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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** **E+W**

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

**Interpretation** **E+W**

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;

[<sup>F1</sup>“AGFS Banding Document” means [<sup>F2</sup>version 1.2 (December 2018)] of the document called “Banding of Offences in the Advocates’ Graduated Fee Scheme (AGFS)”, published by the Ministry of Justice;]

“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;

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

[<sup>F1</sup>“band” (in relation to a criminal offence) has the meaning given in paragraph 1(7) of Schedule 1;]

[<sup>F1</sup>“Class” (in relation to a criminal offence) has the meaning given in paragraph 1(7) of Schedule 2;]

“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;

[<sup>F1</sup>“LGFS Table of Offences” means the table in Part 7 of Schedule 2;]

“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>F3</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>F4</sup>or trial advocate];

[<sup>F1</sup>“restriction order” has the meaning given in section 41 (power of higher courts to restrict discharge from hospital) of the Mental Health Act 1983;]

“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>F3</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

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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.

[<sup>F5</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 (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **3** (with reg. 34)
- F2** Words in reg. 2(1) substituted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **3** (with reg. 17)
- F3** 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)
- F4** 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)
- F5** 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 **E+W**

**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>F6</sup>to proceedings in the] [<sup>F7</sup>county court, to proceedings in the family court,] to proceedings in the Crown Court and to proceedings in the High Court.

[<sup>F8</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>F9</sup>... 11 and 25 to 27, apply to proceedings in the Crown Court and to proceedings in the Court of Appeal.

[<sup>F10</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>F11</sup>regulations 12 and 12A,] paragraphs 13(8) and (9) of Schedule 2 [<sup>F12</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

- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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 **E+W**

4.—(1) Claims for fees by [<sup>F13</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>F14</sup>trial] advocate.

(3) Subject to regulation 31, a claim by [<sup>F15</sup>a trial] advocate for fees in respect of work done pursuant to a section 16 determination must not be entertained unless [<sup>F16</sup>the trial] advocate submits it within three months of the conclusion of the proceedings to which it relates.

(4) [<sup>F17</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>F17</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

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(b) the entering of a guilty plea,

[<sup>F18</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.

[<sup>F19</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

**F13** 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)

**F14** 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)

**F15** 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)

**F16** 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)

**F17** 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)

**F18** 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)

**F19** 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 **E+W**

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>F20</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

**F20** 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 **E+W**

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 **E+W**

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 **E+W**

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;

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- (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>F21</sup>2022 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>F21</sup>2022 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.

#### Textual Amendments

**F21** Words in [reg. 8](#) substituted (1.10.2022) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2022 \(S.I. 2022/995\)](#), [regs. 1, 4\(2\)](#) (with [reg. 6](#))

#### Payments from other sources **E+W**

**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>F22</sup>...sent for trial to the Crown Court **E+W**

<sup>F23</sup>**10.** .....

#### Textual Amendments

**F22** 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\(1\)](#))

**F23** [Reg. 10](#) omitted (19.10.2020) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), [regs. 1\(3\), 3](#) (with [reg. 7](#))

#### Proceedings for contempt **E+W**

**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 **E+W**

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>F24</sup>Fees in Very High Cost Cases **E+W**

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

**F24** 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 **E+W**

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>F25</sup>... main hearing in those proceedings.

### Textual Amendments

**F25** 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)

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## Interim payment of disbursements **E+W**

**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>F26</sup> ... sent for trial <sup>F27</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
- (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

**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(2)(e)** (with reg. 10(1))

**F27** 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 **E+W**

**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 **E+W**

**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 **E+W**

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>F28</sup> Interim payment of litigators' fees **E+W**

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>F29</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.

*Status: Point in time view as at 31/10/2022.*

*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 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.

(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>F30</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>F30</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>F31</sup>“cracked trial”, “guilty plea” and “PPE Cut-off” have] the meaning given in Schedule 2.]
- [<sup>F32</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

- F28** 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)
- F29** 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)**
- F30** 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**)
- F31** 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**)
- F32** 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 **E+W**

- 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>F33</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—

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- (a) the claims of [<sup>F34</sup>trial] advocates acting in the same proceedings for a defendant; and
  - (b) the claims of any [<sup>F34</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>F35</sup>A trial] advocate may submit a claim for an interim payment under this regulation where—
- (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>F36</sup>trial] advocate has submitted a claim for fees in accordance with regulation 4(3).
- [<sup>F37</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

- F33** 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)
- F34** 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)
- F35** 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)
- F36** 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)
- F37** 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 **E+W**

**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 **E+W**

**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>F38</sup>... sending for trial <sup>F38</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**

**F38** 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** **E+W**

**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;



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- (b) applies for such payment, in such form and manner as the appropriate officer may direct, not less than [<sup>F39</sup>one month] 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—
- (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 [<sup>F40</sup>the LGFS Table of Offences];
  - (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>F41</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 [<sup>F42</sup>£450] (excluding value added tax).
- (7) [<sup>F43</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>F44</sup>a trial] advocate, and the appropriate officer allows a hardship payment under paragraph (1)—
- <sup>F45</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>F46</sup>appropriate trial advocate or the appropriate] instructed advocate.
- <sup>F47</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>F48</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

- F39** Words in reg. 21(2)(b) substituted (1.5.2020) by [The Criminal Legal Aid \(Coronavirus, Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/472\)](#), regs. 1, **2(2)(a)** (with reg. 3)
- F40** Words in reg. 21(4)(a) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **4** (with reg. 34)
- F41** 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)
- F42** Sum in reg. 21(6) substituted (1.5.2020) by [The Criminal Legal Aid \(Coronavirus, Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/472\)](#), regs. 1, **2(2)(b)** (with reg. 3)
- F43** 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)
- F44** 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)
- F45** 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)
- F46** 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)
- F47** 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)
- F48** 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 **E+W**

**22.**—(1) At the conclusion of a case in which one or more payments have been made to an instructed advocate [<sup>F49</sup>, a trial advocate] or a litigator under regulations [<sup>F50</sup>17A to 21], [<sup>F51</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>F52</sup>a trial] advocate or litigator under regulation 4 or 5—

*Status: Point in time view as at 31/10/2022.*

*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) the appropriate officer must deduct the amount of any payment made under regulations [F50 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 [F53 the trial] advocate or litigator or by way of deduction from any other amount that may be due to [F53 the trial] advocate or litigator.
- [F54(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.]

#### Textual Amendments

- F49** 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)
- F50** 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)
- F51** 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)
- F52** 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)
- F53** 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)
- F54** 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 **E+W**

**23.**—(1) Having determined the fees payable to each [F55 trial] advocate, in accordance with Schedule 1, the appropriate officer must notify each [F55 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, [F56 the trial] advocate must repay the amount of such decrease.

(3) Where the payment of any fees of [F57 a trial] advocate is ordered under regulation 29(12) or regulation 30(8), the appropriate officer must authorise payment.

[F58(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

- F55** 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)
- F56** 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)
- F57** 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)
- F58** 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 **E+W**

**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 **E+W**

**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>F59</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.]

*Status: Point in time view as at 31/10/2022.*

*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

**F59** 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 **E+W**

**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 **E+W**

**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 **E+W**

**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>[F60a]</sup><sup>[F61]</sup>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>[F61]</sup>advocate in accordance with Schedule 1; or
  - (iii) the decision of the appropriate officer under paragraph 3(3) of Schedule 1 <sup>F62</sup>...; or
- (c) a litigator is dissatisfied with—

(i) the [<sup>F63</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 <sup>F64</sup> ...,

the advocate, [<sup>F61</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;

[<sup>F65</sup>(b) confirm—

(i) in the case of a redetermination requested by an advocate, the banding of the offence within band 17.1; or

(ii) in the case of a redetermination requested by a litigator, the classification of the offence within Class H; or]

(c) [<sup>F66</sup>re-band or] 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>F67</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.]

*Status: Point in time view as at 31/10/2022.*

*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

- F60** 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)
- F61** 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)
- F62** Words in reg. 28(1)(b)(iii) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **5(2)** (with reg. 34)
- F63** 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)
- F64** Words in reg. 28(1)(c)(ii) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **5(3)** (with reg. 34)
- F65** Reg. 28(7)(b) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **5(4)** (with reg. 34)
- F66** Words in reg. 28(7)(c) inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **5(5)** (with reg. 34)
- F67** 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 **E+W**

**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.

(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 **E+W**

**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.



*Status: Point in time view as at 31/10/2022.*

*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) 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 **E+W**

**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.

(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>F68</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

**F68** 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 **E+W**

Regulation 4

Advocates' Graduated Fee Scheme

**PART 1** **E+W**

Definitions and Scope

**Interpretation** **E+W**

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>F69</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 [<sup>F70</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>F71</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>F72</sup>hearing at which the assisted person enters a plea];

[<sup>F73</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>F74</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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**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)

“standard appearance” means an appearance by the trial advocate or substitute advocate in any of the following hearings [<sup>F75</sup>unless it is an excluded hearing]—

- (a) <sup>F76</sup> ...
- (b) a pre-trial review;
- (ba) <sup>F77</sup>[<sup>F78</sup> ...
- (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>F79</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) <sup>F80</sup> ...
- (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>F81</sup> ...

<sup>F74</sup> ...

[<sup>F82</sup>“unused material” means material disclosed pursuant to the prosecutors’ obligations in Part 1 of the Criminal Procedure and Investigations Act 1996, but does not include—

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

(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>F83</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>F84</sup>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.

[<sup>F85</sup>(7) A reference in this Schedule to a “band” is to the band of the offence concerned set out in Table B in the AGFS Banding Document, as read in conjunction with Table A in that document.

(8) Where the band within which an offence described in Table B in the AGFS Banding Document falls depends on the facts of the case, the band within which the offence falls is to be determined by reference to Table A in that document.]

#### Textual Amendments

- F69** 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)**
- 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(6)(b)**
- F71** 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)**
- F72** 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)**
- F73** 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)**
- F74** 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)
- F75** 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)**
- F76** Words in Sch. 1 para. 1(1) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **7(a)(i)** (with reg. 34)
- F77** Words in Sch. 1 para. 1(1) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **7(a)(ii)** (with reg. 34)
- F78** 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)**
- F79** 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)**
- F80** Words in Sch. 1 para. 1(1) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **7(a)(iii)** (with reg. 34)
- F81** 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)
- F82** Words in Sch. 1 para. 1(1) inserted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(2)** (with reg. 7)
- F83** 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))
- F84** 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))

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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)*

**F85** Sch. 1 para. 1(7)(8) substituted for Sch. 1 para. 1(7) (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **7(b)** (with reg. 34)

**Application** E+W

- 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) <sup>F86</sup>[Sub-paragraph (3) applies] 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
  - (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) <sup>F87</sup>... 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.
- <sup>F88</sup>(4) .....
- (5) <sup>F89</sup>[Sub-paragraph (6) applies] in the circumstances set out in sub-paragraph (2) but where a different trial advocate appears for the assisted person at each trial.
- (6) <sup>F90</sup>... 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.
- <sup>F91</sup>(7) .....
- (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>F92</sup>(9) .....
- <sup>F93</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 [F94the 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

- F86** Words in Sch. 1 para. 2(2) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(2)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F87** Words in Sch. 1 para. 2(3) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F88** Sch. 1 para. 2(4) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(4)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F89** Words in Sch. 1 para. 2(5) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(5)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F90** Words in Sch. 1 para. 2(6) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(6)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F91** Sch. 1 para. 2(7) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(7)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F92** 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))
- F93** 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))
- F94** 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)**

#### [F95Bands of Offences] **E+W**

- 3.—(1) For the purposes of this Schedule—
- (a) every indictable offence falls within the [F96band of that offence set out in the AGFS Banding Document] and, subject to sub-paragraph (2), indictable offences not specifically so listed are deemed to fall within [F97band 17.1];

*Status: Point in time view as at 31/10/2022.*

*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) 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 [F98band] as the substantive offence to which they relate;
- (c) where the [F99AGFS Banding Document] specifies that the [F100band] within which an offence falls depends on whether the value [F101, amount or weight] involved exceeds a stated limit, the value [F101, amount or weight] 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 [F102band] depends on the value [F103, amount or weight] involved, that value [F103, amount or weight] must be taken to be the total value [F103, amount or weight] involved in all those offences, but where two or more counts relate to the same property, the value [F103, amount or weight] of that property must be taken into account once only;
- (e) where an entry in the [F104AGFS Banding Document] 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 [F105band] as the indictable offence to which it relates or within [F106band 5.3]; and
- [F107(g)] where in a case on indictment a restriction order is made, the offence is to be treated as if it falls within band 1.3, regardless of the band within which the offence would fall within the AGFS Banding Document but for this paragraph.]
- (2) Where an advocate in proceedings in the Crown Court is dissatisfied with the [F108banding within band 17.1] of an indictable offence not listed in the [F109AGFS Banding Document], the advocate may apply to the appropriate officer when lodging the claim for fees to [F110re-band] the offence.
- (3) The appropriate officer must, in light of the objections made by the advocate—
- confirm the [F111banding] of the offence within [F112band 17.1]; or
  - [F113re-band] the offence,
- and must notify the advocate of the decision.

