
182	9,113	7,632	4,620	9,113	7,099	9,246	9,246	6,242	13,013	9,113	9,881
183	9,166	7,675	4,644	9,166	7,137	9,307	9,307	6,283	13,102	9,166	9,935
184	9,218	7,718	4,668	9,218	7,174	9,368	9,368	6,323	13,191	9,218	9,988
185	9,271	7,762	4,692	9,271	7,211	9,428	9,428	6,364	13,279	9,271	10,042
186	9,323	7,805	4,716	9,323	7,248	9,489	9,489	6,404	13,368	9,323	10,095
187	9,376	7,848	4,740	9,376	7,285	9,549	9,549	6,445	13,457	9,376	10,148
188	9,429	7,891	4,764	9,429	7,322	9,610	9,610	6,485	13,545	9,429	10,202
189	9,481	7,934	4,788	9,481	7,360	9,671	9,671	6,526	13,634	9,481	10,255



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190	9,534	7,977	4,812	9,534	7,397	9,731	9,731	6,566	13,723	9,534	10,309
191	9,587	8,020	4,836	9,587	7,434	9,792	9,792	6,607	13,811	9,587	10,362
192	9,639	8,063	4,860	9,639	7,471	9,853	9,853	6,647	13,900	9,639	10,415
193	9,692	8,106	4,884	9,692	7,508	9,913	9,913	6,687	13,988	9,692	10,469
194	9,744	8,150	4,908	9,744	7,545	9,974	9,974	6,728	14,077	9,744	10,522
195	9,797	8,193	4,932	9,797	7,582	10,035	10,035	6,768	14,166	9,797	10,575
196	9,850	8,236	4,956	9,850	7,620	10,095	10,095	6,809	14,254	9,850	10,629
197	9,902	8,279	4,980	9,902	7,657	10,156	10,156	6,849	14,343	9,902	10,682
198	9,955	8,322	5,004	9,955	7,694	10,217	10,217	6,890	14,432	9,955	10,736
199	10,007	8,365	5,028	10,007	7,731	10,277	10,277	6,930	14,520	10,007	10,789
200	10,060	8,408	5,051	10,060	7,768	10,338	10,338	6,971	14,609	10,060	10,842

**Cracked trial or guilty plea where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off**

6.—(1) Where in a cracked trial or guilty plea the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the table following paragraph 5(1) as appropriate to the Class of Offence with which the assisted person is charged, the total fee payable to the litigator is—

- (a) the basic fee, calculated in accordance with the table following sub-paragraph (2) of this paragraph;
- (b) the defendant uplift, if any, calculated in accordance with the table following paragraph 12; and
- (c) the adjustment for transfers and retrials, if any, calculated in accordance with paragraph 13.

(2) For the purposes of sub-paragraph (1), the basic fee appropriate to a cracked trial or a guilty plea is specified in the table following this sub-paragraph, in accordance with the type of case and Class of Offence with which the assisted person is charged.

**Basic fees for cracked trials and guilty pleas (£)**

	[ <sup>F126</sup> Class of Offence										
<i>Type of case</i>	A	B	C	D	E	F	G	H	I	J	K
Cracked trial	904.58	709.15	524.83	859.35	233.03	224.23	224.23	237.00	253.67	904.58	773.86
Guilty plea	680.39	556.11	442.91	646.36	184.70	195.81	195.81	190.97	174.60	680.39	640.84]

**Textual Amendments**

**F126** Sch. 2 para. 6(2) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 1 para. 1** (with reg. 5)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

**Trial where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off**

7.—(1) Where in a trial the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the table following paragraph 5(2) as appropriate to the offence for which the assisted person is tried and the length of trial, the total fee payable to the litigator is—

- (a) the basic fee, calculated in accordance with the table following sub-paragraph (2);
- (b) the length of trial proxy, if any, calculated in accordance with the table following sub-paragraph (3);
- (c) the defendant uplift, if any, calculated in accordance with the table following paragraph 12; and
- (d) the adjustment for transfers and retrials, if any, calculated in accordance with paragraph 13.

(2) For the purposes of sub-paragraph (1), the basic fee appropriate to a trial is specified in the table following this sub-paragraph, in accordance with the offence for which the assisted person is tried.

**Basic fees for trials (£)**

<i>F<sup>127</sup> Class of Offence</i>											
<i>Type of case</i>	A	B	C	D	E	F	G	H	I	J	K
Trial	1,467.58	097,667	39,591,394	203	52,72	357.60	357.60	357.75	357.44	1,467.58	031.82

(3) For the purposes of sub-paragraph (1), the length of trial proxy is specified in the table following this sub-paragraph, in accordance with the offence for which the assisted person is tried and the length of trial.

**Length of Trial Proxy**

<i>F<sup>128</sup> Trial Length in Days</i>	<i>Trial length proxy A</i>	<i>Trial length proxy B</i>	<i>Trial length proxy C</i>	<i>Trial length proxy D</i>	<i>Trial length proxy E</i>	<i>Trial length proxy F</i>	<i>Trial length proxy G</i>	<i>Trial length proxy H</i>	<i>Trial length proxy I</i>	<i>Trial length proxy J</i>	<i>Trial length proxy K</i>
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	252.54	452.88	432.51	239.92	716.58	644.94	644.94	703.69	862.39	252.54	574.13
4	769.79	879.65	843.33	731.30	1,033.68	898.77	898.77	1,009.83	1,320.93	769.79	1,140.63
5	1,261.16	1,285.08	1,233.61	1,198.10	1,334.86	1,139.90	1,139.90	1,300.64	1,756.54	1,261.16	1,678.81
6	1,761.17	1,695.98	1,621.20	1,673.12	1,617.11	1,386.43	1,386.43	1,589.05	2,200.59	1,761.17	1,718.04
7	2,253.87	2,102.22	2,011.03	2,141.18	1,915.45	1,632.83	1,632.83	1,879.51	2,637.65	2,253.87	2,713.26
8	2,746.56	2,508.44	2,400.87	2,609.24	2,213.79	1,875.25	1,875.25	2,169.97	3,074.70	2,746.56	3,245.48
9	3,210.92	2,874.04	2,751.73	3,050.38	2,482.29	2,093.45	2,093.45	2,431.38	3,473.43	3,210.92	3,724.49
10	3,675.29	3,239.63	3,102.56	3,491.52	2,750.81	2,311.64	2,311.64	2,692.79	3,872.17	3,675.29	4,203.48
11	4,143.10	3,605.74	3,462.93	3,935.94	3,031.66	2,536.06	2,536.06	2,961.38	4,279.02	4,143.10	4,703.99

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<sup>F128</sup> Length in Days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
12	4,607.74	3,971.38	3,823.47	4,377.35	3,312.59	2,760.47	2,760.47	2,229.64	4,686.22	4,607.74	5,204.80
13	5,072.39	4,337.02	4,175.80	4,818.77	3,593.15	2,983.98	2,983.98	2,492.07	5,086.28	5,072.39	5,705.63
14	5,537.03	4,702.67	4,528.13	5,260.19	3,865.07	3,203.34	3,203.34	2,754.51	5,486.32	5,537.03	6,206.43
15	6,001.68	5,068.34	4,880.46	5,701.59	4,136.13	3,422.69	3,422.69	2,916.95	6,886.37	6,001.68	7,070.21
16	6,466.32	5,433.96	5,232.79	6,143.00	4,407.26	3,642.03	3,642.03	3,279.39	7,286.42	6,466.32	7,207.20
17	6,930.96	5,799.60	5,585.12	6,584.42	4,678.33	3,861.43	3,861.43	3,541.82	7,686.47	6,930.96	7,693.86
18	7,395.60	6,165.24	5,937.45	7,025.83	4,949.45	4,080.76	4,080.76	3,804.26	8,086.52	7,395.60	8,180.52
19	7,860.25	6,530.88	6,289.77	7,467.24	5,220.54	4,300.12	4,300.12	4,066.69	8,486.57	7,860.25	8,667.17
20	8,324.89	6,896.53	6,642.11	7,908.66	5,491.63	4,519.48	4,519.48	4,329.13	8,886.63	8,324.89	9,153.84
21	8,798.40	7,234.27	7,031.61	8,358.47	5,715.66	4,698.94	4,698.94	4,544.96	9,215.37	8,798.40	9,640.50
22	9,271.81	7,571.99	7,221.19	8,808.22	5,939.70	4,878.48	4,878.48	4,760.90	9,544.12	9,271.81	10,127.16
23	9,737.21	7,909.69	7,510.79	9,250.36	6,157.06	5,058.02	5,058.02	4,976.83	9,872.90	9,737.21	10,613.82
24	10,202.62	8,239.72	7,800.39	9,692.49	6,374.43	5,237.57	5,237.57	5,192.70	10,198.07	10,202.62	11,100.48
25	10,668.03	8,569.74	8,088.48	10,134.63	6,591.80	5,417.10	5,417.10	5,405.21	10,519.15	10,668.03	11,587.14
26	11,133.44	8,899.77	8,371.53	10,576.78	6,809.17	5,596.65	5,596.65	5,615.99	10,840.24	11,133.44	12,073.81
27	11,598.84	9,229.80	8,654.60	11,018.90	7,026.53	5,776.19	5,776.19	5,826.76	11,161.31	11,598.84	12,560.46
28	12,064.25	9,559.83	8,937.65	11,461.05	7,243.91	5,955.73	5,955.73	6,037.54	11,482.41	12,064.25	13,047.13
29	12,529.67	9,889.86	9,220.70	11,903.17	7,461.27	6,133.18	6,133.18	6,248.30	11,803.51	12,529.67	13,533.78
30	12,995.07	10,219.88	9,503.75	12,345.31	7,678.63	6,309.59	6,309.59	6,459.07	12,124.50	12,995.07	14,020.44
31	13,460.48	10,549.91	9,786.81	12,787.45	7,896.01	6,486.06	6,486.06	6,669.85	12,445.67	13,460.48	14,507.11
32	13,925.88	10,879.95	10,069.87	13,229.59	8,113.38	6,662.43	6,662.43	6,880.61	12,766.76	13,925.88	14,993.76
33	14,391.30	11,209.97	10,352.92	13,671.73	8,330.74	6,838.84	6,838.84	7,091.39	13,087.84	14,391.30	15,480.43
34	14,856.71	11,540.00	10,635.97	14,113.87	8,548.11	7,015.26	7,015.26	7,302.16	13,408.93	14,856.71	15,967.09
35	15,322.11	11,870.03	10,919.03	14,556.01	8,765.48	7,191.68	7,191.68	7,512.93	13,730.02	15,322.11	16,453.75
36	15,787.52	12,200.05	11,202.09	14,998.14	8,982.84	7,368.10	7,368.10	7,723.70	14,051.10	15,787.52	16,940.41
37	16,252.93	12,530.08	11,485.14	15,440.28	9,200.22	7,544.51	7,544.51	7,934.48	14,372.19	16,252.93	17,427.07
38	16,718.34	12,860.11	11,768.20	15,882.42	9,417.58	7,720.93	7,720.93	8,145.25	14,693.28	16,718.34	17,913.73
39	17,183.74	13,190.13	12,051.25	16,324.55	9,634.94	7,897.35	7,897.35	8,356.02	15,014.36	17,183.74	18,400.40
40	17,622.33	13,492.15	12,330.27	16,766.68	9,852.30	8,072.76	8,072.76	8,447.16	15,328.00	17,622.33	18,887.06
41	18,063.43	13,796.17	12,613.29	17,208.81	10,069.65	8,258.17	8,258.17	8,539.40	15,641.08	18,063.43	19,373.72
42	18,504.53	14,100.19	12,896.31	17,650.94	10,287.00	8,443.58	8,443.58	8,631.68	15,954.16	18,504.53	19,860.38
43	18,945.63	14,404.21	13,179.33	18,093.07	10,504.35	8,628.99	8,628.99	8,723.97	16,267.24	18,945.63	20,347.04

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<sup>F128</sup> Length in Days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
44	19,387.154	19,709.852	19,617.968	19,417.790	19,080.185	18,550.528	18,550.529	18,162.815	17,359.209	16,387.120	15,742.61
45	19,828.611	19,014.562	18,731.618	18,837.180	18,169.787	17,681.228	17,681.229	17,290.631	16,628.609	15,828.621	15,212.18
46	20,270.185	19,319.322	18,845.289	18,256.680	17,259.483	16,811.948	16,811.941	16,000.975	15,898.120	15,270.128	14,681.91
47	20,711.855	19,624.182	18,958.989	18,676.260	17,349.183	16,942.668	16,942.661	16,093.356	15,167.760	14,711.822	14,151.80
48	21,153.655	19,929.148	19,072.620	18,095.970	17,438.897	17,073.399	17,073.391	16,185.756	15,437.381	14,153.622	13,621.84
49	21,595.546	19,234.188	18,186.420	17,515.760	16,528.694	16,204.129	16,204.121	15,278.166	14,707.025	13,595.523	13,092.04
50	22,037.586	19,539.383	18,300.120	17,935.660	16,618.485	16,334.889	16,334.881	15,370.616	14,976.722	13,037.523	12,562.39
51	22,479.656	19,844.563	18,413.981	17,355.670	16,708.322	16,465.639	16,465.631	15,463.067	14,246.522	12,479.624	11,032.91
52	22,921.867	19,149.883	18,527.781	17,775.770	16,798.291	16,596.409	16,596.401	15,555.547	14,516.422	12,921.824	11,503.58
53	23,364.187	19,455.308	18,641.622	17,195.990	16,888.195	16,727.169	16,727.161	15,648.047	14,786.323	12,364.124	10,974.41
54	23,806.627	19,760.823	18,755.422	16,616.290	16,978.193	16,857.949	16,857.941	15,740.568	14,056.223	11,806.625	10,445.40
55	24,249.168	19,066.423	18,869.323	17,036.691	16,068.194	15,988.729	15,988.721	14,833.108	13,326.324	11,249.126	9,916.54
56	24,691.808	19,372.183	18,983.223	16,457.221	15,158.200	14,119.520	14,119.520	13,292.668	12,596.324	10,691.826	9,387.85
57	25,134.568	19,677.924	19,097.123	17,877.881	14,248.290	13,250.320	13,250.321	12,018.248	11,866.525	10,134.526	8,859.31
58	25,577.428	19,983.814	19,211.024	17,298.561	13,338.390	12,381.180	12,381.181	11,110.849	10,136.725	8,577.427	7,330.92
59	26,020.389	20,289.794	19,325.024	17,719.381	12,428.490	11,511.950	11,511.951	10,203.479	9,406.926	7,020.327	5,802.70
60	26,463.479	20,595.864	19,438.925	17,140.291	11,518.590	10,642.770	10,642.771	9,296.109	8,677.226	6,463.428	5,274.63
61	26,906.669	20,902.034	19,552.925	16,561.321	10,608.700	9,773.600	9,773.601	8,388.779	7,947.626	6,906.628	5,746.72
62	27,349.920	21,208.304	19,666.925	15,982.451	9,698.800	8,904.440	8,904.441	7,481.420	7,218.027	6,349.929	5,218.96
63	27,793.320	21,514.644	19,781.026	15,403.691	8,788.901	8,035.281	8,035.281	6,574.120	6,488.527	5,793.329	4,691.37
64	28,236.820	21,821.104	19,895.026	14,825.021	7,879.001	7,166.141	7,166.141	5,820.820	5,759.028	4,236.820	3,163.93
65	28,680.421	22,127.635	20,009.127	14,246.451	6,969.101	6,297.011	6,297.011	5,1759.621	5,029.628	4,680.420	3,636.65
66	29,124.221	22,434.285	20,123.227	13,667.992	6,059.201	5,427.881	5,427.881	4,852.321	4,300.229	3,124.221	2,109.52
67	29,568.021	22,741.015	20,237.428	13,089.632	5,149.301	4,558.761	4,558.761	4,945.121	4,570.929	3,568.021	2,582.55
68	30,011.922	23,047.835	20,351.528	12,511.372	4,239.401	3,689.651	3,689.652	3,037.921	2,841.730	2,011.932	1,055.74
69	30,456.022	23,354.745	20,465.728	11,933.212	3,329.501	2,820.541	2,820.542	2,130.822	1,112.530	456.022	529.08
70	30,900.122	23,661.765	20,579.929	11,355.162	2,419.601	1,951.451	1,951.452	1,223.622	383.430	900.133	002.60
71	31,344.422	23,968.865	20,694.129	10,777.222	1,509.702	1,082.362	1,082.362	631.522	654.351	344.422	476.26
72	31,788.823	24,276.065	20,808.330	10,199.372	1,599.802	1,213.282	1,213.282	409.422	925.331	788.823	950.08
73	32,233.223	24,583.355	20,922.630	9,621.632	1,689.902	1,344.212	1,344.212	502.323	196.332	233.223	424.05
74	32,677.823	24,890.746	21,036.831	9,043.982	1,780.002	1,475.142	1,475.142	595.223	467.432	677.823	898.19
75	33,122.524	25,198.216	21,151.131	8,466.432	1,870.102	1,606.082	1,606.082	688.223	738.633	122.524	372.48