#### Textual Amendments

- F95** Sch. 1 para. 3 heading substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **8(2)** (with reg. 34)
- F96** Words in Sch. 1 para. 3(1)(a) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **8(3)(a)(i)** (with reg. 34)
- F97** Words in Sch. 1 para. 3(1)(a) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **8(3)(a)(ii)** (with reg. 34)
- F98** Word in Sch. 1 para. 3(1)(b) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **8(3)(b)** (with reg. 34)
- F99** Words in Sch. 1 para. 3(1)(c) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **8(3)(c)(i)** (with reg. 34)



- F100** Word in Sch. 1 para. 3(1)(c) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(c)(ii)** (with reg. 34)
- F101** Words in Sch. 1 para. 3(1)(c) inserted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(c)(iii)** (with reg. 34)
- F102** Word in Sch. 1 para. 3(1)(d) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(d)(i)** (with reg. 34)
- F103** Words in Sch. 1 para. 3(1)(d) inserted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(d)(ii)** (with reg. 34)
- F104** Words in Sch. 1 para. 3(1)(e) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(e)** (with reg. 34)
- F105** Word in Sch. 1 para. 3(1)(f) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(f)(i)** (with reg. 34)
- F106** Words in Sch. 1 para. 3(1)(f) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(f)(ii)** (with reg. 34)
- F107** Sch. 1 para. 3(1)(g) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(g)** (with reg. 34)
- F108** Words in Sch. 1 para. 3(2) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(4)(a)** (with reg. 34)
- F109** Words in Sch. 1 para. 3(2) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(4)(b)** (with reg. 34)
- F110** Word in Sch. 1 para. 3(2) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(4)(c)** (with reg. 34)
- F111** Word in Sch. 1 para. 3(3) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(5)(a)** (with reg. 34)
- F112** Words in Sch. 1 para. 3(3) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(5)(b)** (with reg. 34)
- F113** Word in Sch. 1 para. 3(3) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(5)(c)** (with reg. 34)

**Marginal Citations**

M10 1977 c. 45.

M11 1981 c. 47.

**PART 2 E+W****Graduated Fees for Trial****Calculation of Graduated Fees E+W**

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<sup>F114</sup>... must be calculated in accordance with the following formula—

$$GF = BF + (D \times DAF)$$

<sup>F115</sup>Where—

GF is the amount of the graduated fee;

BF is the basic fee specified as appropriate to the band of the offence for which the assisted person is tried and the category of trial advocate (see paragraph 5);

D is the number of days or parts of a day on which the advocate attends at court by which the trial exceeds 1 day;

**Status:** Point in time view as at 31/10/2022.

**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)

DAF is the fee payable in respect of daily attendance at court for the number of days by which the trial exceeds 1 day, as appropriate to the band of the offence for which the assisted person is tried and the category of trial advocate (see paragraph 5A).]

#### Textual Amendments

**F114** Words in Sch. 1 para. 4 omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **9(a)** (with reg. 34)

**F115** Words in Sch. 1 para. 4 substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **9(b)** (with reg. 34)

#### [<sup>F116</sup>Basic fees **E+W**

5. For the purposes of paragraph 4, in relation to the offence concerned, the basic fee is the amount set out in the table following this paragraph which corresponds with the band within which that offence falls (as set out in column (1) of the table) and the category of the advocate concerned (as set out in columns (2) to (4) of the table).

<sup>F117</sup> (1) Band of offence	Amount of basic fee per category of trial advocate		
	(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen's Counsel
1.1	£9,873	£14,812	£19,746
1.2	£4,939	£7,412	£9,879
1.3	£2,961	£4,445	£5,923
1.4	£2,467	£3,703	£4,934
2.1	£9,873	£14,812	£19,746
2.2	£2,961	£4,445	£5,923
3.1	£4,065	£6,101	£8,131
3.2	£2,323	£3,485	£4,646
3.3	£1,380	£2,070	£2,760
3.4	£978	£1,466	£1,955
3.5	£863	£1,294	£1,725
4.1	£2,323	£3,485	£4,646
4.2	£1,800	£2,703	£3,600
4.3	£1,742	£2,616	£3,485
5.1	£2,185	£3,278	£4,370
5.2	£1,627	£2,444	£3,255
5.3	£1,162	£1,742	£2,323
6.1	£9,758	£14,640	£19,516
6.2	£8,855	£13,283	£17,710
6.3	£3,283	£4,928	£6,567



<i>F<sup>117</sup>(1)</i>	<i>Band of</i>	<i>Amount of basic fee per category of trial advocate</i>		
<i>offence</i>		<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
6.4		£1,162	£1,742	£2,323
6.5		£932	£1,397	£1,863
7.1		£1,627	£2,444	£3,255
7.2		£932	£1,397	£1,863
7.3		£874	£1,311	£1,748
8.1		£1,392	£2,087	£2,783
9.1		£6,739	£10,109	£13,478
9.2		£4,646	£6,969	£9,292
9.3		£3,485	£5,227	£6,969
9.4		£3,048	£4,571	£6,095
9.5		£1,857	£2,789	£3,715
9.6		£1,392	£2,087	£2,783
9.7		£932	£1,397	£1,863
10.1		£2,553	£3,830	£5,106
11.1		£1,610	£2,415	£3,220
11.2		£920	£1,380	£1,840
12.1		£2,438	£3,657	£4,876
12.2		£1,512	£2,271	£3,025
12.3		£1,047	£1,570	£2,093
13.1		£2,070	£3,105	£4,140
14.1		£2,674	£4,014	£5,348
15.1		£1,857	£2,789	£3,715
15.2		£1,610	£2,415	£3,220
15.3		£978	£1,466	£1,955
16.1		£2,553	£3,830	£5,106
16.2		£1,857	£2,789	£3,715
16.3		£1,162	£1,742	£2,323
17.1		£834	£1,254	£1,668]

**Textual Amendments**

**F116** Sch. 1 paras. 5, 5A substituted for Sch. 1 para. 5 (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **10** (with reg. 34)

**Status:** Point in time view as at 31/10/2022.

**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)

**F117** Sch. 1 para. 5 table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 2** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

### Daily attendance fees **E+W**

**5A.** For the purposes of paragraph 4, in relation to the offence concerned, the daily attendance fee is the amount set out in the table following this paragraph which corresponds with the band within which that offence falls (as set out in column (1) of the table) and the category of the advocate concerned (as set out in columns (2) to (4) of the table).

<i>£<sup>F118</sup>(1)</i>	<i>Band of offence</i>	<i>Amount of daily attendance fee per category of trial advocate</i>		
		<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
1.1		£667	£1,001	£1,334
1.2		£667	£1,001	£1,334
1.3		£667	£1,001	£1,334
1.4		£667	£1,001	£1,334
2.1		£667	£1,001	£1,334
2.2		£667	£1,001	£1,334
3.1		£581	£874	£1,162
3.2		£581	£874	£1,162
3.3		£581	£874	£1,162
3.4		£581	£874	£1,162
3.5		£460	£690	£920
4.1		£610	£914	£1,219
4.2		£581	£874	£1,162
4.3		£552	£828	£1,104
5.1		£610	£914	£1,219
5.2		£581	£874	£1,162
5.3		£552	£828	£1,104
6.1		£610	£914	£1,219
6.2		£581	£874	£1,162
6.3		£466	£702	£932
6.4		£460	£690	£920
6.5		£460	£690	£920
7.1		£581	£874	£1,162
7.2		£523	£788	£1,047

**Status:** Point in time view as at 31/10/2022.**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>F118</i> (1) offence	Band of	Amount of daily attendance fee per category of trial advocate		
		(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen's Counsel
7.3		£466	£702	£932
8.1		£581	£874	£1,162
9.1		£610	£914	£1,219
9.2		£610	£914	£1,219
9.3		£523	£788	£1,047
9.4		£523	£788	£1,047
9.5		£523	£788	£1,047
9.6		£466	£702	£932
9.7		£460	£690	£920
10.1		£610	£914	£1,219
11.1		£523	£788	£1,047
11.2		£460	£690	£920
12.1		£581	£874	£1,162
12.2		£581	£874	£1,162
12.3		£581	£874	£1,162
13.1		£581	£874	£1,162
14.1		£638	£960	£1,277
15.1		£581	£874	£1,162
15.2		£466	£702	£932
15.3		£460	£690	£920
16.1		£638	£960	£1,277
16.2		£581	£874	£1,162
16.3		£581	£874	£1,162
17.1		£460	£690	£920]]

**Textual Amendments**

**F116** Sch. 1 paras. 5, 5A substituted for Sch. 1 para. 5 (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **10** (with reg. 34)

**F118** Sch. 1 para. 5A table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 3** (with reg. 3)

**Status:** Point in time view as at 31/10/2022.  
**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)

## PART 3 E+W

### Graduated Fees for Guilty Pleas and Cracked Trials

#### Scope of Part 3 E+W

<sup>F119</sup>6. ....

#### Textual Amendments

**F119** Sch. 1 para. 6 omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 4** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

#### <sup>F120</sup>Calculation of fees in guilty pleas and cracked trials E+W

7. The amount of the fee for a single trial advocate representing one assisted person where the case is—

- (a) a guilty plea, is the fee specified in Table A following this paragraph;
- (b) a cracked trial, is the fee specified in Table A1 following this paragraph,

as appropriate to the offence with which the assisted person is charged, and the category of the trial advocate.]

#### <sup>F121</sup><sup>F122</sup>Table A

##### Fee for a guilty plea

<i>(1) Band of offence</i>	<i>Amount of basic fee per category of trial advocate</i>		
	<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
1.1	£4,939	£7,406	£9,873
1.2	£2,473	£3,703	£4,939
1.3	£1,484	£2,220	£2,961
1.4	£1,236	£1,852	£2,467
2.1	£4,939	£7,406	£9,873
2.2	£1,484	£2,220	£2,961
3.1	£2,036	£3,048	£4,065
3.2	£1,162	£1,742	£2,323
3.3	£690	£1,035	£1,380
3.4	£489	£736	£978
3.5	£431	£650	£863

**Status:** Point in time view as at 31/10/2022.**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)

(1) Band of offence	Amount of basic fee per category of trial advocate		
	(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen's Counsel
4.1	£1,162	£1,742	£2,323
4.2	£903	£1,351	£1,800
4.3	£874	£1,305	£1,742
5.1	£1,093	£1,639	£2,185
5.2	£817	£1,219	£1,627
5.3	£581	£874	£1,162
6.1	£4,882	£7,320	£9,758
6.2	£4,428	£6,641	£8,855
6.3	£1,645	£2,461	£3,283
6.4	£581	£874	£1,162
6.5	£466	£702	£932
7.1	£817	£1,219	£1,627
7.2	£466	£702	£932
7.3	£437	£656	£874
8.1	£696	£1,047	£1,392
9.1	£3,370	£5,054	£6,739
9.2	£2,323	£3,485	£4,646
9.3	£1,742	£2,616	£3,485
9.4	£1,524	£2,289	£3,048
9.5	£932	£1,392	£1,857
9.6	£696	£1,047	£1,392
9.7	£466	£702	£932
10.1	£1,277	£1,915	£2,553
11.1	£805	£1,208	£1,610
11.2	£460	£690	£920
12.1	£1,219	£1,829	£2,438
12.2	£759	£1,133	£1,512
12.3	£523	£788	£1,047
13.1	£1,035	£1,553	£2,070
14.1	£1,340	£2,007	£2,674
15.1	£932	£1,392	£1,857
15.2	£805	£1,208	£1,610
15.3	£489	£736	£978

**Status:** Point in time view as at 31/10/2022.

**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>(1) Band of offence</i>	<i>Amount of basic fee per category of trial advocate</i>		
	<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
16.1	£1,277	£1,915	£2,553
16.2	£932	£1,392	£1,857
16.3	£581	£874	£1,162
17.1	£420	£627	£834]

[<sup>F123</sup>Table A1

**Fee for a cracked trial**

<i>(1) Band of offence</i>	<i>Amount of fee for a cracked trial per category of trial advocate</i>		
	<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
1.1	£9,873	£14,812	£19,746
1.2	£4,939	£7,412	£9,879
1.3	£2,961	£4,445	£5,923
1.4	£2,467	£3,703	£4,934
2.1	£9,873	£14,812	£19,746
2.2	£2,961	£4,445	£5,923
3.1	£4,065	£6,101	£8,131
3.2	£2,323	£3,485	£4,646
3.3	£1,380	£2,070	£2,760
3.4	£978	£1,466	£1,955
3.5	£863	£1,294	£1,725
4.1	£2,323	£3,485	£4,646
4.2	£1,800	£2,703	£3,600
4.3	£1,742	£2,616	£3,485
5.1	£2,185	£3,278	£4,370
5.2	£1,627	£2,444	£3,255
5.3	£1,162	£1,742	£2,323
6.1	£9,758	£14,640	£19,516
6.2	£8,855	£13,283	£17,710
6.3	£3,283	£4,928	£6,567
6.4	£1,162	£1,742	£2,323
6.5	£932	£1,397	£1,863
7.1	£1,627	£2,444	£3,255

**Status:** Point in time view as at 31/10/2022.

**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>(1) Band of offence</i>	<i>Amount of fee for a cracked trial per category of trial advocate</i>		
	<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
7.2	£932	£1,397	£1,863
7.3	£874	£1,311	£1,748
8.1	£1,392	£2,087	£2,783
9.1	£6,739	£10,109	£13,478
9.2	£4,646	£6,969	£9,292
9.3	£3,485	£5,227	£6,969
9.4	£3,048	£4,571	£6,095
9.5	£1,857	£2,789	£3,715
9.6	£1,392	£2,087	£2,783
9.7	£932	£1,397	£1,863
10.1	£2,553	£3,830	£5,106
11.1	£1,610	£2,415	£3,220
11.2	£920	£1,380	£1,840
12.1	£2,438	£3,657	£4,876
12.2	£1,512	£2,271	£3,025
12.3	£1,047	£1,570	£2,093
13.1	£2,070	£3,105	£4,140
14.1	£2,674	£4,014	£5,348
15.1	£1,857	£2,789	£3,715
15.2	£1,610	£2,415	£3,220
15.3	£978	£1,466	£1,955
16.1	£2,553	£3,830	£5,106
16.2	£1,857	£2,789	£3,715
16.3	£1,162	£1,742	£2,323
17.1	£834	£1,254	£1,668]

**Table B**

F124 ..... ]

**Textual Amendments**

**F120** Sch. 1 para. 7 substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(3)** (with reg. 7)

**F121** Sch. 1 para. 8 Tables follow Sch. 1 para. 7 (17.9.2020) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(4)(5)** (with reg. 7)

**Status:** Point in time view as at 31/10/2022.

**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)

- F122** Sch. 1 para. 7 Table A substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 5** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F123** Sch. 1 para. 7 Table A1 substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 5** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F124** Sch. 1 para. 7 Table B omitted (17.9.2020) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903), regs. 1(2), **4(7)** (with reg. 7)

**Basic fees for guilty pleas and cracked trials** E+W

<sup>F125</sup>8. ....

.....

**Textual Amendments**

**F125** Sch. 1 para. 8 (except for the Tables, which now follow reg. 7) omitted (17.9.2020) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903), regs. 1(2), **4(4)** (with reg. 7)

<sup>F126</sup>**PART 4** E+W

**Fixed Fee for Guilty Pleas and Cracked Trials**

.....

**Textual Amendments**

**F126** Sch. 1 Pt. 4 omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 6** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)

**Scope of Part 4** E+W

9. ....

**Fixed fee for guilty pleas or cracked trials** E+W

10. ....

**PART 5** E+W

**Fixed Fees**

**General provisions** E+W

11.—<sup>F127</sup>(1) .....



- (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 <sup>F128</sup>... specified in the table following paragraph 5, or [<sup>F129</sup>the basic fee specified in the tables] following [<sup>F130</sup>paragraph 7], 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.

**Textual Amendments**

- F127** Sch. 1 para. 11(1) omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 7** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)
- F128** Word in Sch. 1 para. 11(2) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **15(a)** (with reg. 34)
- F129** Words in Sch. 1 para. 11(2) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **15(b)** (with reg. 34)
- F130** Words in Sch. 1 para. 11(2) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(8)** (with reg. 7)

**Fees for <sup>F131</sup>...standard appearances E+W**

12.—<sup>F132</sup>(1) .....

(2) The fee payable in respect of an appearance by the trial advocate or substitute advocate at a <sup>F133</sup>...standard appearance <sup>F134</sup>... is specified in the table following paragraph 24 as appropriate to the category of trial advocate or substitute advocate.

<sup>F135</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.

**Textual Amendments**

- F131** 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)**
- F132** Sch. 1 para. 12(1) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **16(a)** (with reg. 34)
- F133** 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)**
- F134** Words in Sch. 1 para. 12(2) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **16(b)** (with reg. 34)
- F135** 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 E+W**

13.—(1) This paragraph applies to—

**Status:** Point in time view as at 31/10/2022.

**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) 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>M12</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; <sup>F136</sup> ...
- [<sup>F137</sup>(da) a ground rules hearing ordered in a case in which a special measures direction provides for a recording to be admitted under section 28 (video recorded cross-examination or re-examination) of the Youth Justice and Criminal Evidence Act 1999, and for this purpose “special measures direction” has the meaning given in section 33(1) (interpretation etc. of Chapter I) of that Act; 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.

#### Textual Amendments

**F136** Word in Sch. 1 para. 13(1)(d) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **17(a)** (with reg. 34)

**F137** Sch. 1 para. 13(1)(da) inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **17(b)** (with reg. 34)

#### Marginal Citations

**M12** 1965 c 69.

### Fees for confiscation hearings **E+W**

14.—(1) This paragraph applies to—

- (a) a hearing under Part 2 of the Proceeds of Crime Act 2002 <sup>M13</sup> (confiscation: England and Wales);

**Status:** Point in time view as at 31/10/2022.

**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) a hearing under section 2 of the Drug Trafficking Act 1994 <sup>M14</sup> (confiscation orders); and
- (c) a hearing under section 71 of the Criminal Justice Act 1988 <sup>M15</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.

### <sup>F138</sup>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	£302	£227	£151	£151
Daily rate	£577	£401	£276	£276
2. Pages of evidence				
51-250	£753	£628	£503	£376
251-500	£1,130	£942	£753	£565
501-750	£1,508	£1,256	£1,005	£753
751-1000	£2,260	£1,884	£1,508	£1,130

**Status:** Point in time view as at 31/10/2022.

**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>Fee for QC</i>	<i>Fee for Leading Junior</i>	<i>Fee for Junior Alone</i>	<i>Fee for Led Junior</i>
3. Preparation hourly rates	£85.95	£65.04	£45.30	£45.30]

(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.

#### Textual Amendments

**F138** Sch. 1 para. 14(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 8** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

#### Marginal Citations

**M13** 2002 c. 29.  
**M14** 1994 c. 37.  
**M15** 1988 c. 33.

#### Fees for sentencing hearings **E+W**

[<sup>F139</sup>15.—(1) Subject to sub-paragraphs (2) to (4), the fee payable to an advocate for appearing at a sentencing hearing is the fixed sentencing hearing fee.

(2) Where sentence has been deferred under [<sup>F140</sup>Chapter 1 of Part 2 of the Sentencing Code (deferment of sentence)], the fee payable to an advocate for appearing at a sentencing hearing is the fee for a deferred sentencing hearing for the category of the advocate concerned which is set out in the fixed fees table.

(3) Subject to sub-paragraph (4), where a hospital direction, a hospital order or a restriction order is in force in respect of an assisted person in a sentencing hearing, the fee payable to an advocate for appearing at the sentencing hearing is a fee (the “DAF equivalent fee”) which is equal to the daily attendance fee under paragraph 5A which relates to the category of the advocate concerned and the band within which the offence for which the assisted person is to be sentenced falls.

(4) Where the sentencing hearing takes place on a day, or at a time, in respect of which an advocate receives, or is to receive, a banded fee—

- (a) no fixed sentencing hearing fee is payable to the advocate for appearing at the sentencing hearing under sub-paragraph (1);
- (b) no DAF equivalent fee is payable to the advocate for appearing at the sentencing hearing under sub-paragraph (3).

(5) In this paragraph—

“banded fee” means a basic fee under paragraph 5, a daily attendance fee under paragraph 5A or a basic fee (in respect of a guilty plea or a cracked trial) under [<sup>F141</sup>paragraph 7];

“fixed fees table” means the table following paragraph 24;

“fixed sentencing hearing fee” means the fee for a sentencing hearing for the category of the advocate concerned which is set out in fixed fees table;

“hospital direction” has the meaning given in section 45A (power of higher courts to direct hospital admission) of the Mental Health Act 1983;

“hospital order” has the meaning given in section 37 (powers of courts to order hospital admission or guardianship) of the Mental Health Act 1983;

“sentencing hearing” means a sentencing hearing following a case on indictment to which this Schedule applies.]

#### Textual Amendments

**F139** Sch. 1 para. 15 substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **18** (with reg. 34)

**F140** Words in Sch. 1 para. 15(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 414** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F141** Words in Sch. 1 para. 15(5) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(9)** (with reg. 7)

#### Fees for ineffective trials **E+W**

**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 **E+W**

**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 <sup>F142</sup>... [<sup>F143</sup>very unusual or] novel point of law [<sup>F144</sup>or factual issue][<sup>F145</sup>; or]

[<sup>F146</sup>(b) the number of pages of prosecution evidence, as defined and determined in accordance with paragraph 1(2) to (5), exceeds—

[<sup>F147</sup>(ai) in cases falling within bands 2.1 and 2.2 (terrorism offences), 750;

(bi) in cases falling within bands 3.1 to 3.5 (serious violence), 700;

(ci) in cases falling within bands 4.1. to 4.3 (sexual offences, children), 750;

(di) in cases falling within bands 5.1 to 5.3 (sexual offences, adult), 650;]

**Status:** Point in time view as at 31/10/2022.

**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) in cases falling within bands 6.1 to 6.5 (dishonesty offences, including proceeds of crime and money laundering), 30,000;

[<sup>F148</sup>(ia) in cases falling within bands 7.1 to 7.3 (property damage offences), 550;

(ib) in cases falling within band 8.1 (offences against the public interest, unless standard), 600;]

(ii) in cases falling within bands 9.1 to 9.7 (drugs offences), 15,000; or

[<sup>F149</sup>(iia) in cases falling within band 10.1 (driving offences), 800;

(iib) in cases falling within bands 11.1 and 11.2 (burglary and robbery), 350;

(iic) in cases falling within bands 12.1 to 12.3 (firearms offences), 750;

(iid) in cases falling within band 13.1 (other offences against the person), 750;

(iie) in cases falling within band 14.1 (exploitation/human trafficking offences), 350;

(iif) in cases falling within bands 15.1 to 15.3 (public order offences), 150;

(iig) in cases falling within bands 16.1 to 16.3 (regulatory offences), 300;

(iih) in cases falling within band 17.1 (standard cases), 100;]

(iii) in all other cases, 10,000,

and the appropriate officer considers it reasonable to make a payment in excess of the graduated fee payable under this Schedule.]

<sup>F150</sup>(c) .....

(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; <sup>F151</sup>...

<sup>F152</sup>(c) .....

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>F153</sup>a trial] advocate, whether or not [<sup>F154</sup>the trial] advocate did the work claimed for.

(5) [<sup>F155</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>F156</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**

- F142** Words in Sch. 1 para. 17(1)(a) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **19(a)(i)** (with reg. 34)
- F143** Words in Sch. 1 para. 17(1)(a) inserted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **12(a)** (with reg. 17)
- F144** Words in Sch. 1 para. 17(1)(a) inserted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **12(b)** (with reg. 17)
- F145** Word in Sch. 1 para. 17(1)(a) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **19(a)(ii)** (with reg. 34)
- F146** Sch. 1 para. 17(1)(b) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **19(b)** (with reg. 34)
- F147** Sch. 1 para. 17(1)(b)(ai)-(di) inserted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(10)(a)** (with reg. 7)
- F148** Sch. 1 para. 17(1)(b)(ia)(ib) inserted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(10)(b)** (with reg. 7)
- F149** Sch. 1 para. 17(1)(b)(iia)-(iih) inserted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(10)(c)** (with reg. 7)
- F150** Sch. 1 para. 17(1)(c) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **19(c)** (with reg. 34)
- F151** Word in Sch. 1 para. 17(3)(b) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **19(d)** (with reg. 34)
- F152** Sch. 1 para. 17(3)(c) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **19(e)** (with reg. 34)
- F153** 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)
- F154** 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)
- F155** 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)
- F156** 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)

**[<sup>F157</sup> Fees for consideration of unused material E+W**

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

(2) In any case to which this paragraph applies, a fee (“the basic consideration fee”) is payable to a trial advocate in respect of the consideration of unused material which corresponds to the category of the advocate concerned specified in the table following this sub-paragraph, whether or not such consideration has actually occurred.

<sup>F158</sup> Category of advocate	Fee
QC	£128.93
Leading Junior	£97.57
Junior alone or Led Junior	£67.95]

(3) This sub-paragraph applies where—

- (a) a trial advocate has undertaken the consideration of unused material; and



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- (b) the advocate has spent in excess of three hours undertaking that consideration.
- (4) In a case where sub-paragraph (3) applies—
  - (a) a fee (“the additional fee”) is payable to the trial advocate in addition to the basic consideration fee; and
  - (b) the amount of the additional fee corresponds to the category of the advocate concerned specified in the table following paragraph 24.
- (5) The additional fee is payable only where the appropriate officer considers it reasonable to make such a payment.
- (6) A trial advocate claiming the additional fee must supply such information and documents as may be required by the appropriate officer in support of the claim.
- (7) In determining whether it is reasonable to pay the additional fee, the appropriate officer must take into account—
  - (a) the reasonableness of the hours claimed in respect of the case taken as a whole; and
  - (b) the reasonableness of the hours claimed in respect of the consideration of the unused material.]

#### Textual Amendments

**F157** Sch. 1 para. 17A inserted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(11)** (with reg. 7)

**F158** Sch. 1 para. 17A(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 9** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)

#### Fees for wasted preparation **E+W**

**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>F159</sup>a trial] advocate, whether or not [<sup>F160</sup>the trial] advocate did the work claimed for.

(5) [<sup>F161</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>F162</sup>... advocate was prevented from representing the assisted person and of the number of hours of preparation.

[<sup>F163</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

**F159** 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)

**F160** 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)

**F161** 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)

**F162** 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)

**F163** 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 **E+W**

**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 <sup>F164</sup>... specified in the table following paragraph 5, or [<sup>F165</sup>the basic fee specified in the tables following][<sup>F166</sup>paragraph 7], as appropriate

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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>F167</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>F167</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>F167</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.

(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

**F164** Word in Sch. 1 para. 19(2) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **20(a)** (with reg. 34)

**F165** Words in Sch. 1 para. 19(2) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **20(b)** (with reg. 34)

**F166** Words in Sch. 1 para. 19(2) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(12)** (with reg. 7)

**F167** 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)**

#### <sup>F168</sup>Fees for further case management hearings and plea and trial preparation hearings **E** **+W**

##### 19A.—[

<sup>F169</sup>(1)] The fee payable to a trial advocate for a further case management hearing or a plea and trial preparation hearing held at court is the fee which corresponds with a hearing of that description, and the category of the advocate concerned, which is set out in the table following paragraph 24.

[  
<sup>F170</sup>(2) But if a guilty plea is entered at a plea and trial preparation hearing, the fee payable to the advocate for that hearing is the amount set out in Table A following [<sup>F171</sup>paragraph 7] which corresponds with the band within which the offence falls and the category of the advocate concerned.]]

### Textual Amendments

- F168** Sch. 1 para. 19A inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **21** (with reg. 34)
- F169** Sch 1 para. 19A renumbered as Sch. 1 para 19A(1) (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **13(2)** (with reg. 17)
- F170** Sch. 1 para. 19A(2) inserted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **13(3)** (with reg. 17)
- F171** Words in Sch. 1 para. 19A(2) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(13)** (with reg. 7)

### Fees for appeals, committals for sentence and breach hearings **E+W**

**20.**—(1) Subject to sub-paragraphs [<sup>F172</sup>(4) to (7)] 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

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- (v) any other preparation; and
- (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, 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).
- [<sup>F173</sup>(6) Sub-paragraph (7) applies where the hearing—
  - (a) is an appeal from a magistrates’ court;
  - (b) is heard in the Crown Court; and
  - (c) lasts for more than one day.
- (7) Where this sub-paragraph applies, the fee payable to the advocate—
  - (a) for the first day of the hearing, is the basic fee for band 17.1, set out in the table following paragraph 5, for the category of the advocate concerned;
  - (b) for the second day, and any subsequent days, of the hearing, is the daily attendance fee for band 17.1, set out in the table following paragraph 5A, for the category of the advocate concerned.]