<sup>F128</sup> Length in Days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
76	33,567.364	34,505.786	265.501	889.002	960.202	737.002	737.002	781.124	009.834	567.365	846.92
77	34,012.284	813.456	379.852	311.663	050.302	867.902	867.902	874.124	281.134	012.236	321.53
78	34,457.225	121.216	494.232	734.403	140.402	998.952	998.952	967.124	552.434	457.236	796.30
79	34,902.425	429.066	608.603	157.303	230.503	129.943	129.943	060.224	823.834	902.437	271.22
80	35,347.625	737.006	723.003	580.263	320.603	260.903	260.903	153.225	095.265	347.637	746.29
81	35,792.926	045.046	837.434	003.363	410.703	391.903	391.903	246.325	366.735	792.938	221.52
82	36,238.426	353.117	951.834	426.523	500.803	522.903	522.903	339.425	638.336	238.438	696.92
83	36,683.926	661.407	066.354	849.803	590.903	653.903	653.903	432.525	909.936	683.939	172.47
84	37,129.626	969.707	180.835	273.117	681.013	784.903	784.903	525.636	181.537	129.639	648.18
85	37,575.427	278.107	295.355	696.653	771.113	915.943	915.943	618.826	453.337	575.440	124.04
86	38,021.307	586.647	409.906	120.243	861.214	046.914	046.914	712.026	725.038	021.340	600.06
87	38,467.227	895.207	524.456	543.903	951.314	178.014	178.014	805.226	996.938	467.241	076.24
88	38,913.328	203.907	639.036	967.704	041.414	309.064	309.064	898.427	268.838	913.341	552.58
89	39,359.528	512.717	753.637	391.614	131.514	440.114	440.114	991.637	540.739	359.542	029.07
90	39,805.928	821.607	868.237	815.604	221.614	571.114	571.114	084.927	812.739	805.942	505.73
91	40,252.329	130.517	982.838	239.704	311.714	702.244	702.244	178.228	084.840	252.342	982.53
92	40,698.829	439.608	097.538	663.904	401.814	833.324	833.324	271.428	356.940	698.843	459.49
93	41,145.429	748.808	212.249	088.204	491.914	964.404	964.404	364.828	629.141	145.443	936.62
94	41,592.230	058.008	326.939	512.604	582.015	095.405	095.405	458.128	901.341	592.244	413.90
95	42,039.030	367.408	441.639	937.104	672.115	226.505	226.505	551.529	173.642	039.044	891.33
96	42,486.030	676.848	556.440	361.704	762.225	357.605	357.605	644.829	446.042	486.045	368.93
97	42,933.030	986.308	671.240	786.434	852.325	488.815	488.815	738.229	718.442	933.045	846.68
98	43,380.231	296.018	786.001	211.244	942.425	619.945	619.945	831.629	990.843	380.246	324.60
99	43,827.531	605.708	900.841	636.155	032.525	751.075	751.075	925.000	263.443	827.546	802.66
100	44,274.931	915.509	015.642	061.117	122.625	882.215	882.215	018.330	535.944	274.947	280.88
101	44,722.432	225.409	130.542	486.205	212.726	013.366	013.366	111.730	808.644	722.447	759.26
102	45,170.032	535.409	245.342	911.515	302.826	144.516	144.516	205.131	081.345	170.048	237.80
103	45,617.732	845.509	360.343	336.845	392.926	275.676	275.676	298.431	354.045	617.748	716.50
104	46,065.533	155.749	475.243	762.275	483.026	406.846	406.846	391.831	626.846	065.549	195.35
105	46,513.433	466.009	590.144	187.705	573.126	538.026	538.026	485.231	899.746	513.449	674.36
106	46,961.533	776.409	705.044	613.425	663.226	669.216	669.216	578.532	172.646	961.500	153.43
107	47,409.634	086.849	819.945	039.155	753.326	800.406	800.406	671.962	445.647	409.640	632.48

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<sup>F128</sup> Length in Days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
108	47,857.834	394,397.219	934.845	465.005	843.486	931.606	931.605	765.332	718.657	857.891	111.54
109	48,306.234	707.720	049.785	890.985	933.587	062.827	062.825	858.732	991.748	306.234	590.60
110	48,754.735	018.120	164.646	316.976	023.687	194.087	194.085	952.087	264.888	754.732	069.66
111	49,203.285	328.520	279.646	743.126	113.787	325.267	325.266	045.483	538.089	203.282	548.71
112	49,651.955	639.020	394.547	169.366	203.887	456.487	456.486	138.833	811.349	651.953	027.77
113	50,100.735	949.420	509.487	595.726	293.987	587.787	587.786	232.184	084.660	100.738	506.84
114	50,549.636	259.820	624.348	022.166	384.087	718.987	718.986	325.534	358.080	549.633	985.89
115	50,998.636	570.320	739.288	448.706	474.187	850.247	850.246	418.984	631.460	998.634	464.95
116	51,447.736	880.720	854.148	875.366	564.287	981.511	981.516	512.294	904.954	447.754	944.01
117	51,896.987	191.200	969.089	302.126	654.388	112.788	112.786	605.665	178.491	896.955	423.07
118	52,346.237	501.624	083.949	728.986	744.488	244.068	244.066	699.085	452.082	346.235	902.12
119	52,795.737	812.071	198.980	155.946	834.588	375.388	375.386	792.488	725.752	795.736	381.19
120	53,245.238	122.521	313.850	583.006	924.688	506.688	506.686	885.735	999.463	245.256	860.25
121	53,694.988	432.921	428.781	010.117	014.788	637.988	637.986	979.136	273.233	694.987	339.30
122	54,137.988	743.381	543.644	431.027	104.888	768.688	768.687	072.536	543.154	137.987	818.36
123	54,580.989	053.821	658.551	851.817	194.988	899.488	899.487	165.886	813.154	580.988	297.42
124	55,023.989	360.621	771.792	272.717	285.089	030.119	030.117	259.237	083.085	023.988	775.55
125	55,466.989	666.391	884.982	693.587	375.189	160.909	160.907	352.627	353.085	466.989	247.42
126	55,909.889	972.161	998.153	114.417	465.289	291.689	291.687	445.987	622.985	909.889	719.29
127	56,352.940	277.922	111.363	535.287	555.389	422.317	422.317	537.987	892.886	352.960	191.17
128	56,795.840	583.722	224.553	956.110	745.489	553.119	553.117	629.888	162.826	795.880	663.04
129	57,238.840	889.522	337.744	376.947	735.589	683.889	683.887	721.838	432.767	238.881	134.92
130	57,681.841	195.222	450.924	797.787	825.689	814.589	814.587	813.838	702.787	681.881	606.79
131	58,124.841	501.022	564.155	218.687	915.749	945.329	945.327	905.738	972.688	124.862	078.65
132	58,567.841	806.822	677.385	639.488	005.820	076.080	076.067	997.789	242.588	567.862	550.53
133	59,010.842	112.622	790.486	060.328	095.920	206.720	206.718	089.739	512.559	010.863	022.41
134	59,453.842	418.402	903.686	481.178	186.020	337.520	337.518	181.739	782.459	453.866	494.28
135	59,896.842	724.128	016.856	902.018	276.120	468.220	468.218	273.640	052.459	896.866	966.15
136	60,339.843	029.923	130.087	322.868	366.220	599.020	599.018	365.640	322.360	339.864	438.02
137	60,782.843	335.723	243.257	743.708	456.320	729.720	729.718	457.640	592.360	782.854	909.90
138	61,225.843	641.523	356.488	164.568	546.420	860.420	860.418	549.540	862.244	225.855	381.77
139	61,668.843	947.388	469.688	585.408	636.520	991.220	991.218	641.544	132.161	668.845	853.64

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<sup>F128</sup> Length in Days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
140	62,111.844	253.028	582.859	006.258	726.621	121.925	121.958	733.521	402.162	111.846	325.52
141	62,554.844	558.853	696.059	427.008	816.721	252.691	252.698	825.481	672.072	554.856	797.38
142	62,997.824	864.653	809.209	847.948	906.821	383.431	383.438	917.461	942.062	997.827	269.26
143	63,440.845	170.423	922.380	268.708	996.925	514.171	514.179	009.442	211.966	440.857	741.13
144	63,883.825	476.224	035.580	689.649	087.051	644.920	644.909	101.342	481.893	883.858	213.00
145	64,326.825	781.924	148.761	110.419	177.125	775.621	775.649	193.342	751.844	326.858	684.88
146	64,769.826	087.724	261.961	531.339	267.225	906.331	906.319	285.343	021.784	769.859	156.75
147	65,212.846	393.524	375.161	952.119	357.322	037.122	037.119	377.343	291.765	212.819	628.62
148	65,655.846	699.324	488.362	373.009	447.422	167.822	167.819	469.243	561.666	655.870	100.49
149	66,098.847	005.124	601.522	793.819	537.522	298.522	298.519	561.243	831.666	098.870	572.37
150	66,541.847	310.824	714.713	214.719	627.622	429.322	429.319	653.244	101.546	541.801	044.25
151	66,984.747	616.624	827.903	635.519	717.722	560.022	560.019	745.144	371.466	984.791	516.11
152	67,427.747	922.424	941.094	056.419	807.822	690.822	690.819	837.144	641.467	427.791	987.98
153	67,870.748	228.225	054.284	477.219	897.922	821.522	821.519	929.144	911.367	870.782	459.86
154	68,313.748	534.025	167.464	898.119	988.022	952.222	952.220	021.045	181.368	313.782	931.73
155	68,756.748	839.725	280.665	318.920	078.123	083.023	083.020	113.045	451.268	756.783	403.61
156	69,199.749	145.525	393.865	739.720	168.223	213.723	213.720	205.045	721.209	199.783	875.48
157	69,642.749	451.325	507.066	160.620	258.323	344.423	344.420	297.045	991.169	642.774	347.34
158	70,085.749	757.125	620.266	581.480	348.423	475.223	475.220	388.946	261.090	085.774	819.22
159	70,528.750	062.925	733.417	002.320	438.523	605.923	605.920	480.946	531.020	528.775	291.10
160	70,971.750	368.625	846.617	423.120	528.623	736.723	736.720	572.946	800.970	971.765	762.97
161	71,414.750	674.425	959.797	844.020	618.723	867.423	867.420	664.847	070.971	414.766	234.84
162	71,857.750	980.226	072.988	264.820	708.823	998.123	998.120	756.847	340.851	857.766	706.71
163	72,300.751	286.026	186.168	685.720	798.924	128.924	128.920	848.847	610.792	300.747	178.59
164	72,743.751	591.826	299.369	106.520	889.024	259.624	259.620	940.747	880.742	743.747	650.46
165	73,186.751	897.526	412.569	527.400	979.124	390.324	390.321	032.748	150.673	186.748	122.33
166	73,629.752	203.326	525.769	948.225	069.224	521.124	521.121	124.748	420.623	629.778	594.21
167	74,072.752	509.126	638.920	369.101	159.324	651.824	651.821	216.648	690.564	072.779	066.07
168	74,515.752	814.926	752.170	789.925	249.424	782.524	782.521	308.648	960.504	515.779	537.95
169	74,958.753	120.726	865.301	210.791	339.524	913.324	913.321	400.649	230.474	958.780	009.83
170	75,401.753	426.426	978.491	631.621	429.625	044.025	044.021	492.649	500.375	401.780	481.69
171	75,844.753	732.227	091.682	052.491	519.725	174.825	174.821	584.549	770.375	844.780	953.57

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<sup>F128</sup> Length in Days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
172	76,287.734	74,038.027	77,204.872	73,473.331	76,609.825	75,305.525	75,305.524	74,676.530	74,040.276	76,287.731	74,425.44
173	76,730.734	74,343.827	77,318.072	73,894.131	76,699.925	75,436.225	75,436.221	74,768.550	74,310.226	76,730.701	74,897.32
174	77,173.734	74,649.607	77,431.253	73,315.021	76,790.025	75,567.025	75,567.021	74,860.480	74,580.177	77,173.702	74,369.19
175	77,616.734	74,955.387	77,544.473	73,735.871	76,880.125	75,697.725	75,697.721	74,952.450	74,850.177	77,616.702	74,841.06
176	78,059.695	75,261.127	77,657.674	73,156.721	76,970.225	75,828.425	75,828.422	74,044.451	74,120.078	78,059.683	75,312.94
177	78,502.695	75,566.927	77,770.874	73,577.522	77,060.325	75,959.225	75,959.222	74,136.391	74,389.978	78,502.683	75,784.80
178	78,945.695	75,872.727	77,884.074	73,998.422	77,150.425	76,089.925	76,089.922	74,228.351	74,659.978	78,945.684	76,256.68
179	79,388.686	76,178.527	77,997.275	74,419.222	77,240.525	76,220.725	76,220.722	74,320.351	74,929.879	79,388.684	76,728.55
180	79,831.686	76,484.228	78,110.375	74,840.022	77,330.625	76,351.425	76,351.422	74,412.302	74,199.879	79,831.685	77,200.42
181	80,274.686	76,790.028	78,223.575	75,260.922	77,420.725	76,482.125	76,482.122	74,504.262	74,469.750	80,274.685	77,672.30
182	80,717.677	77,095.828	78,336.776	75,681.722	77,510.825	76,612.925	76,612.922	74,596.252	74,739.700	80,717.676	78,144.17
183	81,160.677	77,401.628	78,449.977	76,102.622	77,600.925	76,743.625	76,743.622	74,688.253	74,009.681	81,160.676	78,616.04
184	81,603.667	77,707.428	78,563.177	76,523.422	77,688.425	76,874.325	76,874.322	74,780.153	74,279.581	81,603.667	79,087.91
185	82,046.658	78,013.128	78,676.377	76,944.322	77,777.127	77,005.127	77,005.122	74,872.153	74,549.582	82,046.657	79,559.79
186	82,489.658	78,318.928	78,789.578	77,365.122	77,865.927	77,135.827	77,135.822	74,964.153	74,819.462	82,489.658	80,031.67
187	82,932.658	78,624.728	78,902.778	77,786.022	77,954.627	77,266.627	77,266.622	75,056.084	74,089.462	82,932.658	80,503.53
188	83,375.658	78,930.529	79,015.979	78,206.823	78,043.427	77,397.327	77,397.322	75,148.054	74,359.353	83,375.658	80,975.40
189	83,818.659	79,236.329	79,129.079	78,627.723	78,132.127	77,528.027	77,528.022	75,240.054	74,629.253	83,818.659	81,447.28
190	84,261.659	79,542.129	79,242.280	79,048.523	78,220.927	77,658.827	77,658.822	75,331.954	74,899.254	84,261.659	81,919.15
191	84,704.659	79,847.929	79,355.480	79,469.423	78,309.627	77,789.527	77,789.522	75,423.955	74,169.154	84,704.660	82,391.03
192	85,147.660	80,153.729	79,468.680	79,890.223	78,398.427	77,920.227	77,920.222	75,515.955	74,439.155	85,147.660	82,862.90
193	85,590.660	80,459.529	79,581.881	80,311.123	78,487.128	78,051.028	78,051.022	75,607.955	74,709.055	85,590.661	83,334.76
194	86,033.660	80,765.329	79,695.081	80,731.923	78,575.928	78,181.728	78,181.722	75,699.855	74,979.056	86,033.662	83,806.64
195	86,476.661	81,070.129	79,808.282	81,152.723	78,664.628	78,312.428	78,312.422	75,791.856	74,248.956	86,476.662	84,278.52
196	86,919.661	81,376.929	79,921.482	81,573.523	78,753.428	78,443.228	78,443.222	75,883.856	74,518.856	86,919.662	84,750.39
197	87,362.661	81,682.729	80,034.682	81,994.323	78,842.128	78,573.928	78,573.922	75,975.756	74,788.857	87,362.663	85,222.26
198	87,805.661	81,988.529	80,147.883	82,415.123	78,930.928	78,704.728	78,704.722	76,067.757	74,058.757	87,805.663	85,694.13
199	88,248.662	82,294.329	80,260.983	82,836.124	79,019.628	78,835.428	78,835.422	76,159.757	74,328.758	88,248.664	86,166.01
200	88,691.662	82,599.129	80,374.184	83,257.024	79,108.428	78,966.128	78,966.122	76,251.657	74,598.658	88,691.664	86,637.88



**Textual Amendments**

**F127** Sch. 2 para. 7(2) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 1 para. 2(a)** (with reg. 5)

**F128** Sch. 2 para. 7(3) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 1 para. 2(b)** (with reg. 5)

**Cracked trials and guilty pleas where the number of pages of prosecution evidence exceeds the PPE Cut-off**

**8.—(1)** Where in a cracked trial or guilty plea the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the table following paragraph 5(1) as appropriate to the offence with which the assisted person is charged, the total fee payable to the litigator is—

- (a) the final fee, calculated in accordance with sub-paragraph (2) of this paragraph;
- (b) the defendant uplift, if any, calculated in accordance with the table following paragraph 12; and
- (c) the adjustment for transfers and retrials, if any, calculated in accordance with paragraph 13.

(2) For the purposes of sub-paragraph (1), the final fee payable to a litigator in a cracked trial or guilty plea is calculated in accordance with the following formula—

$$F = I + (D \times i)$$

Where—

**F** is the amount of the final fee;

**I** is the initial fee specified in the tables following this paragraph, as appropriate to the type of case, the offence with which the assisted person is charged and the number of pages of prosecution evidence;

**D** is the difference between—

- (i) the number of pages of prosecution evidence in the case; and
- (ii) the lower number in the PPE range as specified in the tables following this paragraph, as appropriate to the type of case, the offence with which the assisted person is charged and the number of pages of prosecution evidence in the case;

**i** is the incremental fee per page of prosecution evidence specified in the tables following this paragraph, as appropriate to the type of case, the offence with which the assisted person is charged and the number of pages of prosecution evidence in the case.