#### Textual Amendments

**F172** Words in Sch. 1 para. 20(1) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **22(a)** (with reg. 34)

**F173** Sch. 1 para. 20(6)(7) inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **22(b)** (with reg. 34)

#### Fees for contempt proceedings **E+W**

**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.

<sup>F174</sup> Category of advocate	Payment rates (£ per day)
QC	£348
Leading Junior	£261
Junior alone or Led Junior	£175]

(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.

<sup>F175</sup> Category of advocate	Payment rates (£ per day)
QC	£204
Leading Junior	£145
Junior alone or Led Junior	£116]

### Textual Amendments

**F174** Sch. 1 para. 21(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 10** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)

**F175** Sch. 1 para. 21(2) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 11** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)

### Discontinuance or dismissal of <sup>F176</sup>... proceedings **E+W**

22.—<sup>F177</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>M16</sup> the advocate must be paid 50% of the basic fee <sup>F178</sup>... for a guilty plea, as specified in [<sup>F179</sup>Table A] following [<sup>F180</sup>paragraph 7] 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 [<sup>F181</sup>fee calculated in accordance with paragraph 7(a)], as appropriate for representing an assisted person in a guilty plea.

<sup>F182</sup>(4) .....

(5) Where, at [<sup>F183</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 advocate instructed in the proceedings must be paid a [<sup>F184</sup>fee calculated in accordance with paragraph 7(a)], 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>F185</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,

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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>F186</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 [<sup>F187</sup>fee calculated in accordance with paragraph 7(a)], 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 <sup>F188</sup> ... specified in the [<sup>F189</sup>tables] following [<sup>F190</sup>paragraph 7] 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

- F176** 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))
- F177** 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))
- F178** Word in Sch. 1 para. 22(2) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **23(a)(i)** (with reg. 34)
- F179** Words in Sch. 1 para. 22(2) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **23(a)(ii)** (with reg. 34)
- F180** Words in Sch. 1 para. 22(2) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(14)(a)** (with reg. 7)
- F181** Words in Sch. 1 para. 22(3) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(14)(b)** (with reg. 7)
- F182** 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)**
- F183** 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)**
- F184** Words in Sch. 1 para. 22(5) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(14)(c)** (with reg. 7)
- F185** 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))
- F186** 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))
- F187** Words in Sch. 1 para. 22(7) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(14)(d)** (with reg. 7)
- F188** Word in Sch. 1 para. 22(8)(b) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **23(b)(i)** (with reg. 34)
- F189** Word in Sch. 1 para. 22(8)(b) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **23(b)(ii)** (with reg. 34)
- F190** Words in Sch. 1 para. 22(8)(b) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(14)(e)** (with reg. 7)



**Marginal Citations**

M16 S.I. 2005/902 as amended by S.I. 2012/1345.

**Noting brief fees** E+W

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** E+W

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.

**[<sup>F191</sup>Fixed fees**

<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Junior Alone or Led Junior</i>	<i>Leading Junior</i>	<i>Queen's Counsel</i>
Standard Appearance	12(2)	£105 per day	£156 per day	£209 per day
Abuse of process hearing	13(1)(a) and (3)	£276 full day	£401 full day	£577 full day
		£151 half day	£227 half day	£302 half day
Hearings relating to disclosure	13(1)(b), (c) and (3)	£276 full day	£401 full day	£577 full day
		£151 half day	£227 half day	£302 half day
Hearings relating to the admissibility of evidence	13(1)(d) and (3)	£276 full day	£401 full day	£577 full day
		£151 half day	£227 half day	£302 half day
Ground rules hearings	13(1)(da) and (3)	£276 full day	£401 full day	£577 full day
		£151 half day	£227 half day	£302 half day
Hearings withdrawal of guilty plea	13(1)(e) and (3)	£276 full day	£401 full day	£577 full day
		£151 half day	£227 half day	£302 half day
Sentencing hearing	15	£145 per day	£221 per day	£291 per day
Deferred sentencing hearing	15(2)	£201 per day	£276 per day	£376 per day
Ineffective trial hearing	16	£437 per day	£437 per day	£437 per day
Special preparation	17	£45.30 per hour	£65.04 per hour	£85.95 per hour
Consideration of unused material in excess of three hours	17A(3)	£45.30 per hour	£65.04 per hour	£85.95 per hour

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<i>Category of work</i>	<i>of Paragraph providing for fee</i>	<i>Junior Alone or Led Junior</i>	<i>Leading Junior</i>	<i>Queen's Counsel</i>
Wasted preparation	18	£45.30 per hour	£65.04 per hour	£85.95 per hour
Conferences and views	19	£46.46 per hour	£69.69 per hour	£92.92 per hour
Further management hearing	case 19A	£116 per day	£175 per day	£232 per day
Plea and preparation hearing	trial 19A	£145 per day	£221 per day	£291 per day
Appeals to the Crown Court against sentence	20	£288 per day	£429 per day	£573 per day
Appeals to the Crown Court against conviction	20	£380 per day	£570 per day	£760 per day
Proceedings relating to the breach of an order of the Crown Court	20(1)	£125 per day	£176 per day	£251 per day
Committal sentence	for 20(1) and (2)	£175 per day	£261 per day	£348 per day
Adjourned appeals, committals for sentence and breach hearings	20(2)	£101 per day	£151 per day	£201 per day
Bail applications, mentions and other applications in appeal, committals for sentence and breach hearings	20(3)	£101 per day	£151 per day	£201 per day
Second and subsequent days of an application to dismiss	22(6)	£276 full day £151 half day	£401 full day £227 half day	£577 full day £302 half day
Noting brief	23	£125 per day	£125 per day	£125 per day
Hearing mitigation of sentence	for 34 of	£125 per day	£201 per day	£302 per day]



### Textual Amendments

**F191** Sch. 1 para. 24 table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 12** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

### [<sup>F192</sup>Warrant for arrest **E+W**

**24A.**—(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 under section 7(1) (liability to arrest for absconding or breaking conditions of bail) of the Bail Act 1976 (“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 advocate is the fee for a guilty plea set out in Table A following [<sup>F193</sup>paragraph 7] which corresponds with the band within which the offence concerned falls and the category of the advocate concerned.

(3) Where the warrant is issued during the course of proceedings referred to in paragraph 20, the fee payable to the advocate is the fee which corresponds with the category of work, and the category of the advocate concerned, which is set out in the table following paragraph 24.

(4) Sub-paragraph (5) applies where—

- (a) a fee has been paid, or is payable, to the advocate 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 advocate submits a claim for fees for the determination of the advocate’s overall remuneration in the case, in accordance with regulation 4.

(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 advocate 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 advocate 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 advocate.]

### Textual Amendments

**F192** Sch. 1 para. 24A inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **25** (with reg. 34)

**F193** Words in Sch. 1 para. 24A(2) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(16)** (with reg. 7)

*Status: Point in time view as at 31/10/2022.*

*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)*

## PART 6 E+W

### Miscellaneous

#### Identity of instructed advocate E+W

25.—(1) Where an instructed advocate is appointed before [<sup>F194</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>F194</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>F194</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>F194</sup>the first hearing at which the assisted person enters a plea]; or
- (b) where no leading advocate attends [<sup>F194</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) [<sup>F194</sup>the first hearing at which the assisted person enters a plea]; or
- (b) where no led advocate attends [<sup>F194</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 [<sup>F194</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 [F194, 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 F195 ... 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.

#### Textual Amendments

**F194** 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)**

**F195** 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 **E+W**

**26.—**(1) In accordance with regulation 23 the appropriate officer must notify each [F196, trial] advocate of the total fees payable and authorise payment to the [F196, trial] advocate accordingly.

(2) Payment of the fees in accordance with sub-paragraph (1) must be made to each [F196, trial] advocate.

(3) Where the section 16 determination provides for representation by a single advocate, the [F196, trial] advocate is responsible for arranging payment of fees to the [F197, instructed] advocate and any substitute advocate who has undertaken work on the case.

**Status:** Point in time view as at 31/10/2022.

**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)

(4) Where there are two<sup>F196</sup>trial]advocates for an assisted person, payment must be made to each <sup>F196</sup>trial] advocate individually, and—

- (a) the leading<sup>F196</sup>trial] advocate is responsible for arranging payment of fees to the <sup>F197</sup>instructed] 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<sup>F196</sup>trial]advocate is responsible for arranging payment of fees to the <sup>F197</sup>instructed] advocate and any substitute advocate who have undertaken work on the case of a type for which a led advocate is responsible.

<sup>F198</sup>(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**

**F196** 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)

**F197** 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)

**F198** 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** **E+W**

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.

(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—

<sup>F199</sup>(i) where the principal case is a case on indictment, the basic fee specified in the table following paragraph 5 or, where there is a guilty plea or a cracked trial, the basic fee specified in the tables following <sup>F200</sup>paragraph 7], which corresponds with the band within which the offence concerned falls and the category of the advocate concerned; or]

(ii) the fixed fee for the principal case, where that is a case falling within paragraph 2(1) (b) or paragraph 10.

<sup>F201</sup>(3) . . . . .

(4) Where a trial advocate or substitute advocate appears at a hearing specified in paragraph 12, 13, 14, 15 <sup>F202</sup>, 16 or 19A], 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 [<sup>F203</sup>or, where the hearing falls within paragraph 19A(2), the applicable fee specified in Table A following [<sup>F204</sup>paragraph 7]]; 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.

#### Textual Amendments

**F199** Sch. 1 para. 27(2)(b)(i) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **26** (with reg. 34)

**F200** Words in Sch. 1 para. 27(2)(b)(i) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(17)(a)** (with reg. 7)

**F201** Sch. 1 para. 27(3) omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 13** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

**F202** Words in Sch. 1 para. 27(4) substituted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **16(a)** (with reg. 17)

**F203** Words in Sch. 1 para. 27(4)(a) inserted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **16(b)** (with reg. 17)

**F204** Words in Sch. 1 para. 27(4)(a) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(17)(b)** (with reg. 7)

#### Multiple advocates **E+W**

**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 **E+W**

**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 <sup>F205</sup>... 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 31/10/2022.

**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**

**F205** Words in Sch. 1 para. 29 omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **27** (with reg. 34)

**Trials lasting over 40 days** **E+W**

<sup>F206</sup>**30.** .....

**Textual Amendments**

**F206** Sch. 1 para. 30 omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **28** (with reg. 34)

**Assisted person unfit to plead or stand trial** **E+W**

**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>M17</sup> (finding that the accused did the act or made the omission charged against him); or
  - (ii) a [<sup>F207</sup>fee calculated in accordance with paragraph 7(b)] 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—
  - (i) a graduated fee calculated in accordance with paragraph 4 as appropriate to the length of the fitness hearing; or
  - (ii) a [<sup>F208</sup>fee calculated in accordance with paragraph 7(a)] as appropriate for representing an assisted person in a guilty plea, whichever the trial advocate elects.

**Textual Amendments**

**F207** Words in Sch. 1 para. 31(b)(ii) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(18)(a)** (with reg. 7)

**F208** Words in Sch. 1 para. 31(c)(ii) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(18)(b)** (with reg. 7)

#### Marginal Citations

**M17** 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 **E+W**

**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>M18</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 <sup>F209</sup>... is as set out in the table following paragraph [F2105A] as appropriate to the number of days of attendance at court by the advocate.

#### Textual Amendments

**F209** Word in Sch. 1 para. 32(2) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **29(a)** (with reg. 34)

**F210** Word in Sch. 1 para. 32(2) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **29(b)** (with reg. 34)

#### Marginal Citations

**M18** 1999 c. 23.

#### Provision of written or oral advice **E+W**

**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 **E+W**

**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.



**Status:** Point in time view as at 31/10/2022.

**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)

## F211 PART 7 E+W

### Table of Offences

#### Textual Amendments

F211 Sch. 1 Pt. 7 renumbered as Sch. 2 Pt. 7 (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), [regs. 1, 30](#) (with reg. 34)

## SCHEDULE 2 E+W

Regulation 5

### Litigators' Graduated Fee Scheme

## PART 1 E+W

### Definitions and Scope

#### Interpretation E+W

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) [F212the 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 [F213first 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 [F214first 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 [F215hearing at which the assisted person enters a plea];

“guilty plea” means a case on indictment which—



**Status:** Point in time view as at 31/10/2022.

**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) 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>F216</sup>... number of pages of prosecution evidence for use in [<sup>F217</sup>determining] the fee payable to a litigator under this Schedule, as set out in the tables following paragraph 5(1) and (2) [<sup>F218</sup>;

“unused material” means material disclosed pursuant to the prosecutors’ obligations in Part 1 of the Criminal Procedure and Investigations Act 1996, but does not include—

(a) witness statements;

(b) documentary and pictorial exhibits;

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

(d) records of interviews with other defendants].

(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>F219</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

**Status:** Point in time view as at 31/10/2022.

**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) 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>F220</sup> 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.

<sup>F221</sup>(7) A reference in this Schedule to a “Class” is to the Class for the offence concerned set out in the LGFS Table of Offences.]

### Textual Amendments

- F212** Words in Sch. 2 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)**
- F213** Words in Sch. 2 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)**
- F214** Words in Sch. 2 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)**
- F215** Words in Sch. 2 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)**
- F216** Word in Sch. 2 para. 1(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(7)(b)(i)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
- F217** Word in Sch. 2 para. 1(1) substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015 \(S.I. 2015/1369\)](#), regs. 1(2)(b), **6(7)(b)(ii)** (with reg. 2(2)) (as amended by S.I. 2015/2049, reg. 2)
- F218** Words in Sch. 2 para. 1(1) inserted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **5(2)** (with reg. 7)
- F219** Words in Sch. 2 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))
- F220** Word in Sch. 2 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))
- F221** Sch. 2 para. 1(7) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **31(2)** (with reg. 34)

### Application **E+W**

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 <sup>F222</sup>Chapter 1 of Part 2 of the Sentencing Code] (deferment of sentence);

(d) any other post-sentence hearing.

<sup>F223</sup>(2) .....

<sup>F224</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>F225</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>F226</sup>6,000],

the case must be treated as though it had <sup>F226</sup>6,000] pages of prosecution evidence.

#### Textual Amendments

- F222** Words in Sch. 2 para. 2(1)(c) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 415(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F223** 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))
- F224** 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))
- F225** 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)**
- F226** 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)

#### Class of Offences **E+W**

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

**Status:** Point in time view as at 31/10/2022.

**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) every indictable offence falls within the Class under which it is listed in the [F227LGFS] 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>M19</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>M20</sup> (attempting to commit an offence) fall within the same Class as the substantive offence to which they relate;
  - (c) where the [F227LGFS] 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 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 [F227LGFS] 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<sup>F228</sup> ..., the offence falls within Class A, regardless of the Class under which the offence would be listed in the [F227LGFS] 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 [F227LGFS] 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.

#### Textual Amendments

**F227** Word in Sch. 2 para. 3 inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **31(3)(a)** (with reg. 34)

**F228** Words in Sch. 2 para. 3(g) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **31(3)(b)** (with reg. 34)

#### Marginal Citations

**M19** 1977 c. 45.

**M20** 1981 c. 47.

## PART 2 E+W

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

#### Scope E+W

[<sup>F229</sup>4.—<sup>F230</sup>(1) .....

(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

**F229** 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)

**F230** Sch. 2 para. 4(1) omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 1** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

#### Pages of Prosecution Evidence E+W

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

**Status:** Point in time view as at 31/10/2022.

**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	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
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

**Status:** Point in time view as at 31/10/2022.

**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)

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
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

**Status:** Point in time view as at 31/10/2022.

**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)

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
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



**Status:** Point in time view as at 31/10/2022.**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)

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
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

**Status:** Point in time view as at 31/10/2022.

**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)

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
155	7,692	6,468	3,973	7,692	6,081	7,609	7,609	5,150	10,619	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

**Status:** Point in time view as at 31/10/2022.**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)

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
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 E+W**

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.

**[<sup>F231</sup>Basic fees for cracked trials and guilty pleas (£)**

<i>Class of Offence</i>											
Type of case	A	B	C	D	E	F	G	H	I	J	K

**Status:** Point in time view as at 31/10/2022.  
**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>											
Cracked trial	1,040.28	115.52	603.55	988.25	267.98	257.86	257.86	272.55	291.72	1,040.28	889.94
Guilty plea	782.45	639.53	509.35	743.31	212.40	225.18	225.18	219.62	200.79	782.45	736.97

**Textual Amendments**

**F231** Sch. 2 para. 6(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 2** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

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

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.

**[F232] Basic fees for trials (£)**

<i>Class of Offence</i>											
Type of case	A	B	C	D	E	F	G	H	I	J	K
Trial	1,687.72	1,262.31	850.53	1,603.33	405.63	411.24	411.24	411.41	411.06	1,687.72	1,186.59

(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**

$f^{233}$ 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
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	1,033.65	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	1,811.04
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	2,751.71	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
12	4,607.74	3,971.38	3,823.47	4,377.35	3,312.59	2,760.47	2,760.47	3,229.64	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	3,492.07	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	3,754.51	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	4,016.95	5,886.37	6,001.68	6,707.21
16	6,466.32	5,433.96	5,232.79	6,143.00	4,407.26	3,642.03	3,642.03	4,279.39	6,286.42	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	4,541.82	6,686.47	6,930.96	7,693.86
18	7,395.60	6,165.24	5,937.45	7,025.83	4,949.45	4,080.74	4,080.74	4,804.26	7,086.52	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	5,066.69	7,486.57	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	5,329.13	7,886.63	8,324.89	9,153.84
21	8,798.40	7,234.27	6,931.61	8,358.47	5,715.64	4,698.94	4,698.94	5,544.96	8,215.37	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	5,760.90	8,544.12	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	5,976.83	8,872.90	9,737.21	10,613.82
24	10,202.62	8,239.77	7,800.39	9,692.49	6,374.43	5,237.57	5,237.57	6,192.79	9,198.07	10,202.62	11,100.48
25	10,668.04	8,569.74	8,088.48	10,134.63	6,591.80	5,417.10	5,417.10	6,405.21	9,519.15	10,668.04	11,587.14
26	11,133.44	8,899.78	8,371.53	10,576.78	6,809.17	5,596.65	5,596.65	6,615.99	9,840.24	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	6,826.76	10,161.31	11,598.84	12,560.46
28	12,064.25	9,559.83	8,937.65	11,461.07	7,243.91	5,955.73	5,955.73	7,037.54	10,482.41	12,064.25	13,047.13
29	12,529.67	9,889.86	9,220.70	11,903.18	7,461.27	6,133.18	6,133.18	7,248.30	10,803.51	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	7,459.07	11,124.59	12,995.07	14,020.44
31	13,460.48	10,549.91	9,786.81	12,787.46	7,896.01	6,486.06	6,486.06	7,669.85	11,445.67	13,460.48	14,507.11

Status: Point in time view as at 31/10/2022.

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)

$f^{233}$ 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
32	13,925.880	879.950	0,069.873	229.531	113.386	662.436	662.437	880.611	1,766.763	925.884	993.76
33	14,391.301	1,209.970	352.923	671.783	330.746	838.846	838.848	091.391	2,087.844	391.305	480.43
34	14,856.701	1,540.000	635.974	113.887	548.117	015.267	015.268	302.161	2,408.934	856.705	967.09
35	15,322.111	1,870.080	919.034	556.081	765.487	191.687	191.688	512.931	2,730.025	322.116	453.75
36	15,787.522	2,200.051	202.094	998.184	982.847	368.107	368.108	723.701	3,051.105	787.526	940.41
37	16,252.922	2,530.091	485.145	440.282	200.227	544.517	544.518	934.481	3,372.186	252.927	427.07
38	16,718.322	2,860.111	768.205	882.424	417.587	720.937	720.939	145.251	3,693.286	718.327	913.73
39	17,183.723	3,190.132	1,051.256	324.553	634.947	897.357	897.359	356.021	4,014.367	183.728	400.40
40	17,622.323	3,492.152	1,635.576	741.296	722.098	027.768	027.769	447.161	4,282.007	622.388	865.89
41	18,063.423	3,796.432	2,277.137	160.294	811.548	158.448	158.449	539.401	4,551.228	063.409	334.83
42	18,504.524	4,100.822	3,390.737	579.329	901.048	289.128	289.129	631.681	4,820.518	504.519	803.93
43	18,945.724	4,405.312	5,043.337	998.591	990.588	419.828	419.829	723.971	5,089.848	945.720	273.20
44	19,387.124	4,709.822	6,179.968	417.790	080.185	550.528	550.529	816.281	5,359.239	387.120	742.61
45	19,828.625	5,014.562	7,316.118	837.180	169.787	681.228	681.229	908.631	5,628.699	828.621	212.18
46	20,270.125	5,319.322	8,452.289	256.680	259.433	811.948	811.941	0,000.917	5,898.120	270.121	681.91
47	20,711.825	5,624.182	9,589.989	676.260	349.183	942.668	942.661	0,093.356	6,167.720	711.822	151.80
48	21,153.625	5,929.143	10,726.620	095.970	438.897	073.399	073.391	0,185.756	6,437.331	153.622	621.84
49	21,595.526	6,234.103	11,864.420	515.760	528.694	204.129	204.121	0,278.166	6,707.021	595.523	092.04
50	22,037.526	6,539.303	13,009.935	660.618	453	334.889	334.881	0,370.616	6,976.722	037.523	562.39
51	22,479.626	6,844.563	14,139.921	355.670	708.324	465.639	465.631	0,463.067	7,246.522	479.624	032.91
52	22,921.827	7,149.823	15,277.781	775.770	798.291	596.409	596.401	0,555.547	7,516.422	921.824	503.58
53	23,364.127	7,455.303	16,416.622	195.990	888.195	727.169	727.161	0,648.047	7,786.323	364.124	974.41
54	23,806.627	7,760.823	17,554.422	616.290	978.193	857.949	857.941	0,740.568	8,056.223	806.625	445.40
55	24,249.128	8,066.423	18,693.323	036.691	068.194	988.729	988.721	0,833.108	8,326.324	249.125	916.54
56	24,691.828	8,372.123	19,832.223	457.221	158.200	119.520	119.520	925.668	8,596.324	691.826	387.85
57	25,134.528	8,677.924	20,971.123	877.831	248.290	250.320	250.321	0,18.248	8,866.525	134.526	859.31
58	25,577.428	8,983.824	22,110.024	298.561	338.390	381.180	381.181	110.849	9,136.725	577.427	330.92
59	26,020.329	9,289.724	23,259.024	719.381	428.490	511.950	511.951	203.479	9,406.926	020.327	802.70
60	26,463.429	9,595.824	24,438.925	140.291	518.590	642.770	642.771	296.109	9,677.226	463.428	274.63
61	26,906.629	9,902.024	25,552.925	561.321	608.700	773.600	773.601	388.779	9,947.626	906.628	746.72
62	27,349.920	10,208.324	26,666.925	982.451	698.800	904.440	904.441	481.420	10,218.027	349.929	218.96
63	27,793.320	10,514.624	27,781.026	403.691	788.901	035.281	035.281	574.120	10,488.527	793.329	691.37

$f^{233}$ 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
64	28,236.820	28,821.104	28,895.026	28,825.021	28,879.001	28,166.141	28,166.141	28,666.820	28,759.028	28,236.820	28,163.93
65	28,680.481	28,127.635	28,009.127	28,246.451	28,969.101	28,297.011	28,297.011	28,759.621	28,029.628	28,680.480	28,636.65
66	29,124.201	29,434.285	29,123.287	29,667.902	29,059.201	29,427.881	29,427.881	29,852.391	29,300.289	29,124.201	29,109.52
67	29,568.031	29,741.015	29,237.408	29,089.632	29,149.301	29,558.761	29,558.761	29,945.127	29,570.929	29,568.031	29,582.55
68	30,011.922	30,047.835	30,351.528	30,511.312	30,239.401	30,689.651	30,689.652	30,037.981	30,841.730	30,011.922	30,055.74
69	30,456.022	30,354.745	30,465.728	30,933.212	30,329.501	30,820.541	30,820.542	30,130.822	30,112.550	30,456.022	30,529.08
70	30,900.122	30,661.765	30,579.929	30,355.162	30,419.601	30,951.451	30,951.452	30,223.632	30,383.430	30,900.122	30,002.60
71	31,344.422	31,968.865	31,694.129	31,777.222	31,509.712	31,082.362	31,082.362	31,316.522	31,654.351	31,344.422	31,476.26
72	31,788.823	31,276.065	31,808.330	31,199.312	31,599.812	31,213.282	31,213.282	31,409.422	31,925.331	31,788.823	31,950.08
73	32,233.223	32,583.355	32,922.610	32,621.632	32,689.912	32,344.212	32,344.212	32,502.323	32,196.332	32,233.223	32,424.05
74	32,677.823	32,890.746	32,036.891	32,043.982	32,780.012	32,475.112	32,475.112	32,595.223	32,467.432	32,677.823	32,898.19
75	33,122.524	33,198.216	33,151.191	33,466.432	33,870.112	33,606.092	33,606.092	33,688.223	33,738.633	33,122.524	33,372.48
76	33,567.324	33,505.786	33,265.501	33,889.012	33,960.212	33,737.032	33,737.032	33,781.124	33,009.834	33,567.324	33,846.92
77	34,012.224	34,813.456	34,379.852	34,311.663	34,050.312	34,867.912	34,867.912	34,874.124	34,281.134	34,012.224	34,321.53
78	34,457.225	34,121.216	34,494.232	34,734.433	34,140.412	34,998.952	34,998.952	34,967.124	34,552.434	34,457.225	34,796.30
79	34,902.425	34,429.066	34,608.613	34,157.313	34,230.513	34,129.943	34,129.943	34,060.224	34,823.834	34,902.425	34,271.22
80	35,347.625	35,737.016	35,723.013	35,580.263	35,320.613	35,260.923	35,260.923	35,153.225	35,095.235	35,347.625	35,746.29
81	35,792.926	35,045.046	35,837.434	35,003.353	35,410.713	35,391.913	35,391.913	35,246.325	35,366.735	35,792.926	35,221.52
82	36,238.426	36,353.116	36,951.834	36,426.523	36,500.813	36,522.913	36,522.913	36,339.425	36,638.336	36,238.426	36,696.92
83	36,683.926	36,661.407	36,066.354	36,849.813	36,590.913	36,653.913	36,653.913	36,432.525	36,909.926	36,683.926	36,172.47
84	37,129.626	37,969.727	37,180.835	37,273.113	37,681.013	37,784.913	37,784.913	37,525.626	37,181.537	37,129.626	37,648.18
85	37,575.427	37,278.117	37,295.355	37,696.653	37,771.113	37,915.943	37,915.943	37,618.826	37,453.337	37,575.427	37,124.04
86	38,021.327	38,586.647	38,409.906	38,120.243	38,861.214	38,046.914	38,046.914	38,712.026	38,725.038	38,021.327	38,600.06
87	38,467.227	38,895.237	38,524.456	38,543.933	38,951.314	38,178.014	38,178.014	38,805.226	38,996.938	38,467.227	38,076.24
88	38,913.328	38,203.937	38,639.036	38,967.724	38,041.414	38,309.064	38,309.064	38,898.427	38,268.838	38,913.328	38,552.58
89	39,359.528	39,512.717	39,753.637	39,391.614	39,131.514	39,440.114	39,440.114	39,113.637	39,540.739	39,359.528	39,029.07
90	39,805.928	39,821.607	39,868.257	39,815.604	39,221.614	39,571.114	39,571.114	39,084.927	39,812.739	39,805.928	39,505.73
91	40,252.329	40,130.517	40,982.838	40,239.704	40,311.714	40,702.244	40,702.244	40,178.228	40,084.840	40,252.329	40,982.53
92	40,698.829	40,439.638	40,097.538	40,663.904	40,401.814	40,833.324	40,833.324	40,271.428	40,356.940	40,698.829	40,459.49
93	41,145.429	41,748.818	41,212.239	41,088.204	41,491.914	41,964.404	41,964.404	41,364.828	41,629.151	41,145.429	41,936.62
94	41,592.230	41,058.058	41,326.939	41,512.604	41,582.015	41,095.405	41,095.405	41,458.128	41,901.341	41,592.230	41,413.90
95	42,039.030	42,367.408	42,441.639	42,937.104	42,672.115	42,226.505	42,226.505	42,551.529	42,173.642	42,039.030	42,891.33

Status: Point in time view as at 31/10/2022.