**[<sup>F129</sup>Table of final fees for cracked trials**

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
A	0-79	904.58	0
A	80-249	904.58	10.70
A	250-999	2,722.89	6.71
A	1000-2799	7,757.90	3.92
A	2800-4599	14,820.75	3.92

**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
A	4600-5999	21,883.61	3.11
A	6000	26,237.61	0
B	0-69	709.15	0
B	70-249	709.15	7.83
B	250-999	2,117.67	3.66
B	1000-2799	4,864.56	2.44
B	2800-4599	9,255.51	2.44
B	4600-5999	13,646.46	2.05
B	6000	16,516.46	0
C	0-39	524.84	0
C	40-249	524.84	3.92
C	250-999	1,348.77	2.25
C	1000-2799	3,033.06	1.43
C	2800-4599	5,607.48	1.43
C	4600-5999	8,181.89	1.43
C	6000	10,183.89	0
D	0-79	859.35	0
D	80-249	859.35	10.14
D	250-999	2,582.50	6.11
D	1000-2799	7,163.76	3.61
D	2800-4599	13,655.74	3.61
D	4600-5999	20,147.71	2.96
D	6000	24,291.71	0
E	0-39	233.03	0
E	40-249	233.03	4.60
E	250-999	1,199.43	1.46
E	1000-2799	2,291.54	0.61
E	2800-4599	3,390.26	0.61
E	4600-5999	4,488.97	0.61
E	6000	5,342.97	0
F	0-49	224.22	0
F	50-249	224.22	4.42
F	250-999	1,107.53	1.79

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
F	1000-2799	2,450.39	0.70
F	2800-4599	3,704.67	0.70
F	4600-5999	4,958.94	0.70
F	6000	5,938.94	0
G	0-49	224.22	0
G	50-249	224.22	4.42
G	250-999	1,107.53	1.79
G	1000-2799	2,450.39	0.70
G	2800-4599	3,704.67	0.70
G	4600-5999	4,958.94	0.70
G	6000	5,938.94	0
H	0-39	237.00	0
H	40-249	237.00	4.26
H	250-999	1,131.61	1.56
H	1000-2799	2,298.20	0.70
H	2800-4599	3,550.79	0.70
H	4600-5999	4,803.37	0.70
H	6000	5,783.37	0
I	0-39	253.68	0
I	40-249	253.68	5.92
I	250-999	1,496.80	2.31
I	1000-2799	3,231.91	0.90
I	2800-4599	4,847.36	0.90
I	4600-5999	6,462.79	0.90
I	6000	7,722.79	0
J	0-79	904.58	0
J	80-249	904.58	10.70
J	250-999	2,722.89	6.71
J	1000-2799	7,757.90	3.92
J	2800-4599	14,820.75	3.92
J	4600-5999	21,883.61	3.11
J	6000	26,237.61	0
K	0-119	773.86	0

**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
K	120-249	773.86	6.55
K	250-999	1,624.85	5.02
K	1000-2799	5,388.98	4.39
K	2800-4599	13,299.04	4.39
K	4600-5999	21,209.12	3.75
K	6000	26,459.12	0

**Table of final fees for guilty pleas**

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
A	0-79	680.39	0
A	80-399	680.39	5.62
A	400-999	2,478.29	2.96
A	1000-2799	4,256.09	1.89
A	2800-4599	7,666.89	1.89
A	4600-5999	11,077.68	1.12
A	6000	12,645.68	0
B	0-69	556.11	0
B	70-399	556.11	4.52
B	400-999	2,046.59	2.28
B	1000-2799	3,411.75	1.45
B	2800-4599	6,025.92	1.45
B	4600-5999	8,640.11	1.06
B	6000	10,124.11	0
C	0-39	442.91	0
C	40-399	442.91	2.66
C	400-999	1,401.88	1.46
C	1000-2799	2,276.27	0.79
C	2800-4599	3,699.93	0.79
C	4600-5999	5,123.61	0.79
C	6000	6,229.61	0
D	0-79	646.36	0
D	80-399	646.36	5.23

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
D	400-999	2,320.66	2.75
D	1000-2799	3,968.37	1.71
D	2800-4599	7,046.20	1.71
D	4600-5999	10,124.03	1.06
D	6000	11,608.03	0
E	0-39	184.70	0
E	40-399	184.70	2.92
E	400-999	1,237.24	1.25
E	1000-2799	1,989.07	0.46
E	2800-4599	2,819.70	0.46
E	4600-5999	3,650.33	0.46
E	6000	4,294.33	0
F	0-49	195.81	0
F	50-399	195.81	2.83
F	400-999	1,187.73	0.99
F	1000-2799	1,781.21	0.32
F	2800-4599	2,354.07	0.32
F	4600-5999	2,926.93	0.32
F	6000	3,374.93	0
G	0-49	195.81	0
G	50-399	195.81	2.83
G	400-999	1,187.73	0.99
G	1000-2799	1,781.21	0.32
G	2800-4599	2,354.07	0.32
G	4600-5999	2,926.93	0.32
G	6000	3,374.93	0
H	0-39	190.97	0
H	40-399	190.97	2.79
H	400-999	1,196.59	0.99
H	1000-2799	1,790.74	0.32
H	2800-4599	2,359.85	0.32
H	4600-5999	2,928.98	0.32
H	6000	3,376.98	0

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
I	0-39	174.60	0
I	40-399	174.60	3.12
I	400-999	1,298.52	1.36
I	1000-2799	2,116.29	0.51
I	2800-4599	3,033.02	0.51
I	4600-5999	3,949.75	0.51
I	6000	4,663.75	0
J	0-79	680.39	0
J	80-399	680.39	5.62
J	400-999	2,478.29	2.96
J	1000-2799	4,256.09	1.89
J	2800-4599	7,666.89	1.89
J	4600-5999	11,077.68	1.12
J	6000	12,645.68	0
K	0-119	640.84	0
K	120-399	640.84	5.26
K	400-999	2,113.13	2.93
K	1000-2799	3,869.24	2.73
K	2800-4599	8,775.55	2.73
K	4600-5999	13,681.86	2.08
K	6000	16,593.86	0]

#### Textual Amendments

**F129** Sch. 2 para. 8(2) tables substituted (1.12.2017) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2017 \(S.I. 2017/1019\)](#), regs. 1, **2(3)** (with reg. 3)

#### **Trials where the number of pages of prosecution evidence exceeds the PPE Cut-off**

**9.—(1)** Where in a trial the number of pages of prosecution evidence exceeds the PPE Cut-off figure specified in the table following paragraph 5(2) as appropriate to the offence for which the assisted person is tried and the length of trial, the total fee payable to the litigator is—

- (a) the final fee, calculated in accordance with sub-paragraph (2) of this paragraph;
- (b) the defendant uplift, if any, calculated in accordance with the table following paragraph 12; and
- (c) the adjustment for transfers and retrials, if any, calculated in accordance with paragraph 13.

(2) For the purposes of sub-paragraph (1), the final fee is calculated in accordance with the following formula—

$$F = I + (D \times i)$$

Where—

**F** is the amount of the final fee;

**I** is the initial fee specified in the table following this paragraph as appropriate to the offence for which the assisted person is tried and the number of pages of prosecution evidence;

**D** is the difference between—

- (i) the number of pages of prosecution evidence in the case; and
- (ii) the lower number in the PPE range as specified in the table following this paragraph, as appropriate to the offence for which the assisted person is tried and the number of pages of prosecution evidence in the case;

**i** is the incremental fee per page of prosecution evidence specified in the table following this paragraph as appropriate to the offence for which the assisted person is tried and the number of pages of prosecution evidence in the case.

[<sup>F130</sup>Table of final fees for trials

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
A	0-79	1,467.58	0
A	80-209	1,467.58	16.58
A	210-699	3,622.54	12.66
A	700-1049	9,824.91	10.62
A	1050-1999	13,543.42	9.21
A	2000-3599	22,295.42	8.42
A	3600-5199	35,767.03	8.42
A	5200-5999	49,238.64	8.42
A	6000	55,974.64	0
B	0-69	1,097.66	0
B	70-199	1,097.66	12.81
B	200-499	2,762.60	11.44
B	500-899	6,195.38	9.63
B	900-1299	10,048.21	8.09
B	1300-1999	13,285.03	7.09
B	2000-3299	18,249.51	7.09
B	3300-4999	27,469.24	7.09
B	5000-5999	39,525.82	7.09

**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
B	6000	46,617.93	0
C	0-39	739.59	0
C	40-299	739.59	10.57
C	300-799	3,486.54	9.23
C	800-1249	8,101.74	7.73
C	1250-1999	11,578.09	6.83
C	2000-3199	16,700.93	4.72
C	3200-4559	22,368.79	4.72
C	4560-5919	28,792.38	4.72
C	5920-5999	35,215.96	4.72
C	6000	35,593.56	0
D	0-79	1,394.20	0
D	80-209	1,394.20	15.75
D	210-699	3,441.41	12.03
D	700-1049	9,333.67	10.09
D	1050-1999	12,866.25	8.75
D	2000-3599	21,180.65	8.00
D	3600-5199	33,978.67	8.00
D	5200-5999	46,776.70	8.00
D	6000	53,176.70	0
E	0-39	352.72	0
E	40-69	352.72	9.52
E	70-129	638.20	8.57
E	130-599	1,152.58	8.29
E	600-1349	5,049.74	5.44
E	1350-2999	9,131.96	2.39
E	3000-4749	13,072.77	2.39
E	4750-5999	17,252.41	2.39
E	6000	20,239.91	0
F	0-49	357.60	0
F	50-229	357.60	7.31
F	230-699	1,673.21	6.96
F	700-1399	4,946.64	5.60



<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
F	1400-1949	8,865.80	4.32
F	1950-3549	11,242.37	2.16
F	3550-5149	14,691.41	2.16
F	5150-5999	18,140.45	2.16
F	6000	19,976.45	0
G	0-49	357.60	0
G	50-229	357.60	7.31
G	230-699	1,673.21	6.96
G	700-1399	4,946.64	5.60
G	1400-1949	8,865.80	4.32
G	1950-3549	11,242.37	2.16
G	3550-5149	14,691.41	2.16
G	5150-5999	18,140.45	2.16
G	6000	19,976.45	0
H	0-39	357.75	0
H	40-249	357.75	8.60
H	250-619	2,162.92	7.15
H	620-1299	4,807.79	5.31
H	1300-2999	8,418.74	4.21
H	3000-4999	15,583.59	2.27
H	5000-5999	20,129.84	2.27
H	6000	22,402.90	0
I	0-39	357.44	0
I	40-369	357.44	9.14
I	370-799	3,373.66	9.09
I	800-1299	7,282.43	8.99
I	1300-2699	11,779.02	7.08
I	2700-4199	21,697.63	3.04
I	4200-5359	26,264.52	3.04
I	5360-5999	29,796.25	3.04
I	6000	31,741.85	0
J	0-79	1,467.58	0
J	80-209	1,467.58	16.58

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee(£)</i>	<i>Incremental fee per page of prosecution evidence(£)</i>
J	210-699	3,622.54	12.66
J	700-1049	9,824.91	10.62
J	1050-1999	13,543.42	9.21
J	2000-3599	22,295.42	8.42
J	3600-5199	35,767.03	8.42
J	5200-5999	49,238.64	8.42
J	6000	55,974.64	0
K	0-119	1,031.82	0
K	120-734	1,031.82	8.66
K	735-1289	6,356.06	8.72
K	1290-2399	11,193.67	8.87
K	2400-4499	21,042.53	8.84
K	4500-5999	39,605.74	8.84
K	6000	52,865.74	0]

#### Textual Amendments

**F130** Sch. 2 para. 9(2) table substituted (1.12.2017) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2017 \(S.I. 2017/1019\)](#), regs. 1, **2(4)** (with reg. 3)

## PART 3

### Fixed Fee for Guilty Pleas and Cracked Trials

#### Scope of Part 3

[<sup>F131</sup>**10.**—(1) Subject to sub-paragraph (2), this Part applies to a case <sup>F132</sup>... sent for trial to the Crown Court on the election of a defendant where the magistrates' court has determined the case to be suitable for summary trial.

(2) This Part does not apply where the trial is a cracked trial because the prosecution offer no evidence on all counts against a defendant and the judge directs that a not guilty verdict be entered.]

#### Textual Amendments

**F131** Sch. 2 para. 10 substituted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(7)(b)** (with reg. 3)

**F132** Words in Sch. 2 para. 10(1) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(2)(g)** (with reg. 10(1))

### Fixed fee for guilty pleas or cracked trials

11. The fee payable to a litigator in relation to a guilty plea or cracked trial to which this Part applies is [<sup>F133</sup>£330.33] per proceedings.

#### Textual Amendments

**F133** Sum in Sch. 2 para. 11 substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), [Sch. 1 para. 5](#) (with reg. 5)

## PART 4

### Defendant Uplifts, Retrials and Transfers

#### Defendant uplifts

12.—(1) The defendant uplift payable to a litigator is calculated in accordance with the table following this paragraph.

(2) Only one defendant uplift is payable in each case.

(3) In the table following this paragraph, the total fee means—

- (a) in a cracked trial or guilty plea where the number of pages of prosecution evidence does not exceed the PPE Cut-off specified in the table following paragraph 5(1), the basic fee specified in the table following paragraph 6(2);
- (b) in a trial where the number of pages of prosecution evidence does not exceed the PPE Cut-off specified in the table following paragraph 5(2), the basic fee specified in the table following paragraph 7(2) plus the length of trial proxy specified in the table following paragraph 7(3);
- (c) in a cracked trial or guilty plea where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the table following paragraph 5(1), the final fee, as calculated in accordance with paragraph 8(2); and
- (d) in a trial where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the table following paragraph 5(2), the final fee, as calculated in accordance with paragraph 9(2);
- (e) where appropriate, the fee set out in paragraph 11.

(4) In a case where the representation of one defendant would attract a fixed fee under Part 3 and the representation of one or more of the other defendants would attract a graduated fee under Part 2, the total fee is the fee falling within whichever of paragraphs (a) to (d) of sub-paragraph (3) is appropriate.

#### Defendant uplifts

<i>Total number of defendants represented by litigator</i>	<i>Percentage uplift to total fee</i>
2-4	20%
5+	30%

*Status: Point in time view as at 01/12/2017.*

*Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)*

## Retrials and Transfers

13.—(1) Where following a trial an order is made for a retrial and the same litigator acts for the assisted person at both trials the fee payable to that litigator is—

- (a) in respect of the first trial, a fee calculated in accordance with the provisions of this Schedule; and
- (b) in respect of the retrial, 25% of the fee, as appropriate to the circumstances of the retrial, in accordance with the provisions of this Schedule.

(2) Where—

- (a) a case is transferred to a new litigator; or
- (b) a retrial is ordered and a new litigator acts for the assisted person at the retrial,

the fee payable to the original litigator and the new litigator is a percentage of the total fee, calculated in accordance with the table following this paragraph, as appropriate to the circumstances and timing of the retrial, transfer or withdrawal of the section 16 determination.

(3) In sub-paragraph (2), “transfer” includes the making of a section 16 determination in favour of an individual who, immediately before the making of the section 16 determination—

- (a) had represented themselves; or
- (b) had been represented (otherwise than pursuant to a section 16 determination) by the litigator named in the order,

and for the purposes of that sub-paragraph the litigator is to be treated as a new litigator.

(4) For the purposes of sub-paragraph (2), a case is not transferred to a new litigator where—

- (a) a firm of solicitors is named as litigator in the representation order and the solicitor or other appropriately qualified person with responsibility for the case moves to another firm;
- (b) a firm of solicitors is named as litigator in the representation order and the firm changes (whether by merger or acquisition or in some other way), but so that the new firm remains closely related to the firm named in the order; or
- (c) a solicitor or other appropriately qualified person is named as litigator in the representation order and responsibility for the case is transferred to another solicitor or appropriately qualified person in the same firm or a closely related firm.

(5) For the purposes of sub-paragraph (2), where a case which has been transferred to a new litigator is transferred again, that new litigator—

- (a) must be treated as the original litigator, where the transfer takes place at any time before the trial or any retrial;
- (b) must be treated as a new litigator, where the transfer takes place during the trial or any retrial; and
- (c) must not receive any fee, where the transfer takes place after the trial or any retrial but before the sentencing hearing.

(6) Where a section 16 determination is withdrawn before the case ends, a litigator must receive a percentage of the total fee, in accordance with the table following this paragraph, as appropriate to the circumstances and timing of a transfer.

(7) In the table following this paragraph, the total fee means—

- (a) in a cracked trial or guilty plea in a case to which Part 2 applies, where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the table following paragraph 5(1), the basic fee as set out in the table following paragraph 6(2);
- (b) in a trial where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the table following paragraph 5(2), the basic fee specified in the

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

- table following paragraph 7(2) plus the length of trial proxy specified in the table following paragraph 7(3);
- (c) in a cracked trial or guilty plea in a case to which Part 2 applies, where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the table following paragraph 5(1), the final fee as calculated in accordance with paragraph 8(2);
  - (d) in a trial where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the table following paragraph 5(2), the final fee, as calculated in accordance with paragraph 9(2);
  - (e) in a cracked trial or guilty plea in a case to which Part 3 applies, the fixed fee set out in paragraph 11.
- (8) Where a case becomes a Very High Cost Case after a section 16 determination has been made and is transferred from the litigator named on the representation order to a new litigator—
- (a) the original litigator must be remunerated in accordance with the individual Very High Cost Case contract entered into by that litigator; and
  - (b) the new litigator must be remunerated in accordance with the individual Very High Cost Case contract entered into by that litigator.
- (9) Where a case becomes a Very High Cost Case after a section 16 determination has been made and the section 16 determination is withdrawn before the end of the case, the litigator must be remunerated in accordance with the table following this paragraph as appropriate to the circumstances and timing of the withdrawal.
- (10) Sub-paragraph (11) applies where—
- (a) the case is a case to which Part 3 would apply if it resulted in a cracked trial or guilty plea; and
  - (b) at the time the case is transferred to a new litigator in accordance with sub-paragraph (2) it is not known whether the case would result in a cracked trial or guilty plea or whether it would proceed to trial.
- (11) Where this sub-paragraph applies—
- (a) for the purpose of a claim by the original litigator at the time of the transfer of the case, “total fee” in the table following this paragraph, means the fixed fee set out in paragraph 11;
  - (b) the original litigator may, if the case proceeds to trial, claim the difference between the payment received at the time of transfer of the case and the payment that would have been due at that time if that payment had been based on the case proceeding to trial.
- (12) A litigator may not be treated both as an original litigator and as a new litigator in a case.