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)

$f^{233}$ 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
96	42,486.080	42,676.848	42,556.440	42,361.704	42,762.225	42,357.695	42,357.694	42,644.829	42,446.082	42,486.025	42,368.93
97	42,933.080	42,986.388	42,671.240	42,786.484	42,852.325	42,488.815	42,488.814	42,738.229	42,718.482	42,933.085	42,846.68
98	43,380.251	43,296.018	42,786.001	42,211.244	42,942.425	42,619.945	42,619.944	42,831.629	42,990.803	43,380.246	43,246.60
99	43,827.531	43,605.788	42,900.821	42,636.185	42,032.525	42,751.075	42,751.074	42,925.080	42,263.423	43,827.546	43,802.66
100	44,274.931	44,915.519	44,015.642	44,061.175	44,122.625	44,882.215	44,882.215	44,018.330	44,535.984	44,274.947	44,280.88
101	44,722.432	44,225.469	44,130.542	44,486.295	44,212.726	44,013.366	44,013.365	44,111.730	44,808.684	44,722.447	44,759.26
102	45,170.082	45,535.459	45,245.342	45,911.515	45,302.826	44,144.516	44,144.515	45,205.131	45,081.345	45,170.048	45,237.80
103	45,617.732	45,845.519	45,360.348	45,336.845	45,392.926	45,275.676	45,275.675	45,298.481	45,354.065	45,617.748	45,716.50
104	46,065.533	46,155.749	46,475.243	46,762.275	46,483.026	46,406.846	46,406.845	46,391.851	46,268.866	46,065.549	46,195.35
105	46,513.433	46,466.089	46,590.144	46,187.795	46,573.126	46,538.026	46,538.025	46,485.231	46,899.746	46,513.449	46,674.36
106	46,961.533	47,776.409	47,050.044	46,613.425	46,663.226	46,669.216	46,669.215	46,578.532	46,172.646	46,961.530	46,153.43
107	47,409.634	47,086.849	47,819.945	47,039.185	47,753.326	47,800.406	47,800.405	47,671.962	47,445.627	47,409.630	47,632.48
108	47,857.834	47,397.279	47,934.845	47,465.005	47,843.426	47,931.606	47,931.605	47,765.332	47,718.657	47,857.839	47,111.54
109	48,306.234	47,707.720	48,049.745	48,890.985	48,933.587	48,062.827	48,062.825	48,858.732	48,991.748	48,306.234	48,590.60
110	48,754.735	48,018.120	48,164.646	48,316.976	48,023.687	48,194.087	48,194.085	48,952.087	48,264.888	48,754.732	48,069.66
111	49,203.235	49,328.520	49,279.646	49,743.126	49,113.787	49,325.267	49,325.266	49,045.433	49,538.089	49,203.232	49,548.71
112	49,651.935	49,639.020	49,394.547	49,169.366	49,203.887	49,456.497	49,456.496	49,138.833	49,811.349	49,651.933	49,027.77
113	50,100.735	50,949.420	50,509.487	50,595.726	50,293.987	50,587.787	50,587.786	50,232.134	50,084.660	50,100.733	50,506.84
114	50,549.636	50,259.820	50,624.348	50,022.166	50,384.087	50,718.987	50,718.986	50,325.534	50,358.080	50,549.633	50,985.89
115	50,998.636	50,570.320	50,739.248	50,448.706	50,474.187	50,850.247	50,850.246	50,418.924	50,631.480	50,998.634	50,464.95
116	51,447.736	51,880.720	51,854.148	51,875.366	51,564.287	51,981.517	51,981.516	51,512.234	51,904.954	51,447.734	51,944.01
117	51,896.937	51,191.200	51,969.049	51,302.126	51,654.388	51,112.788	51,112.786	51,605.665	51,178.491	51,896.935	51,423.07
118	52,346.237	52,501.624	52,083.949	52,728.986	52,744.488	52,244.068	52,244.066	52,699.085	52,452.082	52,346.235	52,902.12
119	52,795.737	52,812.071	52,198.950	52,155.946	52,834.588	52,375.388	52,375.386	52,792.435	52,725.752	52,795.736	52,381.19
120	53,245.238	53,122.521	53,313.850	53,583.006	53,924.688	53,506.688	53,506.686	53,885.735	53,999.463	53,245.236	53,860.25
121	53,694.938	53,432.921	53,428.731	53,010.177	53,014.788	53,637.988	53,637.986	53,979.136	53,273.233	53,694.937	53,339.30
122	54,137.938	54,743.331	54,543.641	54,431.027	54,104.888	54,768.688	54,768.687	54,072.536	54,543.154	54,137.937	54,818.36
123	54,580.939	54,053.821	54,658.551	54,851.877	54,194.988	54,899.488	54,899.487	54,165.836	54,813.154	54,580.938	54,297.42
124	55,023.939	55,360.621	55,771.732	55,272.717	55,285.089	55,030.169	55,030.167	55,259.237	55,083.055	55,023.938	55,775.55
125	55,466.939	55,666.321	55,884.982	55,693.587	55,375.189	55,160.909	55,160.907	55,352.627	55,353.085	55,466.939	55,247.42
126	55,909.839	55,972.121	55,998.153	55,114.417	55,465.289	55,291.689	55,291.687	55,445.937	55,622.935	55,909.839	55,719.29
127	56,352.940	56,277.922	56,111.363	56,535.287	56,555.389	56,422.379	56,422.377	56,537.917	56,892.886	56,352.940	56,191.17



$f^{233}$ 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
128	56,795.840	583,722	224,553	956,107	645,439	553,119	553,117	629,838	162,826	795,890	663,04
129	57,238.840	889,512	337,754	376,947	735,519	683,859	683,857	721,838	432,767	238,881	134.92
130	57,681.841	195,222	450,954	797,797	825,639	814,519	814,518	813,838	702,707	681,881	606.79
131	58,124.841	501,022	564,155	218,637	915,749	945,329	945,327	905,738	972,658	124,852	078.65
132	58,567.841	806,822	677,315	639,488	005,820	076,020	076,017	997,739	242,588	567,852	550.53
133	59,010.842	112,632	790,456	060,328	095,920	206,720	206,718	089,739	512,559	010,853	022.41
134	59,453.842	418,402	903,686	481,118	186,020	337,520	337,518	181,739	782,459	453,863	494.28
135	59,896.842	724,123	016,856	902,018	276,120	468,220	468,218	273,640	052,459	896,863	966.15
136	60,339.843	029,923	130,057	322,818	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	457,600	592,360	782,854	909.90
138	61,225.843	641,523	356,458	164,518	546,420	860,420	860,418	549,540	862,241	225,855	381.77
139	61,668.843	947,313	469,658	585,408	636,520	991,220	991,218	641,541	132,161	668,845	853.64
140	62,111.844	253,023	582,859	006,258	726,621	121,921	121,918	733,521	402,162	111,846	325.52
141	62,554.844	558,823	696,059	427,098	816,721	252,691	252,688	825,481	672,072	554,836	797.38
142	62,997.844	864,623	809,209	847,948	906,821	383,421	383,418	917,461	942,062	997,827	269.26
143	63,440.845	170,423	922,380	268,798	996,921	514,121	514,119	009,442	211,963	440,837	741.13
144	63,883.845	476,224	035,580	689,649	087,021	644,921	644,919	101,342	481,853	883,828	213.00
145	64,326.845	781,924	148,761	110,419	177,121	775,621	775,619	193,342	751,844	326,828	684.88
146	64,769.846	087,724	261,951	531,319	267,221	906,321	906,319	285,343	021,784	769,829	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	373,019	447,422	167,822	167,819	469,243	561,665	655,870	100.49
149	66,098.847	005,124	601,562	793,819	537,522	298,522	298,519	561,243	831,616	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	827,963	635,519	717,722	560,022	560,019	745,144	371,456	984,791	516.11
152	67,427.747	922,424	941,094	056,419	807,822	690,822	690,819	837,144	641,457	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	721,269	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	581,420	348,423	475,223	475,220	388,946	261,070	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

Status: Point in time view as at 31/10/2022.

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)

$f^{233}$ 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
160	70,971.780,368.625,846.617,423.120,528.623,736.723,736.720,572.946,800.970,971.765,762.97										
161	71,414.780,674.465,959.797,844.020,618.723,867.423,867.420,664.847,070.971,414.766,234.84										
162	71,857.750,980.226,072.988,264.860,708.823,998.123,998.120,756.847,340.851,857.766,706.71										
163	72,300.731,286.026,186.168,685.720,798.924,128.924,128.920,848.847,610.792,300.747,178.59										
164	72,743.731,591.826,299.369,106.520,889.024,259.624,259.620,940.747,880.742,743.747,650.46										
165	73,186.731,897.526,412.569,527.400,979.124,390.324,390.321,032.748,150.673,186.748,122.33										
166	73,629.752,203.326,525.749,948.251,069.224,521.124,521.121,124.748,420.623,629.728,594.21										
167	74,072.752,509.126,638.920,369.101,159.324,651.824,651.821,216.648,690.564,072.729,066.07										
168	74,515.752,814.926,752.120,789.921,249.424,782.524,782.521,308.648,960.504,515.729,537.95										
169	74,958.753,120.726,865.301,210.791,339.524,913.324,913.321,400.649,230.444,958.720,009.83										
170	75,401.753,426.426,978.491,631.621,429.625,044.025,044.021,492.649,500.325,401.720,481.69										
171	75,844.753,732.227,091.622,052.491,519.725,174.821,174.821,584.549,770.325,844.720,953.57										
172	76,287.734,038.027,204.872,473.321,609.825,305.525,305.521,676.520,040.226,287.721,425.44										
173	76,730.734,343.827,318.022,894.121,699.925,436.225,436.221,768.520,310.226,730.720,897.32										
174	77,173.734,649.607,431.223,315.021,790.025,567.025,567.021,860.420,580.127,173.720,369.19										
175	77,616.734,955.327,544.423,735.821,880.125,697.725,697.721,952.420,850.107,616.720,841.06										
176	78,059.625,261.127,657.624,156.721,970.225,828.425,828.422,044.421,120.028,059.623,312.94										
177	78,502.625,566.927,770.824,577.522,060.325,959.225,959.222,136.321,389.928,502.623,784.80										
178	78,945.625,872.727,884.004,998.422,150.426,089.926,089.922,228.321,659.928,945.624,256.68										
179	79,388.626,178.507,997.205,419.222,240.526,220.726,220.722,320.321,929.879,388.624,728.55										
180	79,831.626,484.228,110.325,840.022,330.626,351.426,351.422,412.321,199.879,831.625,200.42										
181	80,274.626,790.028,223.526,260.922,420.726,482.126,482.122,504.222,469.720,274.625,672.30										
182	80,717.627,095.828,336.776,681.722,510.826,612.926,612.922,596.222,739.720,717.626,144.17										
183	81,160.627,401.628,449.927,102.622,599.626,743.626,743.622,688.223,009.621,160.626,616.04										
184	81,603.627,707.408,563.127,523.422,688.426,874.326,874.322,780.123,279.521,603.627,087.91										
185	82,046.628,013.128,676.327,944.322,777.127,005.127,005.122,872.123,549.522,046.627,559.79										
186	82,489.628,318.928,789.528,365.122,865.927,135.827,135.822,964.123,819.422,489.628,031.67										
187	82,932.628,624.728,902.778,786.022,954.627,266.607,266.603,056.024,089.422,932.628,503.53										
188	83,375.628,930.529,015.909,206.823,043.427,397.327,397.323,148.024,359.325,375.628,975.40										
189	83,818.629,236.309,129.079,627.723,132.127,528.027,528.023,240.024,629.223,818.629,447.28										
190	84,261.629,542.029,242.220,048.523,220.927,658.827,658.823,331.924,899.224,261.629,919.15										
191	84,704.629,847.829,355.420,469.423,309.627,789.527,789.523,423.925,169.124,704.629,391.03										

<sup>F233</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
192	85,147.660	153,629.629	468,680.680	890,223.223	398,427.427	920,227.227	920,227.227	515,955.955	439,185.439	147,600.600	862.90
193	85,590.660	459,429.429	581,881.881	311,123.123	487,128.128	051,028.051	051,028.051	607,905.905	709,065.709	590,681.681	334.76
194	86,033.660	765,229.229	695,081.081	731,923.923	575,928.575	181,728.181	181,728.181	699,875.875	979,036.979	033,621.621	806.64
195	86,476.661	1,070,929.929	808,222.222	152,723.723	664,628.628	312,428.312	312,428.312	791,856.856	248,986.986	476,612.612	278.52
196	86,919.661	376,729.729	921,482.482	573,623.623	753,428.428	443,228.443	443,228.443	883,806.806	518,886.518	919,612.612	750.39
197	87,362.661	682,530.530	1,034,602.602	994,483.483	842,128.128	573,928.573	573,928.573	975,786.786	788,887.788	362,613.613	222.26
198	87,805.661	988,330.330	1,147,788.788	415,323.323	930,928.928	704,728.704	704,728.704	1,067,757.757	058,787.787	805,603.603	694.13
199	88,248.662	294,130.130	260,983.983	836,124.124	019,628.628	835,428.835	835,428.835	159,454.454	328,757.757	248,788.788	166.01
200	88,691.662	599,830.830	374,184.184	257,024.024	108,428.428	966,128.966	966,128.966	251,697.697	598,658.658	691,604.604	637.88

**Textual Amendments**

**F232** Sch. 2 para. 7(2) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 3** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)