#### **Retrials and Transfers**

<i>Scenario</i>	<i>Percentage of total fee</i>	<i>Case type to be used to determine total fee</i>	<i>Claim period</i>
Cracked trial before retrial, where there is no change of litigator	25%	Cracked trial	
Retrial where there is no change of litigator	25%	Trial	

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

[ <sup>F134</sup> Transfer at or before the first hearing at which the assisted person enters a plea] (original litigator)	25%	Cracked trial	
[ <sup>F134</sup> Transfer at or before the first hearing at which the assisted person enters a plea] – guilty plea (new litigator)	100%	Guilty plea	
[ <sup>F134</sup> Transfer at or before the first hearing at which the assisted person enters a plea] – cracked trial (new litigator)	100%	Cracked trial	
[ <sup>F134</sup> Transfer at or before the first hearing at which the assisted person enters a plea] – trial (new litigator)	100%	Trial	
Before trial transfer (original litigator)	75%	Cracked trial	
Before trial transfer – cracked trial (new litigator)	100%	Cracked trial	
Before trial transfer – trial (new litigator)	100%	Trial	
During trial transfer (original litigator)	100%	Trial	Claim up to and including the day before the transfer
During trial transfer (new litigator)	50%	Trial	Claim for the full trial length
Transfer after trial or guilty plea and before sentencing hearing (original litigator)	100%	Trial, Cracked trial or Guilty as appropriate	Claim for the full trial length, excluding the length of the sentencing hearing
Transfer after trial or guilty plea and before sentencing hearing (new litigator)	10%	Trial	Claim for one day or for the length of the sentencing hearing if longer than one day
Transfer before retrial (original litigator)	25%	Cracked trial	
Transfer before cracked retrial (new litigator)	50%	Cracked trial	
Transfer before retrial (new litigator)	50%	Trial	Claim for the full retrial length
Transfer during retrial (original litigator)	25%	Trial	Claim up to and including the day before the transfer
Transfer during retrial (new litigator)	50%	Trial	Claim for the full retrial length
Transfer after retrial or cracked retrial and before sentencing hearing (original litigator)	25%	Trial or Cracked trial as appropriate	Claim for the full retrial length, excluding the length of the sentencing hearing

Transfer after retrial or cracked 10% retrial and before sentencing hearing (new litigator)	Trial	Claim for one day or for the length of the sentencing hearing if longer than one day.
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#### Textual Amendments

**F134** Words in Sch. 2 para. 13 substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(12)(b)**

## PART 5

### Fixed Fees

#### General provisions

**14.**—(1) All work undertaken by a litigator in a case to which Part 3 applies is included within the fee set out in paragraph 11 except for a defendant uplift as provided for in paragraph 22.

(2) Except as provided under this Part, remuneration for all work undertaken by a litigator in a case to which Part 2 applies is included within the fee set out in Part 2 of this Schedule as appropriate to—

- (a) the offence for which the assisted person is charged or tried;
- (b) whether the case is a cracked trial, guilty plea or trial; and
- (c) the number of pages of prosecution evidence.

#### Fees for appeals and committals for sentence hearings

**15.** The fee payable to a litigator instructed in—

- (a) an appeal against conviction from a magistrates' court;
- (b) an appeal against sentence from a magistrates' court; or
- (c) a sentencing hearing following a committal for sentence to the Crown Court,

is that set out in the table following paragraph 19.

#### Fees for hearing subsequent to sentence

**16.**—(1) The fee payable to a litigator instructed in relation to a hearing under an enactment listed in sub-paragraph (2) is that set out in the table following paragraph 19.

(2) The enactments are—

- (a) section 1CA of the Crime and Disorder Act 1998 <sup>M25</sup> (variation and discharge of orders under section 1C);
- (b) section 155 of the Powers of Criminal Courts (Sentencing) Act 2000 <sup>M26</sup> (alteration of Crown Court sentence);
- (c) section 74 of the Serious Organised Crime and Police Act 2005 <sup>M27</sup> (assistance by defendant: review of sentence).

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

### Marginal Citations

- M25** 1998 c. 37. Section 1CA was inserted by section 140 of the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#).
- M26** 2000 c. 6.
- M27** 2005 c. 15.

### Fees for contempt proceedings

**17.—(1)** This paragraph applies to proceedings referred to in section 14(g) of the Act in the Crown Court.

(2) Where, in proceedings to which this paragraph applies, the contempt is alleged to have been committed by a person other than a defendant in a case to which this Schedule applies, remuneration for litigators must be at the rate set out in the table following paragraph 19.

(3) Where, in proceedings to which this paragraph applies, the contempt is alleged to have been committed by the defendant in a case to which this Schedule applies, all work undertaken by the litigator is included within—

- (a) the fee payable under Part 2 of this Schedule, or
- (b) in proceedings under paragraph 15 or paragraph 18, the fixed fee set out in the table following paragraph 19.

### Fees for alleged breaches of a Crown Court order

**18.—(1)** This paragraph applies to proceedings in the Crown Court against one assisted person arising out of a single alleged breach of an order of the Crown Court.

(2) The fee payable to the litigator in respect of the proceedings to which this paragraph applies is that set out in the table following paragraph 19.

### Fixed Fees

**19.** The table following this paragraph sets out the fixed fees payable in relation to the category of work specified in the first column of the table.

#### Fixed Fees

<i><sup>F135</sup>Types of proceedings</i>	<i>Paragraph providing for fee</i>	<i>Fee payable – (£ per proceedings)</i>
Appeal against sentence from a magistrates' court	15	155.32
Appeal against conviction from a magistrates' court	15	349.47
Committal for sentence	15	232.98
Hearing subsequent to sentence	16	155.32
Contempt proceedings (where contempt is alleged to have been committed by a person other than the defendant)	17(2)	116.49
Alleged breach of a Crown Court Order	18(2)	77.66]



#### Textual Amendments

**F135** Sch. 2 para. 19 table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 1 para. 6** (with reg. 5)

#### Fees for special preparation

**20.**—(1) This paragraph applies in any case on indictment in the Crown Court—

- (a) where a documentary or pictorial exhibit is served by the prosecution in electronic form and—
  - (i) the exhibit has never existed in paper form; and
  - (ii) the appropriate officer does not consider it appropriate to include the exhibit in the pages of prosecution evidence; or
- (b) in respect of which a fee is payable under Part 2 (other than paragraph 7), where the number of pages of prosecution evidence, as so defined, exceeds [<sup>F136</sup>6,000],

and the appropriate officer considers it reasonable to make a payment in excess of the fee payable under Part 2.

(2) Where this paragraph applies, a special preparation fee may be paid, in addition to the fee payable under Part 2.

(3) The amount of the special preparation fee must be calculated from the number of hours which the appropriate officer considers reasonable—

- (a) where sub-paragraph (1)(a) applies, to view the prosecution evidence; and
- (b) where sub-paragraph (1)(b) applies, to read the excess pages,

and in each case using the rates specified in the table following paragraph 27.

(4) A litigator claiming a special preparation fee must supply such information and documents as may be required by the appropriate officer in support of the claim.

(5) In determining a claim under this paragraph, the appropriate officer must take into account all the relevant circumstances of the case.

#### Textual Amendments

**F136** Word in Sch. 2 para. 20(1)(b) substituted (1.12.2017) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2017 \(S.I. 2017/1019\)](#), regs. 1, **2(5)** (with reg. 3)

#### Discontinuance or dismissal of <sup>F137</sup> ... proceedings

**21.**—[<sup>F138</sup>(1) This paragraph applies to proceedings which are sent for trial to the Crown Court.]

(2) Where proceedings to which this paragraph applies are 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) at any time before the prosecution serves its evidence in accordance with the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005 <sup>M28</sup> the litigator must be paid 50% of the basic fee for a guilty plea, as specified in the table following paragraph 6, as appropriate to the offence for which the assisted person is charged.

(3) Where proceedings to which this paragraph applies are 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) at any time after the prosecution serves its evidence in accordance with the

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005, the litigator must be paid a fee calculated in accordance with paragraph 6, or, where appropriate, paragraph 8, as appropriate for representing an assisted person in a guilty plea.

(4) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act <sup>F139</sup>1998<sup>F140</sup> ... and—

- (a) the charge, or charges are dismissed and the assisted person is discharged; or
- (b) the case is remitted to the magistrates' court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998,

the litigator instructed in the proceedings must be paid a fee calculated in accordance with paragraph 6, or where appropriate, paragraph 8, as appropriate for representing an assisted person in a guilty plea.

<sup>F141</sup>(5) .....

(6) Where, at <sup>F142</sup>or before the first hearing at which the assisted person enters a plea—

- (a) the prosecution offers no evidence and the assisted person is discharged; or
- (b) the case is remitted to the magistrates' court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998,

the litigator must be paid a fee calculated in accordance with paragraph 6 or where appropriate paragraph 8, as appropriate for representing an assisted person in a guilty plea.

**Textual Amendments**

- F137** Words in Sch. 2 para. 21 heading omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(9)(a)** (with reg. 10(1))
- F138** Sch. 2 para. 21(1) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(9)(b)** (with reg. 10(1))
- F139** Word in Sch. 2 para. 21(4) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(12)(c)(i)**
- F140** Words in Sch. 2 para. 21(4) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(10)(b)** (with reg. 10(1))
- F141** Sch. 2 para. 21(5) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(12)(c)(ii)**
- F142** Words in Sch. 2 para. 21(6) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(12)(c)(iii)**

**Marginal Citations**

- M28** [S.I. 2005/902](#) as amended by [S.I. 2012/1345](#).

**Defendant uplifts**

**22.**—(1) Where a litigator represents more than one assisted person in proceedings referred to in paragraph 21(2), (3), (4) or (5), a defendant uplift is payable.

(2) The defendant uplift must be calculated in accordance with the table following this paragraph.

(3) In the table following this paragraph, the total fee means—

- (a) the fee specified in sub-paragraph (2) of paragraph 21 where that sub-paragraph applies;
- (b) the basic fee (B) specified in the table following paragraph 6, or, where appropriate, the initial fee specified in paragraph 8, where paragraph 21(3), (4) or (5) applies, as appropriate for the circumstances set out in that sub-paragraph; or

(c) where appropriate the fee set out in paragraph 11.

(4) In a case where the representation of one defendant would attract a fixed fee under Part 3 and the representation of one or more of the other defendants would attract a graduated fee under Part 2, the total fee in the table following this paragraph means the fee falling within sub-paragraph (3)(b).

#### **Defendant uplifts**

<i>Total number of defendants represented by litigator</i>	<i>Percentage uplift to total fee</i>
2-4	20%
5+	30%

#### **Warrant for arrest**

**23.**—(1) This paragraph applies where—

- (a) the assisted person fails to attend a hearing;
- (b) at that hearing the court issues a warrant for the arrest of the assisted person, pursuant to section 7(1) of the Bail Act 1976 <sup>M29</sup> (“the warrant”); and
- (c) the case does not proceed in the absence of the assisted person.

(2) Where in a case on indictment the warrant is not executed within three months of the date on which it was issued, the fee payable to the litigator is—

- (a) where the warrant is issued at or before [<sup>F143</sup>the first hearing at which the assisted person enters a plea], the fee payable for a guilty plea in accordance with paragraph 6 or where appropriate paragraph 8;
- (b) where the warrant is issued after [<sup>F143</sup>the first hearing at which the assisted person enters a plea] but before the trial, the fee payable for a cracked trial in accordance with paragraph 6 or where appropriate paragraph 8, as appropriate to the Class of Offence with which the assisted person is charged; and
- (c) where the warrant is issued during the trial, and the trial is aborted as a result, the fee payable for a trial as if the trial had ended on the day the warrant was issued.

(3) Where the warrant is issued during the course of proceedings referred to in paragraph 15 or 18 the fee payable to the litigator is the fee set out in the table following paragraph 19, as appropriate to the type of proceedings.

(4) Sub-paragraph (5) applies where—

- (a) a fee has been paid, or is payable, to the litigator in accordance with sub-paragraph (2);
- (b) the warrant is executed within 15 months of the date on which it was issued;
- (c) the case proceeds after the warrant has been executed; and
- (d) the litigator submits a claim for fees for the determination of the litigator's overall remuneration in the case, in accordance with regulation 5.

(5) Where this sub-paragraph applies—

- (a) the appropriate officer must deduct the amount paid or payable in accordance with sub-paragraph (2) from the amount payable to the litigator on the final determination of fees in the case; and
- (b) if the fee paid or payable in accordance with sub-paragraph (2) is greater than the amount payable to the litigator on the final determination of fees in the case, the appropriate officer may recover the amount of the difference by way of repayment by the litigator.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

#### Textual Amendments

**F143** Words in Sch. 2 para. 23(2) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(8)(b)**

#### Marginal Citations

**M29** 1976 c. 63.

## PART 6

### Miscellaneous

#### Additional charges

**24.**—(1) Where an assisted person is charged with more than one offence on one indictment, the fee payable to the litigator under this Schedule must be based on whichever of those offences the litigator selects.

(2) Where a litigator selects one offence, in preference to another offence, under subparagraph (1) that selection does not affect the litigator's right to claim any of the fees provided for in Part 5 of this Schedule to which the litigator would otherwise have been entitled.

#### Assisted person unfit to plead or stand trial

**25.** Where in any case a hearing is held to determine the question of whether the assisted person is unfit to plead or to stand trial (a “fitness hearing”)—

- (a) if a trial on indictment is held, or continues, at any time thereafter, the length of the fitness hearing is included in determining the length of the trial for the calculation of the fee in accordance with Part 2;
- (b) if a trial on indictment is not held, or does not continue, thereafter by reason of the assisted person being found unfit to plead or to stand trial, the litigator must be paid—
  - (i) a fee calculated in accordance with paragraph 7 or where appropriate paragraph 9, as appropriate to the combined length of—
    - (aa) the fitness hearing; and
    - (bb) any hearing under section 4A of the Criminal Procedure (Insanity) Act 1964<sup>M30</sup> (finding that the accused did the act or made the omission charged against him); or
  - (ii) a fee calculated in accordance with paragraph 6, or where appropriate paragraph 8, as appropriate, for representing an assisted person in a cracked trial, whichever the litigator elects; and
- (c) if at any time the assisted person pleads guilty to the indictable offence, the litigator must be paid either—
  - (i) a fee calculated in accordance with paragraph 7 or, where appropriate, paragraph 9, as appropriate to the length of the fitness hearing; or
  - (ii) a fee calculated in accordance with paragraph 6 or, where appropriate, paragraph 8, as appropriate for representing an assisted person in a guilty plea, whichever the litigator elects.

#### Marginal Citations

**M30** 1964 c. 84, as amended by section 2 of the [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25\)](#) and section 22 of the [Domestic Violence Crime and Victims Act 2004 \(c. 28\)](#).

#### Fees for confiscation proceedings

**26.**—(1) This paragraph applies to—

- (a) proceedings under Part 2 of the Proceeds of Crime Act 2002 <sup>M31</sup> (confiscation: England and Wales);
- (b) proceedings under section 2 of the Drug Trafficking Act 1994 <sup>M32</sup> (confiscation orders); and
- (c) proceedings under section 71 of the Criminal Justice Act 1988 <sup>M33</sup> (confiscation orders).

(2) Where this paragraph applies, the appropriate officer may allow work done in the following classes by a litigator—

- (a) preparation, including taking instructions, interviewing witnesses, ascertaining the prosecution case, preparing and perusing documents, dealing with letters and telephone calls, instructing an advocate and expert witnesses, conferences, consultations and work done in connection with advice on appeal;
- (b) attending at court where an advocate is instructed, including conferences with the advocate at court;
- (c) travelling and waiting; and
- (d) writing routine letters and dealing with routine telephone calls.

(3) The appropriate officer must consider the claim, any further particulars, information or documents submitted by the litigator under regulation 5 and any other relevant information and must allow such work as appears to him to have been reasonably done in the proceedings.

(4) Subject to sub-paragraph (3), the appropriate officer must allow fees under this paragraph in accordance with paragraph 27.

(5) The appropriate officer must allow fees in accordance with paragraphs 27 to 29 as appropriate to such of the following grades of fee earner as the appropriate officer considers reasonable—

- (a) senior solicitor;
- (b) solicitor, legal executive or fee earner of equivalent experience; or
- (c) trainee or fee earner of equivalent experience.

#### Marginal Citations

**M31** 2002 c. 29.

**M32** 1994 c. 37.

**M33** 1988 c. 33.

#### Prescribed fee rates

**27.** Subject to paragraphs 28 and 29, for proceedings in the Crown Court to which paragraph 26 applies the appropriate officer must allow fees for work under paragraph 26(2) at the following prescribed rates—

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<sup>F144</sup> Class of work	Grade of fee earner	Rate	Variations
Preparation	Senior solicitor	£48.36 per hour	£50.87 per hour for a fee earner whose office is situated within the City of London or a London borough
	Solicitor, legal executive or fee earner of equivalent experience	£41.06 per hour	£43.12 per hour for a fee earner whose office is situated within the City of London or a London borough
	Trainee or fee earner of equivalent experience	£27.15 per hour	£31.03 per hour for a fee earner whose office is situated within the City of London or a London borough
Attendance at court where more than one representative instructed	Senior solicitor	£38.55 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£31.03 per hour	
	Trainee or fee earner of equivalent experience	£18.71 per hour	
Travelling and waiting	Senior solicitor	£22.58 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£22.58 per hour	
	Trainee or fee earner of equivalent experience	£11.41 per hour	
Writing routine letters and dealing with routine telephone calls		£3.15 per item	£3.29 per item for a fee earner whose office is situated within the City of London or a London borough]

#### Textual Amendments

**F144** Sch. 2 para. 27 table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), [Sch. 1 para. 7](#) (with reg. 5)

#### Allowing fees at less than the prescribed rates

**28.** In respect of any item of work, the appropriate officer may allow fees at less than the relevant prescribed rate specified in paragraph 27 where it appears to the appropriate officer reasonable to do so having regard to the competence and despatch with which the work was done.

### **Allowing fees at more than the prescribed rates**

29.—(1) Upon a determination the appropriate officer may, subject to the provisions of this paragraph, allow fees at more than the relevant prescribed rate specified in paragraph 27 for preparation, attendance at court where more than one representative is instructed, routine letters written and routine telephone calls, in respect of offences in Class A, B, C, D, G, I, J or K in the Table of Offences.

(2) The appropriate officer may allow fees at more than the prescribed rate where it appears to the appropriate officer, taking into account all the relevant circumstances of the case, that—

- (a) the work was done with exceptional competence, skill or expertise;
- (b) the work was done with exceptional despatch; or
- (c) the case involved exceptional complexity or other exceptional circumstances.

(3) Paragraph 3 of Schedule 1 applies to litigators in respect of proceedings in the Crown Court as it applies to advocates.

(4) Where the appropriate officer considers that any item or class of work should be allowed at more than the prescribed rate, the appropriate officer must apply to that item or class of work a percentage enhancement in accordance with the following provisions of this paragraph.

(5) In determining the percentage by which fees should be enhanced above the prescribed rate the appropriate officer must have regard to—

- (a) the degree of responsibility accepted by the fee earner;
- (b) the care, speed and economy with which the case was prepared; and
- (c) the novelty, weight and complexity of the case.

(6) The percentage above the relevant prescribed rate by which fees for work may be enhanced must not exceed 100%.

(7) The appropriate officer may have regard to the generality of proceedings to which these Regulations apply in determining what is exceptional within the meaning of this paragraph.

## SCHEDULE 3

Regulation 6

### Proceedings in the Court of Appeal

#### **General Provisions**

1.—(1) The provisions of this Schedule apply to proceedings in the Court of Appeal.

(2) In determining fees the appropriate officer must, subject to the provisions of this Schedule—

- (a) take into account all the relevant circumstances of the case including the nature, importance, complexity or difficulty of the work and the time involved; and
- (b) allow a reasonable amount in respect of all work actually and reasonably done.

#### **Claims for fees and disbursements by litigators**

2.—(1) Subject to regulation 31, no claim by a litigator for fees and disbursements in respect of work done in proceedings in the Court of Appeal pursuant to a section 16 determination must be entertained unless the litigator submits it within three months of the conclusion of the proceedings to which it relates.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

(2) Subject to sub-paragraph (3), a claim for fees in proceedings in the Court of Appeal must be submitted to the appropriate officer in such form and manner as the appropriate officer may direct and must be accompanied by the representation order and any receipts or other documents in support of any disbursement claimed.

(3) A claim must—

- (a) summarise the items of work done by a fee earner in respect of which fees are claimed according to the classes specified in paragraph 3(1);
- (b) state, where appropriate, the dates on which the items of work were done, the time taken, the sums claimed and whether the work was done for more than one assisted person;
- (c) specify, where appropriate, the level of fee earner who undertook each of the items of work claimed;
- (d) give particulars of any work done in relation to more than one indictment or a retrial; and
- (e) specify any disbursements claimed, the circumstances in which they were incurred and the amounts claimed in respect of them.

(4) Where the litigator claims that paragraph 8(1) applies in relation to an item of work, the litigator must give full particulars in support of the claim.

(5) The litigator must specify any special circumstances which the litigator considers should be drawn to the attention of the appropriate officer.

(6) The litigator must supply such further information and documents as the appropriate officer may require.

(7) Where a retrospective section 16 determination has been made under regulations made under section 19 of the Act in respect of any proceedings where an appellant has been successful on appeal and granted a defendant's costs order under section 16(4) of the Prosecution of Offences Act 1985<sup>M34</sup> (defence costs), the litigator must certify that no claim for fees incurred before the retrospective section 16 determination was made has been or will be made from central funds in relation to that work.

#### Marginal Citations

M34 1985 c. 23.

### Determination of litigators' fees

3.—(1) The appropriate officer may allow work done in the following classes by fee earners—

- (a) preparation, including taking instructions, interviewing witnesses, ascertaining the prosecution case, advising on plea and mode of trial, preparing and perusing documents, dealing with letters and telephone calls which are not routine, preparing for advocacy, instructing an advocate and expert witnesses, conferences, consultations, views and work done in connection with advice on appeal;
- (b) advocacy, including applications for bail and other applications to the court;
- (c) attending at court where an advocate is assigned, including conferences with the advocate at court;
- (d) travelling and waiting; and
- (e) writing routine letters and dealing with routine telephone calls.

(2) The appropriate officer must consider the claim, any further information or documents submitted by the fee earner under paragraph 2 and any other relevant information and must allow—



**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

- (a) such work as appears to the appropriate officer to have been reasonably done pursuant to the section 16 determination (including any representation or advice which is deemed to be work done pursuant to that determination) by a fee earner, classifying such work according to the classes specified in sub-paragraph (1) as the appropriate officer considers appropriate; and
  - (b) such time in each class of work allowed by him (other than routine letters written and routine telephone calls) as the appropriate officer considers reasonable.
- (3) The fees allowed in accordance with this Schedule are those appropriate to such of the following grades of litigator as the appropriate officer considers reasonable—
- (a) senior solicitor;
  - (b) solicitor, legal executive or fee earner of equivalent experience; or
  - (c) trainee or fee earner of equivalent experience.

#### **Determination of litigators' disbursements**

4. The appropriate officer must allow such disbursements claimed under paragraph 2 as appear to the appropriate officer to have been reasonably incurred, provided that—
- (a) if they are abnormally large by reason of the distance of the court or the assisted person's residence or both from the litigator's place of business, the appropriate officer may limit reimbursement of the disbursements to what otherwise would, having regard to all the circumstances, be a reasonable amount; and
  - (b) the cost of a transcript, or any part thereof, of the proceedings in the court from which the appeal lies obtained otherwise than through the registrar must not be allowed except where the appropriate officer considers that it is reasonable in all the circumstances for such disbursement to be allowed.

#### **Claims for fees by advocates**

5.—(1) Subject to regulation 31, a claim by an advocate for fees for work done in proceedings in the Court of Appeal pursuant to a section 16 determination must not be entertained unless the advocate submits it within three months of the conclusion of the proceedings to which the section 16 determination relates.

(2) Where the advocate claims that paragraph 9(4) applies in relation to an item of work the advocate must give full particulars in support of his claim.

(3) Subject to sub-paragraph (4), a claim for fees by an advocate in proceedings in the Court of Appeal must be submitted to the appropriate officer in such form and manner as the appropriate officer may direct.

(4) A claim must—

- (a) summarise the items of work done by an advocate in respect of which fees are claimed according to the classes specified in paragraph 6(2);
- (b) state, where appropriate, the dates on which the items of work were done, the time taken, the sums claimed and whether the work was done for more than one assisted person; and
- (c) give particulars of any work done in relation to more than one indictment or a retrial.

(5) The advocate must specify any special circumstances which the advocate considers should be drawn to the attention of the appropriate officer.

(6) The advocate must supply such further information and documents as the appropriate officer may require.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

### Determination of advocates' fees

6.—(1) The appropriate officer must consider the claim, any further particulars and information submitted by an advocate under paragraph 5 and any other relevant information and must allow such work as appears to the appropriate officer to have been reasonably done.

(2) The appropriate officer may allow any of the following classes of fee to an advocate in respect of work allowed by him under this paragraph—

- (a) a basic fee for preparation including preparation for a pre-trial review and, where appropriate, the first day's hearing including, where they took place on that day, short conferences, consultations, applications and appearances (including bail applications), views and any other preparation;
- (b) a refresher fee for any day or part of a day during which a hearing continued, including, where they took place on that day, short conferences, consultations, applications and appearances (including bail applications), views at the scene of the alleged offence and any other preparation;
- (c) subsidiary fees for—
  - (i) attendance at conferences, consultations and views at the scene of the alleged offence not covered by paragraph (a) or (b);
  - (ii) written advice on evidence, plea or appeal or other written work; and
  - (iii) attendance at pre-trial reviews, applications and appearances (including bail applications and adjournments for sentence) not covered by paragraph (a) or (b).

(3) Where a section 16 determination provides for representation by—

- (a) a single advocate other than a QC; or
- (b) two advocates other than QC,

and a QC agrees to appear as the single advocate or as a leading junior, that QC must be treated for all the purposes of this Schedule as having been instructed pursuant to that section 16 determination, and the remuneration of the QC must be determined as if the advocate were not a QC.

### Litigators' fees for proceedings in the Court of Appeal

7.—(1) For proceedings in the Court of Appeal the appropriate officer must allow fees for work by litigators at the following prescribed rates—

<sup>f145</sup> Class of work	Grade of fee earner	Rate	Variations
Preparation	Senior solicitor	£48.36 per hour	£50.87 per hour for a litigator whose office is situated within the City of London or a London borough
	Solicitor, legal executive or fee earner of equivalent experience	£41.06 per hour	£43.12 per hour for a litigator whose office is situated within the City of London or a London borough
	Trainee or fee earner of equivalent experience	£27.15 per hour	£31.03 per hour for a litigator whose office is situated within the City of London or a London borough
Advocacy	Senior Solicitor	£58.40 per hour	

<sup>F145</sup> Class of work	Grade of fee earner	Rate	Variations
	Solicitor	£51.10 per hour	
Attendance at court where more than one representative assigned	Senior Solicitor	£38.55 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£31.03 per hour	
	Trainee or fee earner of equivalent experience	£18.71 per hour	
Travelling and waiting	Senior Solicitor	£22.58 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£22.58 per hour	
	Trainee or fee earner of equivalent experience	£11.41 per hour	
Routine letters written and routine telephone calls		£3.15 per item	£3.29 per item for a litigator whose office is situated within the City of London or a London borough]

(2) In respect of any item of work, the appropriate officer may allow fees at less than the relevant prescribed rate specified in the table following sub-paragraph (1) where it appears to the appropriate officer reasonable to do so having regard to the competence and despatch with which the work was done.

#### Textual Amendments

**F145** Sch. 3 para. 7(1) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 2 para. 1** (with reg. 5)

#### Allowance of litigators' fees at more than the prescribed rate

**8.—(1)** Upon a determination of fees the appropriate officer may, subject to the provisions of this paragraph, allow fees at more than the relevant prescribed rate specified in paragraph 7 for preparation, advocacy, attendance at court where more than one representative is assigned, routine letters written and routine telephone calls, in respect of offences in Class A, B, C, D, G, I, J or K in the Table of Offences in Part 7 of Schedule 1.

(2) The appropriate officer may allow fees at more than the prescribed rate where it appears to the appropriate officer, taking into account all the relevant circumstances of the case, that—

- (a) the work was done with exceptional competence, skill or expertise;
- (b) the work was done with exceptional despatch; or
- (c) the case involved exceptional complexity or other exceptional circumstances.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

(3) Paragraph 3 of Schedule 1 applies to litigators in respect of proceedings in the Court of Appeal as it applies to advocates.

(4) Where the appropriate officer considers that any item or class of work should be allowed at more than the prescribed rate, the appropriate officer must apply to that item or class of work a percentage enhancement in accordance with the following provisions of this paragraph.

(5) In determining the percentage by which fees should be enhanced above the prescribed rate the appropriate officer may have regard to—

- (a) the degree of responsibility accepted by the fee earner;
- (b) the care, speed and economy with which the case was prepared; and
- (c) the novelty, weight and complexity of the case.

(6) The percentage above the relevant prescribed rate by which fees for work may be enhanced must not exceed 100%.

(7) The appropriate officer may have regard to the generality of proceedings to which these Regulations apply in determining what is exceptional within the meaning of this paragraph.

**Advocates' fees for proceedings in the Court of Appeal**

9.—(1) Subject to sub-paragraph 9(4), for proceedings in the Court of Appeal the appropriate officer must allow fees for work by advocates at the following prescribed rates—

**Junior Counsel**

<i>Types of proceedings</i>	<i>Basic fee</i>	<i>Full day refresher</i>	<i>Subsidiary fees</i>		
			<i>Attendance at consultation, conferences and views</i>	<i>Written work</i>	<i>Attendance at pre-trial reviews, applications and other appearances</i>
All appeals	Maximum amount: £545 per case	Maximum amount: £178.75 per day	£33.50 per hour, minimum amount: £16.75	Maximum amount: £58.25 per item	Maximum amount: £110 per appearance

**QC**

<i>Types of proceedings</i>	<i>Basic fee</i>	<i>Full day refresher</i>	<i>Subsidiary fees</i>		
			<i>Attendance at consultation, conferences and views</i>	<i>Written work</i>	<i>Attendance at pre-trial reviews, applications and other appearances</i>
All appeals	Maximum amount: £5,400 per case	Maximum amount: £330.50 per day	£62.50 per hour, minimum amount: £32	Maximum amount: £119.50 per item	Maximum amount: £257.50 per appearance

(2) Where an hourly rate is specified in the table following sub-paragraph (1), the appropriate officer must determine any fee for such work in accordance with that hourly rate, provided that the fee determined must 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 officer must allow such fee as appears to the appropriate officer reasonable having regard to the fee which would be allowable for a full day.

(4) Where it appears to the appropriate officer, taking into account all the relevant circumstances of the case, that owing to the exceptional circumstances of the case the amount payable by way of fees in accordance with the table following sub-paragraph (1) would not provide reasonable remuneration for some or all of the work the appropriate officer has allowed, the appropriate officer may allow such amounts as appear to the appropriate officer to be reasonable remuneration for the relevant work.

### **Payment of fees**

**10.**—(1) Having determined the fees payable to a representative in accordance with the terms of this Schedule, the appropriate officer must notify the representative of the fees payable and authorise payment accordingly.

(2) Where, as a result of any redetermination or appeal made or brought pursuant to paragraph 11, the fees payable under paragraph (1) are altered—

- (a) if they are increased, the appropriate officer must authorise payment of the increase; and
- (b) if they are decreased, the representative must repay the amount of such decrease.

(3) Where the payment of any fees of the representative is ordered under regulation 29(12) or regulation 30(8), the appropriate officer must authorise payment.

### **Redeterminations and appeals**

**11.**—(1) Where a representative is dissatisfied with—

- (a) the fees determined in accordance with the provisions of this Schedule; or
- (b) the decision of the appropriate officer under paragraph 3(3) of Schedule 1,

he may apply to the appropriate officer to redetermine those fees or reclassify the offence, in accordance with the provisions of regulation 28(3) to (9).

(2) Where—

- (a) a representative has made an application to the appropriate officer under sub-paragraph (1); and
- (b) the appropriate officer has given his reasons for a decision under regulation 28(7),

a representative who is dissatisfied with that decision may appeal to a Costs Judge, in accordance with the provisions of regulation 29(2) to (14).

(3) A representative who is dissatisfied with the decision of a Costs Judge on an appeal under sub-paragraph (2) may apply to a Costs Judge to certify a point of principle of general importance, and the provisions of regulation 30(2) to (8) apply.

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

## SCHEDULE 4

Regulation 8

## Rates payable for the claims specified in Regulation 8

**Interpretation of this Schedule**

<sup>F146</sup>1. In this Schedule—

(a) unless the context otherwise requires, words and expressions have the same meaning as in the <sup>F147</sup>relevant contract], and

(b) “the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014.]

**Textual Amendments**

**F146** Sch. 4 para. 1 substituted (23.3.2015) by [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), regs. 1, **3(5)**

**F147** Words in Sch. 4 para. 1 substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(b)** (with reg. 2(2)) (as amended by [S.I. 2015/2049](#), reg. 2)

**Work conducted at the Police station: Police Station advice and assistance.**

2.—(1) The Fixed Fee for Police Station Telephone Advice is—

(a) <sup>F148</sup>£28.70] per claim in London; and

(b) <sup>F149</sup>£27.60] per claim outside London (“National”)

(2) The Criminal Defence Direct Fixed Acceptance Fee is <sup>F150</sup>£7.30] per Matter.

(3) The hourly rates for Police Station attendance (for recording time and to determine whether the Escape Fee Threshold has been reached) are specified in the table following this sub-paragraph.

	<sup>F151</sup> London (£)	National (£)
<b>Police Station attendance hourly rates</b>		
Own or Duty Solicitor	£51.28	£47.45
Duty Solicitor (Unsocial Hours)	£63.01	£63.01
Duty Solicitor – serious offence rate	£59.31	£54.75
Duty Solicitor – serious offence rate (Unsocial Hours)	£73.00	£73.00
<b>Travel and waiting hourly rates</b>		
Own Solicitor	£26.28	£26.28
Duty Solicitor	£51.28	£47.45
Duty Solicitor (Unsocial Hours)	£63.01	£63.01]

(4) The table following sub-paragraph (8) sets out—

(a) the Police Station Attendance Fixed Fees; and

(b) the Escape Fee Thresholds applicable to Police Station attendance.

(5) The figures in columns 3 and 4 of the table following sub-paragraph (8) apply to attendance at a police station listed as being within the corresponding Scheme referred to in column 2.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

(6) Where attendance is at a place where an interviewing Constable is present, and that place is not a police station listed as being within a Scheme, the relevant Scheme in column 2 is—

- (a) the Scheme within which the police station at which the interviewing Constable is normally based is listed; or
- (b) where the interviewing Constable is not normally based at a police station listed as being within a Scheme, the Scheme within which the police station nearest to the place of attendance is listed.

(7) Where attendance is at a place where a Services Person is assisting with an investigation by Services Police, the relevant Scheme in column 2 is the Scheme within which the police station nearest to the place of attendance is listed.

(8) In sub-paragraphs (5), (6) and (7), “listed” means listed in the table set out in Annex A to the [F152]2017 Standard Crime Contract] Guidance for reporting crime lower work M35.