**F233** 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 E+W**

**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;

**Status:** Point in time view as at 31/10/2022.

**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** 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.

**Table of final fees in cracked trials**

<i>F<sup>234</sup></i> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
A	0-79	£1,040.27	0
A	80-249	£1,040.27	10.70
A	250-999	£2,858.58	6.71
A	1000-2799	£7,893.59	3.92
A	2800-4599	£14,956.44	3.92
A	4600-6399	£22,019.30	3.11
A	6400-8199	£27,626.04	3.11
A	8200-9999	£33,232.78	3.11
A	10000	£38,836.40	0
B	0-69	£815.52	0
B	70-249	£815.52	7.83
B	250-999	£2,224.04	3.66
B	1000-2799	£4,970.93	2.44
B	2800-4599	£9,361.88	2.44
B	4600-6399	£13,752.83	2.05
B	6400-8199	£17,444.86	2.05
B	8200-9999	£21,136.87	2.05
B	10000	£24,826.83	0
C	0-39	£603.55	0
C	40-249	£603.55	3.92
C	250-999	£1,427.49	2.25
C	1000-2799	£3,111.78	1.43
C	2800-4599	£5,686.20	1.43
C	4600-6399	£8,260.61	1.43
C	6400-8199	£10,835.03	1.43

**Status:** Point in time view as at 31/10/2022.**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>F<sup>234</sup></i> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
C	8200-9999	£13,409.46	1.43
C	10000	£15,982.45	0
D	0-79	£988.25	0
D	80-249	£988.25	10.14
D	250-999	£2,711.40	6.11
D	1000-2799	£7,292.66	3.61
D	2800-4599	£13,784.64	3.61
D	4600-6399	£20,276.61	2.96
D	6400-8199	£25,605.69	2.96
D	8200-9999	£30,930.77	2.96
D	10000	£36,254.88	0
E	0-39	£267.98	0
E	40-249	£267.98	4.60
E	250-999	£1,234.38	1.46
E	1000-2799	£2,326.49	0.61
E	2800-4599	£3,425.21	0.61
E	4600-6399	£4,523.92	0.61
E	6400-8199	£5,622.64	0.61
E	8200-9999	£6,721.36	0.61
E	10000	£7,819.46	0
F	0-49	£257.85	0
F	50-249	£257.85	4.42
F	250-999	£1,141.16	1.79
F	1000-2799	£2,484.02	0.70
F	2800-4599	£3,738.30	0.70
F	4600-6399	£4,992.57	0.70
F	6400-8199	£6,246.84	0.70
F	8200-9999	£7,501.12	0.70
F	10000	£8,754.69	0
G	0-49	£257.85	0
G	50-249	£257.85	4.42
G	250-999	£1,141.16	1.79
G	1000-2799	£2,484.02	0.70

**Status:** Point in time view as at 31/10/2022.**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>F<sup>234</sup></i> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
G	2800-4599	£3,738.30	0.70
G	4600-6399	£4,992.57	0.70
G	6400-8199	£6,246.84	0.70
G	8200-9999	£7,501.12	0.70
G	10000	£8,754.69	0
H	0-39	£272.55	0
H	40-249	£272.55	4.26
H	250-999	£1,167.16	1.56
H	1000-2799	£2,333.75	0.70
H	2800-4599	£3,586.34	0.70
H	4600-6399	£4,838.92	0.70
H	6400-8199	£6,091.51	0.70
H	8200-9999	£7,344.10	0.70
H	10000	£8,595.99	0
I	0-39	£291.73	0
I	40-249	£291.73	5.92
I	250-999	£1,534.85	2.31
I	1000-2799	£3,269.96	0.90
I	2800-4599	£4,885.41	0.90
I	4600-6399	£6,500.84	0.90
I	6400-8199	£8,116.28	0.90
I	8200-9999	£9,731.72	0.90
I	10000	£11,346.25	0
J	0-79	£1,040.27	0
J	80-249	£1,040.27	10.70
J	250-999	£2,858.58	6.71
J	1000-2799	£7,893.59	3.92
J	2800-4599	£14,956.44	3.92
J	4600-6399	£22,019.30	3.11
J	6400-8199	£27,626.04	3.11
J	8200-9999	£33,232.78	3.11
J	10000	£38,836.40	0
K	0-119	£889.94	0

**Status:** Point in time view as at 31/10/2022.**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>[F234]</sup> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
K	120-249	£889.94	6.55
K	250-999	£1,740.93	5.02
K	1000-2799	£5,505.06	4.39
K	2800-4599	£13,415.12	4.39
K	4600-6399	£21,325.20	3.75
K	6400-8199	£28,070.37	3.75
K	8200-9999	£34,815.54	3.75
K	10000	£41,556.97	0]

**<sup>[F235]</sup>Table of final fees in guilty pleas**

Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
A	0-79	£782.45	0
A	80-399	£782.45	5.62
A	400-999	£2,580.35	2.96
A	1000-2799	£4,358.15	1.89
A	2800-4599	£7,768.95	1.89
A	4600-6399	£11,179.74	1.12
A	6400-8199	£13,192.66	1.12
A	8200-9999	£15,205.59	1.12
A	10000	£17,217.39	0
B	0-69	£639.53	0
B	70-399	£639.53	4.52
B	400-999	£2,130.01	2.28
B	1000-2799	£3,495.17	1.45
B	2800-4599	£6,109.34	1.45
B	4600-6399	£8,723.53	1.06
B	6400-8199	£10,638.77	1.06
B	8200-9999	£12,554.02	1.06
B	10000	£14,468.20	0
C	0-39	£509.35	0
C	40-399	£509.35	2.66
C	400-999	£1,468.32	1.46

**Status:** Point in time view as at 31/10/2022.**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>
C	1000-2799	£2,342.71	0.79
C	2800-4599	£3,766.37	0.79
C	4600-6399	£5,190.05	0.79
C	6400-8199	£6,613.72	0.79
C	8200-9999	£8,037.39	0.79
C	10000	£9,460.26	0
D	0-79	£743.31	0
D	80-399	£743.31	5.23
D	400-999	£2,417.61	2.75
D	1000-2799	£4,065.32	1.71
D	2800-4599	£7,143.15	1.71
D	4600-6399	£10,220.98	1.06
D	6400-8199	£12,133.93	1.06
D	8200-9999	£14,046.86	1.06
D	10000	£15,958.74	0
E	0-39	£212.40	0
E	40-399	£212.40	2.92
E	400-999	£1,264.94	1.25
E	1000-2799	£2,016.77	0.46
E	2800-4599	£2,847.40	0.46
E	4600-6399	£3,678.03	0.46
E	6400-8199	£4,508.66	0.46
E	8200-9999	£5,339.29	0.46
E	10000	£6,169.45	0
F	0-49	£225.18	0
F	50-399	£225.18	2.83
F	400-999	£1,217.10	0.99
F	1000-2799	£1,810.58	0.32
F	2800-4599	£2,383.44	0.32
F	4600-6399	£2,956.30	0.32
F	6400-8199	£3,529.15	0.32
F	8200-9999	£4,102.01	0.32
F	10000	£4,674.55	0



<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
G	0-49	£225.18	0
G	50-399	£225.18	2.83
G	400-999	£1,217.10	0.99
G	1000-2799	£1,810.58	0.32
G	2800-4599	£2,383.44	0.32
G	4600-6399	£2,956.30	0.32
G	6400-8199	£3,529.15	0.32
G	8200-9999	£4,102.01	0.32
G	10000	£4,674.55	0
H	0-39	£219.62	0
H	40-399	£219.62	2.79
H	400-999	£1,225.24	0.99
H	1000-2799	£1,819.39	0.32
H	2800-4599	£2,388.50	0.32
H	4600-6399	£2,957.63	0.32
H	6400-8199	£3,526.75	0.32
H	8200-9999	£4,095.87	0.32
H	10000	£4,664.65	0
I	0-39	£200.79	0
I	40-399	£200.79	3.12
I	400-999	£1,324.71	1.36
I	1000-2799	£2,142.48	0.51
I	2800-4599	£3,059.21	0.51
I	4600-6399	£3,975.94	0.51
I	6400-8199	£4,892.67	0.51
I	8200-9999	£5,809.41	0.51
I	10000	£6,725.64	0
J	0-79	£782.45	0
J	80-399	£782.45	5.62
J	400-999	£2,580.35	2.96
J	1000-2799	£4,358.15	1.89
J	2800-4599	£7,768.95	1.89
J	4600-6399	£11,179.74	1.12

**Status:** Point in time view as at 31/10/2022.

**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	6400-8199	£13,192.66	1.12
J	8200-9999	£15,205.59	1.12
J	10000	£17,217.39	0
K	0-119	£736.97	0
K	120-399	£736.97	5.26
K	400-999	£2,209.26	2.93
K	1000-2799	£3,965.37	2.73
K	2800-4599	£8,871.68	2.73
K	4600-6399	£13,777.99	2.08
K	6400-8199	£17,519.41	2.08
K	8200-9999	£21,260.84	2.08
K	10000	£25,000.17	0]

#### Textual Amendments

**F234** Sch. 2 para. 8(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 4** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

**F235** Sch. 2 para. 8(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 5** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

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

**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.

**Table of final fees in trials**

<sup>F236</sup> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
A	0-79	£1687.72	0
A	80-209	£1,687.72	16.58
A	210-699	£3,842.68	12.66
A	700-1049	£10,045.05	10.62
A	1050-1999	£13,763.56	9.21
A	2000-3599	£22,515.56	8.42
A	3600-5199	£35,987.17	8.42
A	5200-6799	£49,458.78	8.42
A	6800-8399	£62,930.40	8.42
A	8400-9999	£76,402.01	8.42
A	10000	£89,865.20	0
B	0-69	£1,262.31	0
B	70-199	£1,262.31	12.81
B	200-499	£2,927.25	11.44
B	500-899	£6,360.03	9.63
B	900-1299	£10,212.86	8.09
B	1300-1999	£13,449.68	7.09
B	2000-3299	£18,414.16	7.09
B	3300-4999	£27,633.89	7.09
B	5000-5999	£39,690.47	7.09
B	6000-7999	£46,782.58	7.09

**Status:** Point in time view as at 31/10/2022.**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>F<sup>236</sup></i> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
B	8000-8999	£60,966.79	7.09
B	9000-9999	£68,058.89	7.09
B	10000	£75,143.91	0
C	0-39	£850.53	0
C	40-299	£850.53	10.57
C	300-799	£3,597.48	9.23
C	800-1249	£8,212.68	7.73
C	1250-1999	£11,689.03	6.83
C	2000-3199	£16,811.87	4.72
C	3200-4559	£22,479.73	4.72
C	4560-5919	£28,903.32	4.72
C	5920-7279	£35,326.90	4.72
C	7280-8639	£41,750.48	4.72
C	8640-9999	£48,174.06	4.72
C	10000	£54,592.94	0
D	0-79	£1,603.33	0
D	80-209	£1,603.33	15.75
D	210-699	£3,650.54	12.03
D	700-1049	£9,542.80	10.09
D	1050-1999	£13,075.38	8.75
D	2000-3599	£21,389.78	8.00
D	3600-5199	£34,187.80	8.00
D	5200-6799	£46,985.83	8.00
D	6800-8399	£59,783.87	8.00
D	8400-9999	£72,581.90	8.00
D	10000	£85,371.93	0
E	0-39	£405.63	0
E	40-69	£405.63	9.52
E	70-129	£691.11	8.57
E	130-599	£1,205.49	8.29
E	600-1349	£5,102.65	5.44
E	1350-2999	£9,184.87	2.39
E	3000-4749	£13,125.68	2.39

<i>F<sup>236</sup></i> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
E	4750-6499	£17,305.32	2.39
E	6500-8249	£21,484.95	2.39
E	8250-9999	£25,664.60	2.39
E	10000	£29,841.84	0
F	0-49	£411.24	0
F	50-229	£411.24	7.31
F	230-699	£1,726.85	6.96
F	700-1399	£5,000.28	5.60
F	1400-1949	£8,919.44	4.32
F	1950-3549	£11,296.01	2.16
F	3550-5149	£14,744.05	2.16
F	5150-6749	£18,194.09	2.16
F	6750-8349	£21,643.13	2.16
F	8350-9999	£25,092.17	2.16
F	10000	£28,646.85	0
G	0-49	£411.24	0
G	50-229	£411.24	7.31
G	230-699	£1,726.85	6.96
G	700-1399	£5,000.28	5.60
G	1400-1949	£8,919.44	4.32
G	1950-3549	£11,296.01	2.16
G	3550-5149	£14,744.05	2.16
G	5150-6749	£18,194.09	2.16
G	6750-8349	£21,643.13	2.16
G	8350-9999	£25,092.17	2.16
G	10000	£28,646.85	0
H	0-39	£411.41	0
H	40-249	£411.41	8.60
H	250-619	£2,216.58	7.15
H	620-1299	£4,861.45	5.31
H	1300-2999	£8,472.40	4.21
H	3000-4999	£15,637.25	2.27
H	5000-5999	£20,183.50	2.27

**Status:** Point in time view as at 31/10/2022.**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>F<sup>236</sup></i> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
H	6000-6999	£22,456.56	2.27
H	7000-7999	£24,729.69	2.27
H	8000-8999	£27,002.81	2.27
H	9000-9999	£29,275.94	2.27
H	10000	£31,546.79	0
I	0-39	£411.06	0
I	40-369	£411.06	9.14
I	370-799	£3,427.28	9.09
I	800-1299	£7,336.05	8.99
I	1300-2699	£11,832.64	7.08
I	2700-4199	£21,751.25	3.04
I	4200-5359	£26,318.14	3.04
I	5360-6519	£29,849.87	3.04
I	6520-7679	£33,381.59	3.04
I	7680-8839	£36,913.33	3.04
I	8840-9999	£40,445.05	3.04
I	10000	£43,973.73	0
J	0-79	£1,687.72	0
J	80-209	£1,687.72	16.58
J	210-699	£3,842.68	12.66
J	700-1049	£10,045.05	10.62
J	1050-1999	£13,763.56	9.21
J	2000-3599	£22,515.56	8.42
J	3600-5199	£35,987.17	8.42
J	5200-6799	£49,458.78	8.42
J	6800-8399	£62,930.40	8.42
J	8400-9999	£76,402.01	8.42
J	10000	£89,865.20	0
K	0-119	£1,186.59	0
K	120-734	£1,186.59	8.66
K	735-1289	£6,510.83	8.72
K	1290-2399	£11,348.44	8.87
K	2400-4499	£21,197.30	8.84

**Status:** Point in time view as at 31/10/2022.

**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>F236</sup> Class of Offence	PPE Range	Initial Fee (£)	Incremental fee per page of prosecution evidence (£)
K	4500-7999	£39,760.51	8.84
K	8000-8399	£70,699.17	8.84
K	8400-8799	£74,235.01	8.84
K	8800-9199	£77,770.85	8.84
K	9200-9599	£81,306.71	8.84
K	9600-9999	£84,842.55	8.84
K	10000	£88,369.56	0]

**Textual Amendments**

**F236** Sch. 2 para. 9(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 6** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

**<sup>F237</sup>PART 3 E+W**

**Fixed Fee for Guilty Pleas and Cracked Trials in Elected Cases**

**Textual Amendments**

**F237** Sch. 2 Pt. 3 omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 7** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

**Scope of Part 3 E+W**

10. ....