#### Police Station Attendance – Fixed Fees and Escape Fee Thresholds

<sup>F153</sup> Criminal System Area	Justice Scheme	Fixed Fee (£)	Escape Fee Threshold (£)
Cleveland	Hartlepool	131.40	405.40
	Teesside	135.96	417.03
Durham	Darlington	154.54	463.62
	South Durham	152.39	468.28
	Durham	177.94	554.48
	Derwentside	171.63	514.90
	Easington	166.99	512.54
Northumbria	South East Northumberland	148.33	444.98
	Newcastle upon Tyne	137.79	424.01
	Gateshead	142.90	428.69
	North Tyneside	140.53	431.02
	South Tyneside	133.23	410.05
	Sunderland / Houghton Le Spring	148.74	458.97
	Berwick & Alnwick	177.03	545.17
	Tynedale & Hexham	154.21	475.28
Avon & Somerset	Avon North & Thornbury	177.94	561.49
	Bath	193.37	580.10
	Mendip & South Somerset	216.67	650.02
	Bristol	159.98	479.94
	Sedgemore / Taunton Deane	181.59	615.06
	Weston-Super-Mare	180.95	542.85
Dorset	Central Dorset	182.50	547.50

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i><sup>F153</sup>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	Bournemouth & Christchurch	145.22	435.67
	Poole East Dorset	153.30	470.60
	Bridport / West Dorset	146.00	438.00
Wiltshire	Salisbury	174.29	535.84
	Chippenham / Trowbridge	187.94	563.82
	Swindon	171.55	528.86
Gloucestershire	Cheltenham	157.86	486.92
	Gloucester	155.13	477.61
	Stroud	177.94	547.50
Devon & Cornwall	Barnstaple	173.96	521.88
	Exeter	154.54	463.62
	Plymouth	179.40	538.19
	East Cornwall	198.93	675.64
	Carrick / Kerrier (Camborne) / Penwith	177.94	563.82
	Teignbridge / Torbay	163.17	489.25
Staffordshire	Stoke on Trent / Leek	177.94	563.82
	Stafford / Cannock & Rugeley	177.94	547.50
	Lichfield & Tamworth / Burton Upon Trent / Uttoxeter	172.46	531.18
Warwickshire	Leamington / Nuneaton / Rugby	178.61	535.84
West Mercia	Hereford / Leominster	155.32	465.95
	Kidderminster / Redditch	198.81	596.42
	Shrewsbury	166.08	510.22
	Telford	172.46	531.18
	Worcester	180.95	542.85
West Midlands	Sandwell	176.11	540.52
	Wolverhampton & Seisdon	176.11	540.52
	Dudley & Halesowen	173.18	519.55
	Walsall	177.94	549.83
	Birmingham	177.94	566.14
	Solihull	187.16	561.49
	Coventry	153.77	461.30
Dyfed Powys	Amman Valley	177.94	570.80



*Status: Point in time view as at 01/12/2017.**Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)*

<i><sup>F153</sup>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
Gwent	Carmarthen East Dyfed	201.92	605.75
	Llanelli	138.70	426.34
	Brecon & Radnor	203.47	610.41
	Mid Wales	155.32	465.95
	North Ceredigion / South Ceredigion	204.24	612.73
	Pembrokeshire	166.99	514.90
	East Gwent	169.73	521.88
	Newport	166.99	512.54
	Lower Rhymney Valley / North Bedwellty/ South Bedwellty	177.94	556.81
North Wales	Bangor & Caernarfon	189.49	568.47
	Colwyn Bay	173.38	533.51
	Denbighshire	188.71	566.14
	Dolgellau	188.71	566.14
	Mold & Hawarden	177.94	554.48
	North Anglesey	197.26	591.77
	Pwllheli	133.57	400.72
South Wales	Wrexham	161.53	484.59
	Cardiff	177.94	587.11
	Vale of Glamorgan	208.13	624.40
	Cynon Valley	177.94	563.82
	Mid Glamorgan & Miskin	177.94	587.11
	Merthyr Tydfil	177.94	582.46
	Port Talbot	219.00	740.88
	Newcastle & Ogmore	177.94	596.42
	Neath	180.68	612.73
	Swansea	171.55	528.86
Merseyside	Bootle & Crosby	162.43	498.58
	Southport	135.91	407.72
	Liverpool	179.40	538.19
	St Helens	153.30	472.96
	Knowsley	165.16	507.89
	Wirral	157.86	484.59

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i><sup>F153</sup>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
Cheshire	Crewe & Nantwich / Sandbach & Congleton / Macclesfield	176.11	540.52
	Warrington / Halton	154.54	463.62
	Chester / Vale Royal (Northwich)	160.76	482.27
Cumbria	Barrow in Furness	153.77	461.30
	Kendal & Windermere	183.28	549.83
	Penrith / Carlisle	173.18	519.55
	Whitehaven / Workington	143.67	431.02
Greater Manchester	Manchester	177.94	587.11
	Stockport	167.74	503.23
	Trafford	177.94	559.16
	Salford	177.94	570.80
	Bolton	164.64	493.93
	Bury	159.98	479.94
	Wigan	170.07	510.22
	Rochdale / Middleton	169.30	507.89
	Tameside	156.04	479.94
	Oldham	137.46	412.38
Lancashire	Burnley / Rossendale	162.31	486.92
	Blackburn / Accrington / Ribble Valley	177.94	580.10
	Blackpool	126.58	379.75
	Fleetwood	129.69	389.08
	Lancaster	159.20	477.61
	Chorley / Ormskirk / South Ribble & Leyland	174.73	524.20
	Preston	142.90	428.69
	Dartford & Gravesend	232.98	698.94
Kent	Ashford & Tenterden / Dover / Folkestone	205.31	696.61
	Medway	205.02	615.06
	Swale	243.07	729.22
	Maidstone & West Malling	216.67	650.02
	Canterbury / Thanet	177.94	603.43

*Status: Point in time view as at 01/12/2017.**Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)*

<i><sup>F153</sup>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
Surrey	West Kent (Tonbridge)	208.13	624.40
	Guildford & Farnham	179.76	610.41
	North West Surrey (Woking)	196.19	666.31
	South East Surrey	207.14	703.59
	Epsom	209.88	712.93
	Staines	240.90	815.42
Sussex	Brighton & Hove & Lewes	183.41	622.04
	Chichester & District	162.43	498.58
	Crawley / Horsham	228.32	684.95
	Hastings	142.35	438.00
	Worthing	164.25	505.56
	Eastbourne	173.18	519.55
Derbyshire	East Derbyshire (Ripley) / Ilkeston	206.57	619.72
	Ashbourne / Matlock / High Peak (Buxton)	190.27	570.80
	Chesterfield	177.84	533.51
	Derby / Swadlincote	177.94	570.80
Leicestershire	Ashby & Coalville / Loughborough / Melton Mowbray	181.72	545.17
	Leicester	177.94	552.15
	Hinckley / Market Harborough	201.92	605.75
Lincolnshire	Boston, Bourne, Stamford	173.38	533.51
	Skegness	156.09	468.28
	Lincoln / Gainsborough	161.53	484.59
	Grantham & Sleaford	159.69	491.57
Nottinghamshire	Mansfield	160.60	493.93
	Newark	180.17	540.52
	Nottingham	179.40	538.19
	Worksop & East Retford	170.64	524.20
Northamptonshire	Corby (Kettering) / Wellingborough	157.65	472.96
	Northampton	170.85	512.54
Bedfordshire	Bedford	167.90	517.22
	Luton	177.94	601.07
Cambridgeshire	Cambridge	162.43	500.91

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<sup>F153</sup> Criminal System Area	Justice Scheme	Fixed Fee (£)	Escape Fee Threshold (£)
Essex	Ely	177.94	575.45
	Huntingdon	173.18	519.55
	March & Wisbech	171.63	514.90
	Peterborough	142.90	428.69
	Basildon	177.94	549.83
	Brentwood	249.11	845.72
	Braintree	198.93	673.32
	Clacton & Harwich / Colchester	177.94	563.82
	Grays	232.69	789.80
	Harlow & Loughton	232.69	789.80
	Stansted	257.33	873.67
	Rayleigh / Southend on Sea	166.97	500.91
Hertfordshire	Chelmsford / Witham	176.11	542.85
	Dacorum (Hemel Hempstead)	209.88	710.57
	Bishop's Stortford / East Hertfordshire	254.59	864.34
	Stevenage & North Hertfordshire	236.34	801.46
	St. Albans	214.44	702.25
	Watford	210.79	715.25
Norfolk	Cromer & North Walsham	184.33	624.40
	Great Yarmouth	168.52	505.56
	Kings Lynn & West Norfolk	164.64	493.93
	Norwich & District	169.30	507.89
	Diss / Thetford	175.20	538.19
	Dereham	198.01	670.99
Suffolk	Lowestoft / Beccles & Halesworth / Aldeburgh	169.30	507.89
	Felixstowe / Ipswich & District / Woodbridge	172.41	517.22
	Sudbury & Hadleigh / Bury St. Edmunds / Haverhill / Newmarket	177.94	552.15
Thames Valley	Abingdon, Didcot & Witney (South Oxfordshire)	208.96	708.25
	Aylesbury	198.81	596.42
	High Wycombe & Amersham	190.71	647.69

**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i><sup>F153</sup>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	Milton Keynes	165.16	507.89
	Bicester / North Oxon (Banbury)	194.36	659.33
	Oxford	194.36	659.33
	Reading	188.71	566.14
	Slough (East Berkshire)	208.96	708.25
	West Berkshire (Newbury etc.)	174.73	524.20
Hampshire	Aldershot / Petersfield (North East Hampshire)	199.84	677.97
	Andover / Basingstoke / Winchester (North West Hampshire)	210.46	631.38
	Isle of Wight	171.63	514.90
	Portsmouth / Waterlooville (South East Hampshire)	176.29	528.86
	Gosport & Fareham	215.11	645.34
	Southampton (South West Hampshire)	198.81	596.42
Humberside	Grimsby & Cleethorpes	134.35	403.04
	Scunthorpe	144.18	444.98
	Hull	153.30	470.60
	Beverley / Bridlington	177.94	587.11
	Goole	182.50	617.39
North Yorkshire	Northallerton & Richmond	191.82	575.45
	Harrogate & Ripon	184.05	552.15
	Skipton, Settle & Ingleton	177.94	547.50
	Scarborough / Whitby	152.39	468.28
	Malton & Rydale	146.78	440.33
	York / Selby	159.69	491.57
South Yorkshire	Barnsley	158.78	489.25
	Doncaster	153.30	470.60
	Rotherham	162.43	500.91
	Sheffield	166.99	514.90
West Yorkshire	Halifax	173.96	521.88
	Huddersfield	146.78	440.33
	Dewsbury	159.20	477.61

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i><sup>F153</sup>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	Bradford	135.96	419.36
	Keighley & Bingley	153.30	470.60
	Leeds	144.18	442.65
	Pontefract & Castleford	141.34	424.01
	Wakefield	139.61	428.69
London	Barking	224.48	761.85
	Bexley	200.75	680.30
	Bishopsgate	234.51	794.45
	Brent	219.00	740.88
	Brentford	222.65	754.84
	Bromley	211.70	717.58
	Camberwell Green	219.00	743.20
	Central London	237.25	803.78
	Clerkenwell / Hampstead	221.74	750.18
	Croydon	216.26	731.54
	Ealing	229.95	780.67
	Enfield	218.09	738.55
	Greenwich / Woolwich	208.96	708.25
	Haringey	225.39	764.17
	Harrow	219.00	743.20
	Havering	204.40	691.96
	Heathrow	274.66	931.93
	Hendon / Barnet	220.83	747.86
	Highbury Corner	229.95	778.16
	Kingston-Upon-Thames	228.13	773.48
	Newham	219.91	745.53
	Old Street	219.00	743.20
	Redbridge	225.39	764.17
	Richmond-Upon-Thames	240.90	815.42
	South London	229.95	778.16
	Sutton	218.09	738.55
	Thames	218.09	738.55
	Tower Bridge	232.69	789.80

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<sup>F153</sup> Criminal System Area	Justice Scheme	Fixed Fee (£)	Escape Fee Threshold (£)
	Uxbridge	210.79	715.25
	Waltham Forest	204.40	694.28
	West London	235.43	799.10
	Wimbledon	223.56	757.19]

#### Textual Amendments

- F148** Sum in Sch. 4 para. 2(1)(a) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 2(a)(i)** (with reg. 5)
- F149** Sum in Sch. 4 para. 2(1)(b) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 2(a)(ii)** (with reg. 5)
- F150** Sum in Sch. 4 para. 2(2) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 2(b)** (with reg. 5)
- F151** Sch. 4 para. 2(3) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 2(c)** (with reg. 5)
- F152** Words in Sch. 4 para. 2(8) substituted (1.4.2017) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2017 \(S.I. 2017/311\)](#), regs. 1, **3(5)(b)** (with reg. 5)
- F153** Sch. 4 para. 2(8) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 2(d)** (with reg. 5)

#### Marginal Citations

- M35** A copy of the guidance is available at [www.justice.gov.uk/legal-aid/submit-claim/cwa-online-claims/codes-guidance](http://www.justice.gov.uk/legal-aid/submit-claim/cwa-online-claims/codes-guidance). Copies can be inspected at the Legal Aid Agency (Head Office), 102 Petty France, London, SW1H 9AJ.

### Work conducted outside the Police Station

3.—(1) The fixed amounts and hourly rates for free standing Advice and Assistance conducted outside the Police Station are specified in the table following this sub-paragraph and this Unit of Work is subject to an Upper Limit of [<sup>F154</sup>£273.75].

#### Free standing Advice and Assistance

	<sup>F155</sup> London (£)	National (£)
Routine letters written and routine telephone calls per item	3.51	3.38
Preparation hourly rate	45.35	42.80
Travel and waiting hourly rate	24.00	24.00]

(2) The fixed amounts and hourly rates for Advocacy Assistance on a warrant of further detention are specified in Tables A and B following this sub-paragraph and this Unit of Work is subject to an Upper Limit of [<sup>F156</sup>£1,368.75].

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

[<sup>F157</sup>Table A

**Advocacy Assistance on a warrant of further detention – magistrates’ court or judicial authority**

	<i>London (£)</i>	<i>National (£)</i>
<b>Routine letters written and telephone calls (per item)</b>		
Own Solicitor and Duty Solicitor	3.51	3.38
Duty Solicitor (Unsocial Hours)	4.65	4.47
<b>Preparation hourly rate</b>		
Own Solicitor and Duty Solicitor	45.35	42.80
Duty Solicitor (Unsocial Hours)	60.50	57.03
<b>Advocacy hourly rate</b>		
Own Solicitor and Duty Solicitor	53.84	53.84
Duty Solicitor (Unsocial Hours)	71.77	71.77
<b>Travelling and waiting hourly rate</b>		
Own Solicitor and Duty Solicitor	24.00	24.00
Duty Solicitor (Unsocial Hours)	31.98	31.98]

[<sup>F157</sup>Table B

**Advocacy Assistance on a warrant of further detention – High Court or a senior judge**

	<i>London (£)</i>	<i>National (£)</i>
Routine letter out per item	6.84	6.84
Routine telephone calls per item	3.79	3.79
All other preparation work, hourly rate	72.54	68.44
Attending counsel in conference or at the trial or hearing of any summons or application at court or other appointment, hourly rate	33.76	33.76
Attending without counsel at the trial or hearing of any cause or the hearing of any summons or application at court, or other appointment, hourly rate	68.44	68.44
Travelling and waiting, hourly rate	30.34	30.34]

(3) The fixed amounts and hourly rates for Advocacy Assistance in armed forces custody hearings are specified in the table following this sub-paragraph and this Unit of Work is subject to an Upper Limit of [<sup>F156</sup>£1,368.75].

**Advocacy Assistance for armed forces custody hearings**

	<i>[<sup>F158</sup>London (£)</i>	<i>National (£)</i>
<b>Routine letters written and telephone calls (per item)</b>		
Own Solicitor and Duty Solicitor	3.51	3.38



**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

	<sup>F158</sup> London (£)	National (£)
Duty Solicitor(Unsocial Hours)	4.65	4.47
<b>Preparation hourly rate</b>		
Own Solicitor and Duty Solicitor	45.35	42.80
Duty Solicitor (Unsocial Hours)	60.50	57.03
<b>Advocacy hourly rate</b>		
Own Solicitor and Duty Solicitor	53.84	53.84
Duty Solicitor (Unsocial Hours)	71.77	71.77
<b>Travelling and waiting hourly rate</b>		
Own Solicitor and Duty Solicitor	24.00	24.00
Duty Solicitor (Unsocial Hours)	31.98	31.98]

(4) The fixed amounts and hourly rates for Advocacy Assistance in [<sup>F159</sup>magistrates' courts in connection with an application relating to police bail] are specified in the table following this subparagraph and this Unit of Work is subject to an Upper Limit of [<sup>F156</sup>£1,368.75].

**[<sup>F160</sup>Advocacy Assistance in magistrates' courts in connection with an application relating to police bail]**

	<sup>F161</sup> London (£)	National (£)
Routine letters written and telephone calls per item	3.70	3.56
Preparation hourly rate	47.95	45.35
Advocacy hourly rate	56.89	56.89
Travelling and waiting hourly rate	24.00	24.00]

**Textual Amendments**

- F154** Sum in Sch. 4 para. 3(1) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 3(a)** (with reg. 5)
- F155** Sch. 4 para. 3(1) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 3(b)** (with reg. 5)
- F156** Sum in Sch. 4 substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 1** (with reg. 5)
- F157** Sch. 4 para. 3(2) tables substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 3(c)** (with reg. 5)
- F158** Sch. 4 para. 3(3) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 3(d)** (with reg. 5)
- F159** Words in Sch. 4 para. 3(4) substituted (1.4.2017) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2017 \(S.I. 2017/311\)](#), regs. 1, **3(5)(c)(i)** (with reg. 5)
- F160** Words in Sch. 4 para. 3(4) table substituted (1.4.2017) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2017 \(S.I. 2017/311\)](#), regs. 1, **3(5)(c)(ii)** (with reg. 5)
- F161** Sch. 4 para. 3(4) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 3(e)** (with reg. 5)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

### Advice and Assistance and Advocacy Assistance by a court Duty [<sup>F162</sup>Lawyer] and Advocacy Assistance at the virtual court

4.—(1) The hourly rates for Advice and Assistance and Advocacy Assistance by a court Duty [<sup>F162</sup>Lawyer] are specified in the table following this sub-paragraph.

#### Advice and Assistance and Advocacy Assistance by a court Duty [<sup>F162</sup>Lawyer]

	<sup>F163</sup> London (£)	<sup>F164</sup> Outside London] (£)
Standard hourly rate (attendance and waiting at a magistrates' court)	50.32	49.14
Enhanced hourly rate (only payable in respect of work done on a day which is not a Business Day)	62.87	61.41
Travelling hourly rate (only payable where the Duty [ <sup>F162</sup> Lawyer] is called out (including being called to return) to the court from the Office or attends on a day that is not a Business Day. Reasonable travel expenses may also be claimed (where relevant)).	24.00	24.00]

(2) The Fixed Fees for Advocacy Assistance at the Virtual Court are specified in the table following this sub-paragraph.

#### Advocacy Assistance at the Virtual Court

	<sup>F165</sup> London (£)	<sup>F164</sup> Outside London](£)
Virtual Court Fixed Fee where the hearing is held during Business Hours	182.50	136.88
Virtual Court Fixed Fee where the hearing is held during Unsocial hours	219.00	164.25]

#### Textual Amendments

- F162** Word in Sch. 4 para. 4 substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(e)** (with reg. 2(2)) (as amended by [S.I. 2015/2049](#), reg. 2)
- F163** Sch. 4 para. 4(1) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 4(a)** (with reg. 5)
- F164** Words in Sch. 4 substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(a)** (with reg. 2(2)) (as amended by [S.I. 2015/2049](#), reg. 2)
- F165** Sch. 4 para. 4(2) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 4(b)** (with reg. 5)

### Representation in the Magistrates' Court

5.—<sup>F166</sup>(A1) This paragraph does not apply where paragraph 5A applies.]

(1) The fixed amounts and hourly rates [<sup>F167</sup>for representation in a magistrates' court <sup>F168</sup>...] for—

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

- (a) recording time and to determine whether the Lower or Higher Standard Fee Limit has been reached; and
- (b) claiming costs in cases which fall outside the Standard Fee payment scheme,
- are specified in the table following this sub-paragraph.

#### Representation in a magistrates' court

	<i>[<sup>F169</sup>All Areas</i>
Routine letters written and telephone calls per item	£3.56
Preparation hourly rate	£45.35
Advocacy hourly rate (including applications for bail and other applications to the court)	£56.89
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£31.03
Travelling and waiting hourly rate (only claimable where the undesignated area fees apply)	£24.00]

(2) The table following this sub-paragraph sets out the fees and fee limits for the Standard Fee payment scheme for representation in a magistrates' court [<sup>F170</sup>(except where paragraph 5A applies)].

#### Higher and Lower Standard Fees Table

	<i>[<sup>F171</sup>Lower Standard Fee (£)</i>	<i>Lower Standard Fee Limit (£)</i>	<i>Higher Standard Fee (£)</i>	<i>Higher Standard Fee Limit (£)</i>
<b>Designated Area Standard Fees</b>				
Category 1A	248.71	272.34	471.81	471.85
Category 1B	202.20	272.34	435.64	471.85
Category 2	345.34	467.84	723.35	779.64
<b>Undesignated Area Standard Fees</b>				
Category 1A	194.68	272.34	412.30	471.85
Category 1B	158.27	272.34	380.70	471.85
Category 2	279.45	467.84	640.94	779.64]

(3) In the table following sub-paragraph (2)—

(a) the reference to “Category 1A” cases is a reference to the following proceedings—

(i) either way guilty pleas;

[<sup>F172</sup>(ia) guilty pleas in proceedings for low-value shoplifting as defined in section 22A(3) of the Magistrates' Court Act 1980 (low-value shoplifting);]

(ii) indictable only cases heard in the Youth Court;

(iii) proceedings <sup>F173</sup>...relating to either way offences [<sup>F174</sup>or proceedings referred to in sub-paragraph (ia)] which are discontinued or withdrawn or where the prosecution offer no evidence; and

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**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

- (iv) proceedings <sup>F173</sup>... relating to either way offences [<sup>F175</sup>or proceedings referred to in sub-paragraph (ia)] which result in a bind over;
- (b) the reference to “Category 1B” cases is a reference to the following proceedings [<sup>F176</sup>(other than proceedings referred to in paragraph (a)(ia))]—
  - (i) summary only guilty pleas;
  - (ii) uncontested proceedings arising out of a breach of an order of a magistrates' courts (including proceedings in a magistrates' court relating to a breach of a Crown Court community rehabilitation order, community punishment order or suspended sentence);
  - (iii) proceedings <sup>F177</sup>... relating to summary offences which are discontinued or withdrawn or where the prosecution offer no evidence;
  - (iv) proceedings <sup>F177</sup>... relating to summary offences which result in a bind over;
  - (v) proceedings arising out of a deferment of sentence (including any subsequent sentence hearing) under section 1 of the Powers of Criminal Courts (Sentencing) Act 2000 <sup>M36</sup>;
  - (vi) proceedings prescribed under regulation 9 of the Criminal Legal Aid (General) Regulations 2013 <sup>M37</sup>, except where the case was listed and fully prepared for a contested hearing to decide whether an order should be made; <sup>F178</sup> ...
  - (vii) proceedings relating to either way offences which must be tried in a magistrates' court in accordance with section 22 of the Magistrates' Courts Act 1980 <sup>M38</sup>;
- (c) the reference to “Category 2” cases is a reference to—
  - (i) contested trials;
  - (ii) proceedings which were listed and fully prepared for trial in a magistrates' court but are disposed of by a guilty plea on the day of trial before the opening of the prosecution case;
  - (iii) 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;
  - (iv) contested proceedings relating to a breach of an order of a magistrates' court (including proceedings relating to a breach of a Crown Court community rehabilitation order, community punishment order or suspended sentence);
  - (v) proceedings where mixed pleas are entered; and
  - (vi) proceedings prescribed under regulation 9 of the Criminal Legal Aid (General) Regulations 2013 where the case was listed and fully prepared for a contested hearing to decide whether an order should be made; and

<sup>F179</sup>(d) .....

(4) The fees payable to Assigned Counsel for representation in a magistrates' court are subject to the limits specified in the table following paragraph 12.

<sup>F180</sup>(5) .....

**Textual Amendments**

**F166** Sch. 4 para. 5(A1) inserted (1.4.2016) by The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), 6(8)(f)(i) (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)

- F167** Words in Sch. 4 para. 5(1) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(a)**
- F168** Words in Sch. 4 para. 5(1) omitted (1.4.2016) by virtue of The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), **6(8)(f)(ii)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)
- F169** Sch. 4 para. 5(1) table substituted (31.3.2016) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2016 (S.I. 2016/313), reg. 1(1), **Sch. 3 para. 5(a)** (with reg. 5)
- F170** Words in Sch. 4 para. 5(2) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(b)**
- F171** Sch. 4 para. 5(2) table substituted (31.3.2016) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2016 (S.I. 2016/313), reg. 1(1), **Sch. 3 para. 5(b)** (with reg. 5)
- F172** Sch. 4 para. 5(3)(a)(ia) inserted (with application in accordance with reg. 4(3) of the amending S.I.) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(c)(i)**
- F173** Words in Sch. 4 para. 5(3)(a)(iii)(iv) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(b)(i)** (with reg. 10(1))
- F174** Words in Sch. 4 para. 5(3)(a)(iii) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(c)(ii)**
- F175** Words in Sch. 4 para. 5(3)(a)(iv) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(c)(ii)**
- F176** Words in Sch. 4 para. 5(3)(b) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(c)(iii)**
- F177** Words in Sch. 4 para. 5(3)(b)(iii)(iv) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(b)(i)** (with reg. 10(1))
- F178** Word in Sch. 4 para. 5(3)(c)(vi) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(b)(ii)** (with reg. 10(1))
- F179** Sch. 4 para. 5(3)(d) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(b)(iii)** (with reg. 10(1))
- F180** Sch. 4 para. 5(5) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(c)** (with reg. 10(1))

**Marginal Citations**

- M36** 2000 c. 6.  
**M37** S.I. 2013/9.  
**M38** 1980 c. 43.

**[<sup>F181</sup>Representation in proceedings relating to an injunction under Part 1 of the 2014 Act or related parenting order in any court**

**5A.—(1)** This paragraph applies to proceedings prescribed as criminal proceedings under section 14(h) of the Act (other than an appeal) relating to—

- (a) an injunction under Part 1 of the 2014 Act; or
  - (b) a parenting order under section 8(1)(b) of the Crime and Disorder Act 1998 where an injunction is granted under Part 1 of the 2014 Act.
- (2) The fixed amounts and hourly rates for—
- (a) determining whether the lower or higher fee limit has been reached, and
  - (b) claiming costs in cases which fall outside the fixed fee limits, are specified in the table following this sub-paragraph.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

### Representation in proceedings relating to an injunction under Part 1 of the 2014 Act or related parenting order in any court

	<sup>F182</sup> All Areas
Routine letters written and telephone calls per item	£3.56
Preparation hourly rate	£45.35
Advocacy hourly rate (including applications for bail and other applications to the court)	£56.89
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£31.03]

(3) The table following this sub-paragraph sets out the fees and fee limits for representation in any court.

#### Higher and Lower Fees Table

	<sup>F183</sup> Lower fee (£)	Lower limit (£)	Higher fee (£)	Higher fee limit (£)
Uncontested	158.27	272.34	380.70	471.85
Contested	279.45	467.84	640.94	779.64]

(4) The hourly rate for travelling and waiting in any court is [<sup>F184</sup>£24.00]].

#### Textual Amendments

- F181** Sch. 4 para. 5A inserted (23.3.2015) by [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), reg. 1, **3(7)**
- F182** Sch. 4 para. 5A(2) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 6(a)** (with reg. 5)
- F183** Sch. 4 para. 5A(3) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 6(b)** (with reg. 5)
- F184** Sum in Sch. 4 para. 5A(4) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 6(c)** (with reg. 5)

#### <sup>F185</sup>Work undertaken prior to a determination that an individual is not eligible for criminal legal aid]

**6.—(1)** The fixed amounts and hourly rates for Pre-Order Cover, Early Cover and means test form completion are specified in the table following this paragraph.

(2) The amount payable for Pre-Order cover is subject to an Upper Limit of—

- (a) [<sup>F186</sup>£47.95] per claim in London; and
- (b) [<sup>F187</sup>£45.35] per claim outside London <sup>F188</sup>....

(3) The Fixed Fee for Early Cover is [<sup>F189</sup>£68.44].

(4) The refused means test completion fee is [<sup>F190</sup>£22.81].

F191[F192 ...

	London (£)	[F164 Outside London](£)
Routine letters written and telephone calls per item	3.70	3.56
Preparation hourly rate	47.95	45.35
Advocacy (including applications for bail and other applications to the court) hourly rate	56.89	56.89
Travelling and waiting hourly rate F193	[F194 21.70]	24.00]
...		

### Textual Amendments

- F164** Words in Sch. 4 substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(a)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
- F185** Sch. 4 para. 6 heading substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(g)(i)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
- F186** Sum in Sch. 4 para. 6(2)(a) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 7(a)(i)** (with reg. 5)
- F187** Sum in Sch. 4 para. 6(2)(b) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 7(a)(ii)** (with reg. 5)
- F188** Word in Sch. 4 para. 6(2)(b) omitted (1.4.2016) by virtue of [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(g)(ii)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
- F189** Sum in Sch. 4 para. 6(3) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 7(b)** (with reg. 5)
- F190** Sum in Sch. 4 para. 6(4) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 7(c)** (with reg. 5)
- F191** Words in Sch. 4 para. 6(4) table omitted (1.4.2016) by virtue of [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(g)(iii)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
- F192** Sch. 4 para. 6(4) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 7(d)** (with reg. 5)
- F193** Words in Sch. 4 para. 6(4) table omitted (1.4.2016) by virtue of [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(g)(iv)(aa)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
- F194** Sum in Sch. 4 para. 6(4) table substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(g)(iv)(bb)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)

### Representation in proceedings prescribed as criminal proceedings under section 14(h) of the Act

7.—(1) The fixed amounts and hourly rates for representation in the Crown Court in proceedings prescribed as criminal proceedings under section 14(h) of the Act (other than an appeal from a

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

magistrates' court [<sup>F195</sup>or where paragraph 5A applies]) are specified in the table following this sub-paragraph and this Unit of Work is subject to an Upper Limit of [<sup>F156</sup>£1,368.75].

**Representation in Prescribed Proceedings in a [<sup>F196</sup>Crown Court]**

	<sup>F197</sup> London (£)	<sup>F164</sup> Outside London] (£)
Routine letters written and telephone calls per item	3.70	3.56
Preparation hourly rate	47.95	45.35
Advocacy hourly rate	56.89	56.89
Travelling and waiting hourly rate	24.00	24.00]

(2) The fixed amounts and hourly rates for representation in the High Court [<sup>F198</sup>, the family court] or a county court in proceedings prescribed as criminal proceedings under section 14(h) of the Act [<sup>F199</sup>(except where paragraph 5A or paragraph 10 applies)] are specified in the table following this sub-paragraph [<sup>F200</sup>and this Unit of Work is subject to an Upper Limit of £1,368.75].

**[<sup>F201</sup>Representation in Prescribed Proceedings in the High Court [<sup>F202</sup>, the family court] or a county court**

	London (£)	<sup>F164</sup> Outside London] (£)
Routine letters out per item	6.84	6.02
Routine telephone calls per item	3.79	3.33
All other preparation work hourly rate	68.44 (72.54 where Provider's office is in London)	60.23 (63.88 where Provider's office is in London)
Attending counsel in conference or at the trial or hearing of any summons or application at court or other appointment – hourly rate	33.76	29.66
Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court or other appointment – hourly rate	68.44	60.23
Travelling and waiting hourly rate	30.34	26.65]

(3) The fees payable to Assigned Counsel for representation in the High Court [<sup>F203</sup>, the family court] or a county court in proceedings prescribed as criminal proceedings under section 14(h) of the Act are subject to the limits specified in the table following paragraph 12.

**Textual Amendments**

**F156** Sum in Sch. 4 substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 1** (with reg. 5)



**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

- F164** Words in Sch. 4 substituted (1.4.2016) by The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), **6(8)(a)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
- F195** Words in Sch. 4 para. 7(1) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(8)(a)**
- F196** Words in Sch. 4 para. 7 substituted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(8)(b)**
- F197** Sch. 4 para. 7(1) table substituted (31.3.2016) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2016 (S.I. 2016/313), reg. 1(1), **Sch. 3 para. 8(a)** (with reg. 5)
- F198** Words in Sch. 4 para. 7(2) inserted (17.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(b), **5(3)(a)**
- F199** Words in Sch. 4 para. 7(2) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(8)(c)**
- F200** Words in Sch. 4 para. 7(2) inserted (1.4.2017) by The Criminal Legal Aid (Standard Crime Contract) (Amendment) Regulations 2017 (S.I. 2017/311), regs. 1, **3(5)(d)** (with reg. 5)
- F201** Sch. 4 para. 7(2) table substituted (31.3.2016) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2016 (S.I. 2016/313), reg. 1(1), **Sch. 3 para. 8(b)** (with reg. 5)
- F202** Words in Sch. 4 para. 7(2) table inserted (17.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(b), **5(3)(b)**
- F203** Words in Sch. 4 para. 7(3) inserted (17.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(b), **5(3)(c)**

### Advice and Assistance on an appeal against conviction or sentence or an application to the Criminal Cases Review Commission

8. The fixed amounts and hourly rates for Advice and Assistance on an appeal against conviction or sentence pursuant to a determination made under section 15 of the Act (except where there is a subsisting section 16 determination) or an application to the Criminal Cases Review Commission are specified in the table following this paragraph and are subject to an Upper Limit of—

- (a) [<sup>F204</sup>£273.75] for Advice and Assistance on appeals against conviction or sentence; and
- (b) [<sup>F205</sup>£456.25] for Advice and Assistance on an application to the Criminal Cases Review Commission.

#### [<sup>F206</sup> Advice and Assistance on an appeal against conviction or sentence or application to the Criminal Cases Review Commission

	<i>London (£)</i>	<i>[<sup>F164</sup> Outside London] (£)</i>
Routine letters written and routine telephone calls per item	3.51	3.38
Preparation hourly rate	45.35	42.80
Travel and waiting hourly rate	24.00	24.00]

#### Textual Amendments

- F164** Words in Sch. 4 substituted (1.4.2016) by The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), **6(8)(a)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

- F204** Sum in Sch. 4 para. 8(a) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 9(a)** (with reg. 5)
- F205** Sum in Sch. 4 para. 8(b) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 9(b)** (with reg. 5)
- F206** Sch. 4 para. 8 table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 9(c)** (with reg. 5)

### Representation on an appeal by way of case stated

9.—(1) The fixed amounts and hourly rates for representation on an appeal by way of case stated are specified in the table following this sub-paragraph.

#### Representation on an appeal by way of case stated in the High Court

	<sup>F207</sup> High Court (£)
Routine letters out per item	6.84
Routine telephone calls per item	3.79
All other preparation work – hourly rate	68.44 (72.54 where the Provider's office is in London)
Attending counsel in conference or at the trial or hearing of any summons or application at court or other appointment – hourly rate	33.76
Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court or other appointment – hourly rate	68.44
Travelling and waiting hourly rate	30.34]

(2) The fees payable to Assigned Counsel for representation in the High Court on an appeal by way of case stated are subject to the limits specified in the table following paragraph 12.

#### Textual Amendments

- F207** Sch. 4 para. 9(1) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 10** (with reg. 5)

### Representation in the Crown Court on an appeal from a magistrates' court in proceedings prescribed as criminal proceedings under section 14(h) of the Act

10. The fixed amounts and hourly rates for representation in the Crown Court pursuant to a section 16 determination on an appeal from a magistrates' court in proceedings prescribed as criminal proceedings under section 14(h) of the Act [<sup>F208</sup>or an appeal to the County Court relating to an injunction under Part 1 of the 2014 Act or a parenting order under section 8(1)(b) of the Crime and Disorder Act 1998 made in connection with an injunction under Part 1 of the 2014 Act] are specified in the table following this paragraph, and this Unit of Work is subject to an Upper Limit of [<sup>F156</sup>£1,368.75]

**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

	<b>London (£)</b>	<b>[<sup>F164</sup>Outside London](£)</b>
[ <sup>F209</sup> Routine letters written and telephone calls per item	3.70	3.56
Preparation hourly rate	47.95	45.35
Advocacy hourly rate	56.89	56.89
Travelling and waiting hourly rate	24.00	24.00]

**Textual Amendments**

**F156** Sum in Sch. 4 substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 1** (with reg. 5)

**F164** Words in Sch. 4 substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(8)(a)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)

**F208** Words in Sch. 4 para. 10 inserted (23.3.2015) by [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), regs. 1, **3(9)**

**F209** Sch. 4 para. 10 table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 11** (with reg. 5)

**Advice and Assistance provided pursuant to a determination made under section 15 of the Act in Prison Law cases**

**11.**—(1) The Fixed Fee for Advice and Assistance in <sup>F210</sup>...Sentence Cases, Disciplinary Cases and Parole Board Cases is [<sup>F211</sup>£200.75] and the Escape Fee Threshold is [<sup>F212</sup>£602.25].

(2) The fixed amounts and hourly rates for recording time and to determine whether the Escape Fee Threshold has been reached are specified in the table following this sub-paragraph.

**Hourly rates for determining whether Escape Fee Threshold reached**

	<b>[<sup>F213</sup>All areas (£)</b>
Routine letters written and routine telephone calls per item	3.38
Preparation hourly rate	42.80
Travel and waiting hourly rate	24.00]

(3) The fixed amounts and hourly rates for Advocacy Assistance in Disciplinary Cases, for recording time and to determine whether the Lower or Higher Standard Fee is claimable or whether the case is claimable on a non-Standard Fee basis, are specified in the tables following this sub-paragraph.

**[<sup>F214</sup>Hourly rates in Disciplinary Cases for determining application of Standard Fees**

	<b>All areas (£)</b>
Routine letters written and routine telephone calls per item	3.70
Preparation hourly rate	51.24
Advocacy hourly rate	62.28

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

	<i>All areas (£)</i>
Travel and waiting hourly rate	24.00

#### Higher and Lower Standard Fees Table for Disciplinary Cases

<i>Lower Standard Fee (£)</i>	<i>Lower Standard Fee Limit (£)</i>	<i>Higher Fee (£)</i>	<i>Standard</i>	<i>Higher Standard Fee Limit (£)</i>
203.93	357.06	564.16		1,691.69]

(4) The fixed amounts and hourly rates for Advocacy Assistance in Parole Board Cases, for recording time and to determine whether the Lower or Higher Standard Fee is claimable or whether the case is claimable on a non-Standard Fee basis, are specified in the tables following this subparagraph.

#### <sup>F215</sup>Hourly rates in Parole Board Cases for determining application of Standard Fees

	<i>All areas (£)</i>
Routine letters written and routine telephone calls per item	3.70
Preparation hourly rate	51.24
Advocacy hourly rate	62.28
Travel and waiting hourly rate	24.00

#### Higher and Lower Standard Fees Table for Parole Board Cases

<i>Lower Standard Fee (£)</i>	<i>Lower Standard Fee Limit (£)</i>	<i>Higher Standard Fee (£)</i>	<i>Higher Standard Fee Limit (£)</i>
437.21	933.93	1,454.44	4,362.54]

#### Textual Amendments

- F210** Words in Sch. 4 para. 11(1) omitted (2.12.2013) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2803\)](#), reg. 1, **3(6)** (with reg. 5(1))
- F211** Sum in Sch. 4 para. 11(1) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 12(a)(i)** (with reg. 5)
- F212** Sum in Sch. 4 para. 11(1) substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 12(a)(ii)** (with reg. 5)
- F213** Sch. 4 para. 11(2) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 12(b)** (with reg. 5)
- F214** Sch. 4 para. 11(3) tables substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 12(c)** (with reg. 5)
- F215** Sch. 4 para. 11(4) tables substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 12(d)** (with reg. 5)

#### Payment for Assigned Counsel

12.—(1) This paragraph applies to the fees payable to Assigned Counsel for—

- (a) representation in a magistrates' court;

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

(b) representation in the High Court<sup>F216</sup>, the family court] or a county court in proceedings prescribed as criminal proceedings under section 14(h) of the Act; and

(c) representation in the High Court on an appeal by way of case stated.

(2) The fees payable to Assigned Counsel are subject to the limits specified in the table following this paragraph.

### Payment for Assigned Counsel

	<sup>F217</sup> Junior Counsel (£)	Queen's Counsel (£)
Basic fee for preparation, including for a pre-trial review and, where appropriate, the first day's hearing including, where they took place on that day, short conferences, consultations, applications and appearances (including bail applications, views and any other preparation).	maximum amount: 427.00	maximum amount: 4,056.00
Refresher daily fee (for any day or part of a day during which a hearing continued, including, where they took place on that day, short conferences, consultations, applications and appearances (including bail applications, views and any other preparation).	maximum amount: 147.00	maximum amount: 271.01
<b>Subsidiary fees:</b>		
Attendance at consultations, conferences and views not covered by the basic fee or the refresher fee.	26.69 per hour – minimum amount: 13.25	49.73 per hour – minimum amount: 25.55
Written work (on evidence, plea, appeal, case stated or other written work).	maximum amount: 46.77	maximum amount: 95.81
Attendance at pre-trial reviews, applications and other appearances (including bail applications and adjournments for sentence) not covered by the basic fee or the refresher fee.	maximum amount: 85.78	maximum amount: 187.06]

#### Textual Amendments

**F216** Words in Sch. 4 para. 12(1)(b) inserted (17.7.2015) by [The Civil and Criminal Legal Aid \(Amendment\) Regulations 2015 \(S.I. 2015/1416\)](#), regs. 1(2)(b), **5(3)(d)**

**F217** Sch. 4 para. 12(2) table substituted (31.3.2016) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2016 \(S.I. 2016/313\)](#), reg. 1(1), **Sch. 3 para. 13** (with reg. 5)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

⌈<sup>F218</sup>SCHEDULE 5

Regulation 16

Experts' Fees and Rates

**Textual Amendments**

**F218** Sch. 5 substituted (2.12.2013) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2013 (S.I. 2013/2803), regs. 1, 3(7), **Sch. 1** (with reg. 6(1))

<i>Expert</i>	<i>Non-London - hourly rate unless stated to be a fixed fee</i>	<i>London - hourly rate unless stated to be a fixed fee</i>
A&E consultant	£100.80	£108
Accident reconstruction	£72	£54.40
Accountant	£64	£64
Accountant (general staff)	£40	£40
Accountant (manager)	£86.40	£86.40
Accountant (partner)	£115.20	£115.20
Anaesthetist	£108	£72
Architect	£79.20	£72
Back calculations	£144 fixed fee	£151.20 fixed fee
Benefit expert	£72	£72
Cardiologist	£115.20	£72
Cell telephone site analysis	£72	£72
Child psychiatrist	£108	£72
Child psychologist	£100.80	£72
Computer expert	£72	£72
Consultant engineer	£72	£54.40
Dentist	£93.60	£72
Dermatologist	£86.40	£72
Disability consultant	£54.40	£54.40
DNA (testing of sample)	£252 per test	£252 per test
DNA (preparation of report)	£72	£72
Doctor (GP)	£79.20	£72
Drug expert	£72	£72
Employment consultant	£54.40	£54.40
Enquiry agent	£25.60	£18.40
ENT surgeon	£100.80	£72
Facial Mapping	£108	£72

**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i>Expert</i>	<i>Non-London - hourly rate unless stated to be a fixed fee</i>	<i>London - hourly rate unless stated to be a fixed fee</i>
Fingerprint expert	£72	£37.60
Fire investigation	£72	£54.40
Firearm expert	£72	£72
Forensic scientist	£90.40	£72
General surgeon	£108	£72
Geneticist	£86.40	£72
GP (records report)	£50.40 fixed fee	£72 fixed fee
Gynaecologist	£108	£72
Haematologist	£97.60	£72
Handwriting expert	£72	£72
Interpreter	£28	£25
Lip reader/Signer	£57.60	£32.80
Mediator	£100.80	£100.80
Medical consultant	£108	£72
Medical microbiologist	£108	£72
Medical Report	£79.20	£72
Meteorologist	£100.80	£144 fixed fee
Midwife	£72	£72
Neonatologist	£108	£72
Neurologist	£122.40	£72
Neuropsychiatrist	£126.40	£72
Neuroradiologist	£136.80	£72
Neurosurgeon	£136.80	£72
Nursing expert	£64.80	£64.80
Obstetrician	£108	£72
Occupational therapist	£54.40	£54.40
Oncologist	£112	£72
Orthopaedic surgeon	£115.20	£72
Paediatrician	£108	£72
Pathologist	£122.40	£432 fixed fee
Pharmacologist	£97.60	£72
Photographer	£25.60	£18.40
Physiotherapist	£64.80	£64.80
Plastic surgeon	£108	£72

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

<i>Expert</i>	<i>Non-London - hourly rate unless stated to be a fixed fee</i>	<i>London - hourly rate unless stated to be a fixed fee</i>
Process server	£25.60	£18.40
Psychiatrist	£108	£72
Psychologist	£93.60	£72
Radiologist	£108	£72
Rheumatologist	£108	£72
Risk assessment expert	£50.40	£50.40
Speech therapist	£79.20	£72
Surgeon	£108	£72
Surveyor	£40	£40
Telecoms expert	£72	£72
Toxicologist	£108	£72
Urologist	£108	£72
Vet	£72	£72
Voice recognition	£93.60	£72]

## [<sup>F219</sup>SCHEDULE 6

Regulation 12A

### Fees in Very High Cost Cases

#### Textual Amendments

**F219** Sch. 6 inserted (2.12.2013) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2013 (S.I. 2013/2803), regs. 1, 3(8), **Sch. 2** (with reg. 4)

## PART 1

### Interpretation and Application

#### Interpretation

1.—(1) In this Schedule—

- (a) a reference to a level is a reference to that level as defined in the Very High Cost Case contract;
- (b) a reference to a category is a reference to that category as defined in that contract;
- (c) the standard rates apply to work as described in the Very High Cost Case contract Guide; and
- (d) the preliminary hearing, half day and full day rates apply as described in the Very High Cost Case contract Guide.



**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

- (2) In this Part—
- (a) “Task List” has the meaning given in the Very High Cost Case contract;
- (b) “parties” means the representative who has signed the Very High Cost Case contract and the Lord Chancellor.
- (3) In Table 2, a junior may be either a barrister or a solicitor-advocate.

**Application**

2.—(1) This paragraph makes provision in relation to the application of this Schedule to work done in a case which is the subject of a Very High Cost Case contract signed by the parties before 2nd December 2013.

(2) Part 2 of this Schedule applies to work done pursuant to any Task List agreed between the parties before 2nd December 2013.

(3) Subject to sub-paragraph (4), Part 3 of this Schedule applies to work done pursuant to any Task List agreed between the parties on or after 2nd December 2013.

(4) Part 2 of this Schedule applies to work done in a case in which—

- (a) the court has set a trial date before 2nd December 2013; and
- (b) that trial date is on or before 31st March 2014.

(5) For the purpose of sub-paragraph (4), any adjournment or postponement of a trial which takes place after the trial date is set must be disregarded.

3. Part 3 of this Schedule applies to work done in a case which is the subject of a Very High Cost Case contract signed by the parties on or after 2nd December 2013.

**PART 2****Table 1****Preparation (hourly rates)**

	<i>Category 1</i> (£)	<i>Category 2</i> (£)	<i>Category 3</i> (£)	<i>Category 4</i> (£)	<i>Standard Rates</i> (£)
<b>Litigator</b>					
Level A	145.00	113.00	91.00	91.00	55.75
Level B	127.00	100.00	79.00	79.00	47.25
Level C	84.00	65.00	51.00	51.00	34.00
Pupil/junior	45.00	36.00	30.00	30.00	
<b>Barrister</b>					
QC	145.00	113.00	91.00	91.00	
Leading junior	127.00	100.00	79.00	79.00	
Led junior	91.00	73.00	61.00	61.00	
Junior alone	100.00	82.00	70.00	70.00	

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

	<i>Category 1 (£)</i>	<i>Category 2 (£)</i>	<i>Category 3 (£)</i>	<i>Category 4 (£)</i>	<i>Standard Rates (£)</i>
2nd Led junior	63.00	50.00	43.00	43.00	
<b>Solicitor Advocate</b>					
Leading level A	145.00	113.00	91.00	91.00	
Led level A	127.00	100.00	79.00	79.00	
Leading level B	127.00	100.00	79.00	79.00	
Led level B	104.00	86.00	66.00	66.00	
Level A alone	131.00	109.00	88.00	88.00	
Level B alone	113.00	95.00	75.00	75.00	
Second advocate	63.00	50.00	43.00	43.00	

**Table 2**

**Advocacy rates**

	<i>Preliminary hearing (£)</i>	<i>Half day (£)</i>	<i>Full day (£)</i>
QC	113.00	238.00	476.00
Leading junior	86.00	195.00	390.00
Led junior	58.00	126.00	252.00
Junior alone	67.00	143.00	285.00
2nd Led junior	34.00	64.00	128.00
Noting junior	29.00	55.00	109.00

**Table 3**

**Attendance at court with Advocate (hourly rates for litigators)**

	<i>£</i>
Level A	42.25
Level B	34.00
Level C	20.50

**Status:** Point in time view as at 01/12/2017.**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)**Table 4****Travelling, waiting and mileage**

	£
Travelling (hourly rates)	25.00 (up to a maximum of 4 hours in one day)
Waiting (hourly rates)	25.00
Mileage	00.45 per mile

**PART 3****Table 1****Preparation (hourly rates)**

	<i>Category 1</i> (£)	<i>Category 2</i> (£)	<i>Category 3</i> (£)	<i>Category 4</i> (£)	<i>Standard Rates</i> (£)
<b>Litigator</b>					
Level A	101.50	79.10	63.70	63.70	39.03
Level B	88.90	70.00	55.30	55.30	33.08
Level C	58.80	45.50	35.70	35.70	24.50
Pupil/junior	31.50	25.20	21.00	21.00	
<b>Barrister</b>					
QC	101.50	79.10	63.70	63.70	
Leading junior	88.90	70.00	55.30	55.30	
Led junior	63.70	51.10	42.70	42.70	
Junior alone	70.00	57.40	49.00	49.00	
2nd Led junior	44.10	35.00	30.10	30.10	
<b>Solicitor Advocate</b>					
Leading level A	101.50	79.10	63.70	63.70	
Led level A	88.90	70.00	55.30	55.30	
Leading level B	88.90	70.00	55.30	55.30	
Led level B	72.80	60.20	46.20	46.20	
Level A alone	91.70	76.30	61.60	61.60	
Level B alone	79.10	66.50	52.50	52.50	

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013. (See end of Document for details)

	<i>Category 1 (£)</i>	<i>Category 2 (£)</i>	<i>Category 3 (£)</i>	<i>Category 4 (£)</i>	<i>Standard Rates (£)</i>
Second advocate	44.10	35.00	30.10	30.10	

**Table 2**

**Advocacy rates**

	<i>Preliminary hearing (£)</i>	<i>Half day (£)</i>	<i>Full day (£)</i>
QC	79.10	166.60	333.20
Leading junior	60.20	136.50	273.00
Led junior	40.60	88.20	176.40
Junior alone	46.90	100.10	199.50
2nd Led junior	23.80	44.80	89.60
Noting junior	20.30	38.50	76.30

**Table 3**

**Attendance at court with Advocate (hourly rates for litigators)**

	<i>£</i>
Level A	29.58
Level B	23.80
Level C	14.35

**Table 4**

**Travelling, waiting and mileage**

	<i>£</i>
Travelling (hourly rates)	25.00 (up to a maximum of 4 hours in one day)
Waiting (hourly rates)	25.00
Mileage	00.45 per mile]

**EXPLANATORY NOTE**

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

These Regulations make provisions for the funding and remuneration of advice, assistance and representation made available under sections 13, 15 and 16 of the Legal Aid Sentencing and Punishment of Offenders Act 2012.

Regulations 4 to 27 deal with the manner in which fees are to be claimed, determined and paid including provisions permitting interim payments and payments for expert services.

Regulations 28 to 30 provide for an appeal mechanism to challenge, in certain circumstances, the appropriate officer's determination of the fees payable to a representative. The provisions deal with the redetermination of fees by an appropriate officer, appeals from the appropriate officer to a Costs Judge and appeals from the Costs Judge to the High Court.

Schedule 1 sets out the graduated fees and fixed fees payable to advocates for proceedings in the Crown Court.

Schedule 2 sets out the fees payable to solicitors (and other appropriately qualified persons) for proceedings in the Crown Court.

Schedule 3 sets out the manner in which fees are to be claimed, determined and paid in proceedings in the Court of Appeal.

Schedule 4 sets out the rates payable for proceedings in a magistrates' court and certain other work to which the 2010 Standard Crime Contract applies.

Schedule 5 sets out the fees and rates payable to experts.

A copy of the 2010 Standard Crime Contract, including the Specification to the Contract, is available at [www.justice.gov.uk/legal-aid](http://www.justice.gov.uk/legal-aid). Copies can be inspected at the Legal Aid Agency (Head Office), 102 Petty France, London, SW1H 9AJ.

A copy of the Guidance accompanying the 2010 Standard Crime Contract is available at [www.justice.gov.uk/legal-aid/submit-claim/cwa-online-claims/codes-guidance](http://www.justice.gov.uk/legal-aid/submit-claim/cwa-online-claims/codes-guidance). Copies can be inspected at the Legal Aid Agency (address as above).

**Status:**

Point in time view as at 01/12/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013.