**Fixed fee for guilty pleas or cracked trials E+W**

11. ....

**Status:** Point in time view as at 31/10/2022.

**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)

## PART 4 E+W

### Defendant Uplifts, Retrials and Transfers

#### Defendant uplifts E+W

**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);

<sup>F238</sup>(e) .....

(4) <sup>F239</sup> ...

#### Defendant uplifts

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

#### Textual Amendments

**F238** Sch. 2 para. 12(3)(e) omitted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 8** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)

**F239** Sch. 2 para. 12(4) omitted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 9** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)



## Retrials and Transfers **E+W**

**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—

[<sup>F240</sup>(a) in a case to which Part 1A applies, the fixed fee determined in accordance with paragraph 3AA;]

- (b) in a trial [<sup>F241</sup>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

**Status:** Point in time view as at 31/10/2022.

**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>F242</sup>paragraph 5], 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 in a case to which Part 2 applies, <sup>F243</sup>... the final fee as calculated in accordance with paragraph 8(2);
- (d) in a trial [<sup>F244</sup>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 [<sup>F242</sup>paragraph 5], the final fee, as calculated in accordance with paragraph 9(2);

<sup>F245</sup>(e) .....

(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.

<sup>F246</sup>(10) .....

<sup>F247</sup>(11) .....

(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 the total fee</i>	<i>Case type to be used to determine total fee</i>	<i>Claim period [<sup>F248</sup>(where Part 2 applies)]</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	
[ <sup>F249</sup> Transfer at or before the first hearing at which the assisted person enters a plea] (original litigator)	25%	Cracked trial	
[ <sup>F249</sup> Transfer at or before the first hearing at which the assisted person enters a plea] – guilty plea (new litigator)	100%	Guilty plea	
[ <sup>F249</sup> Transfer at or before the first hearing at which the assisted person enters a plea] – cracked trial (new litigator)	100%	Cracked trial	

[ <sup>F249</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 plea 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 retrial 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.

### Textual Amendments

**F240** Sch. 2 para. 13(7)(a) substituted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015](#) (S.I. 2015/1369), regs. 1(2)(b), **6(7)(n)(i)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)

**F241** Words in Sch. 2 para. 13(7)(b) inserted (1.4.2016) by [The Criminal Legal Aid \(Remuneration etc.\) \(Amendment\) Regulations 2015](#) (S.I. 2015/1369), regs. 1(2)(b), **6(7)(n)(iii)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)

**Status:** Point in time view as at 31/10/2022.

**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)

- F242** Words in Sch. 2 para. 13(7)(b)(d) substituted (1.4.2016) by The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), **6(7)(g)(iv)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)
- F243** Words in Sch. 2 para. 13(7)(c) 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(7)(n)(ii)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)
- F244** Words in Sch. 2 para. 13(7)(d) inserted (1.4.2016) by The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), **6(7)(n)(iii)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)
- F245** Sch. 2 para. 13(7)(e) omitted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 10** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F246** Sch. 2 para. 13(10) omitted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 11** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F247** Sch. 2 para. 13(11) omitted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 12** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F248** Words in Sch. 2 para. 13(12) inserted (1.4.2016) by The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), **6(7)(n)(iv)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)
- F249** 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 E+W

### Fixed Fees

#### General provisions E+W

14.—<sup>F250</sup>(1) .....

(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.

### Textual Amendments

**F250** Sch. 2 para. 14(1) omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 13** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

### Fees for appeals and committals for sentence hearings **E+W**

**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 **E+W**

**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>M21</sup> (variation and discharge of orders under section 1C);
- (b) [<sup>F251</sup>section 385 of the Sentencing Code] (alteration of Crown Court sentence);
- (c) [<sup>F252</sup>section 387 or 388 of the Sentencing Code] (assistance by defendant: review of sentence).

### Textual Amendments

**F251** Words in Sch. 2 para. 16(2)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 415(3)(a)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F252** Words in Sch. 2 para. 16(2)(c) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 415(3)(b)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

### Marginal Citations

**M21** [1998 c. 37](#). Section 1CA was inserted by section 140 of the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#).

### Fees for contempt proceedings **E+W**

**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.

**Status:** Point in time view as at 31/10/2022.

**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) 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 **E+W**

**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 **E+W**

**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.

#### [<sup>F253</sup>Fixed Fees

<i>Types of proceedings</i>	<i>Paragraph providing for fee</i>	<i>Fee payable – (£ per proceedings)</i>
Appeal against sentence from a magistrates' court	15	178.62
Appeal against conviction from a magistrates' court	15	401.89
Committal for sentence	15	267.93
Hearing subsequent to sentence	16	178.62
Contempt proceedings (where contempt is alleged to have been committed by a person other than the defendant)	17(2)	133.96
Alleged breach of a Crown Court Order	18(2)	89.31]

#### Textual Amendments

**F253** Sch. 2 para. 19 table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 14** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)

### Fees for special preparation **E+W**

**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>F254</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**

**F254** 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)

**[<sup>F255</sup>Fees for consideration of unused material E+W]**

**20A.**—(1) This paragraph applies in respect of any case on indictment in the Crown Court, in respect of which a graduated fee is payable under Part 2, other than a guilty plea.

[<sup>F256</sup>(2) In any case to which this paragraph applies, a fee (“the basic consideration fee”) is payable to a litigator in respect of the consideration of unused material whether or not such consideration has actually occurred.]

F257

...		
F257	F257	F257
...	...	...
F257	F257	F257
...	...	...
F257	F257	F257
...	...	...

[<sup>F258</sup>(2A) The basic consideration fee in sub-paragraph (2) is [<sup>F259</sup>£74.38].]

- (3) This sub-paragraph applies where—
  - (a) a litigator has undertaken the consideration of unused material; and
  - (b) the litigator has spent in excess of three hours undertaking that consideration.



*Status: Point in time view as at 31/10/2022.*

*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)*

- (4) In a case where sub-paragraph (3) applies—
- (a) a fee (“the additional fee”) is payable to the litigator in addition to the basic consideration fee; and
  - (b) the amount of the additional fee corresponds to the grade of fee earner concerned specified in the table following paragraph 27.
- (5) The additional fee is payable only where the appropriate officer considers it reasonable to make such a payment.
- (6) A litigator claiming the additional fee must supply such information and documents as may be required by the appropriate officer in support of the claim.
- (7) In determining whether it is reasonable to pay the additional fee, the appropriate officer must take into account—
- (a) the reasonableness of the hours claimed in respect of the case taken as a whole; and
  - (b) the reasonableness of the hours claimed in respect of the consideration of the unused material.]

#### Textual Amendments

- F255** Sch. 2 para. 20A inserted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **5(3)** (with reg. 7)
- F256** Sch. 2 para. 20A(2) substituted (19.2.2021) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2021 \(S.I. 2021/80\)](#), regs. 1, **2(3)(a)** (with reg. 3)
- F257** Sch. 2 para. 20A table omitted (19.2.2021) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2021 \(S.I. 2021/80\)](#), regs. 1, **2(3)(b)** (with reg. 3)
- F258** Sch. 2 para. 20A(2A) inserted (19.2.2021) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2021 \(S.I. 2021/80\)](#), regs. 1, **2(3)(c)** (with reg. 3)
- F259** Sum in Sch. 2 para. 20A(2A) substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 15** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)

#### Discontinuance or dismissal of <sup>F260</sup>... proceedings **E+W**

21.—<sup>F261</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>M22</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 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>F262</sup>1998]<sup>F263</sup>... and—

- (a) the charge, or charges are dismissed and the assisted person is discharged; or



**Status:** Point in time view as at 31/10/2022.

**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) 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>F264</sup>(5) .....

- (6) Where, at [<sup>F265</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**

**F260** 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))

**F261** 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))

**F262** 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)**

**F263** 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))

**F264** 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)**

**F265** 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)**

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**Marginal Citations**

**M22** [S.I. 2005/902](#) as amended by [S.I. 2012/1345](#).

**Defendant uplifts** E+W

**22.**—<sup>F266</sup>(1) .....

- (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

<sup>F267</sup>(c) .....

(4) <sup>F268</sup> ...

**Defendant uplifts**

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*Total number of defendants represented by litigator*      *Percentage uplift to total fee*

**Status:** Point in time view as at 31/10/2022.

**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)

2-4	20%
5+	30%

### Textual Amendments

- F266** Sch. 2 para. 22(1) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 16** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F267** Sch. 2 para. 22(3)(c) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 17** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F268** Sch. 2 para. 22(4) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 18** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)

### Warrant for arrest **E+W**

- 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>M23</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 [F269]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 [F269]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.

#### Textual Amendments

**F269** 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

**M23** 1976 c. 63.

## PART 6 **E+W**

### Miscellaneous

#### Additional charges **E+W**

**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 sub-paragraph (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 **E+W**

**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

**Status:** Point in time view as at 31/10/2022.

**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)

- (bb) any hearing under section 4A of the Criminal Procedure (Insanity) Act 1964 <sup>M24</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

**M24** 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 **E+W**

- 26.**—(1) This paragraph applies to—
- (a) proceedings under Part 2 of the Proceeds of Crime Act 2002 <sup>M25</sup> (confiscation: England and Wales);
  - (b) proceedings under section 2 of the Drug Trafficking Act 1994 <sup>M26</sup> (confiscation orders); and
  - (c) proceedings under section 71 of the Criminal Justice Act 1988 <sup>M27</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**

M25 2002 c. 29.

M26 1994 c. 37.

M27 1988 c. 33.

**Prescribed fee rates** **E+W**

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—

<sup>f270</sup> Class of work	Grade of fee earner	Rate	Variations
Preparation	Senior Solicitor	£55.61 per hour	£58.50 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	£47.22 per hour	£49.59 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	£31.22 per hour	£35.68 per hour for a fee earner whose office is situated within the City of London or a London borough
Consideration of unused material in excess of 3 hours	Senior solicitor	£55.61 per hour	£58.50 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	£47.22 per hour	£49.59 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	£31.22 per hour	£35.68 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	Senior solicitor	£44.33 per hour	

**Status:** Point in time view as at 31/10/2022.  
**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>F270</sup> Class of work	Grade of fee earner	Rate	Variations
one representative instructed	Solicitor, legal executive or fee earner of equivalent experience	£35.68 per hour	
	Trainee or fee earner of equivalent experience	£21.52 per hour	
Travelling and waiting	Senior solicitor	£25.97 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£25.97 per hour	
	Trainee or fee earner of equivalent experience	£13.12 per hour	
Writing routine letters and dealing with routine telephone calls		£3.62 per item	£3.78 per item for a fee earner whose office is situated within the City of London or a London borough]

**Textual Amendments**

**F270** Sch. 2 para. 27 table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 2 para. 19** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

**Allowing fees at less than the prescribed rates** **E+W**

**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** **E+W**

**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 [<sup>F271</sup>LGFS] 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.

#### Textual Amendments

**F271** Word in Sch. 2 para. 29(1) inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **31(4)** (with reg. 34)

## [<sup>F272</sup>PART 7 **E+W**

### [<sup>F273</sup>LGFS] Table of Offences

#### Textual Amendments

**F272** [Sch. 1 Pt. 7](#) renumbered as Sch. 2 Pt. 7 (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **30** (with reg. 34)

**F273** Word in Sch. 2 Pt. 7 heading inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **31(5)** (with reg. 34)

<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

**Status:** Point in time view as at 31/10/2022.

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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
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

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Drug trafficking offences at sea	Criminal Justice Act 1990, s.18 (International Co-operation)	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
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, s.327	2002 c. 29
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, s.5	2004 c. 28
Class C: Lesser offences involving violence or damage and less serious drugs offences		
Racially aggravated assault	Crime and Disorder Act 1998, s.29(1)	1998 c. 37
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

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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, 1961 c. 39 s.22	
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, 1971 c. 48 s.2	
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, 1984 c. 37 s.1	
Child abduction by other person	Child Abduction Act 1984, s.2	As above
Bomb hoax	Criminal Law Act 1977, 1977 c. 45 s.51	
Producing or supplying Class C drug	Misuse of Drugs Act 1971, 1971 c. 38 s.4	
Possession of a Class C drug with intent to supply	Misuse of Drugs Act 1971 s.5(3)	As above
Fraudulent evasion of controls on Class C drugs	Customs and Excise Management Act 1979, s.170(2)(b),(c)	1979 c. 2
Illegal importation of Class C drugs	Customs and Excise Management Act 1979, s.50	As above
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, s.26B	1986 c. 32
Tipping off in relation to money laundering investigations	Drug Trafficking Offences Act 1986, s.26C	As above

Assaults on officers saving wrecks	Offences against the Person Act 1861, s.37	1861 c. 100
Attempting to injure or alarm the Sovereign	Treason Act 1842, s.2	1842 c. 51
Assisting illegal entry or harbouring persons	Immigration Act 1971, s.25	1971 c. 77
Administering poison with intent to injure etc.	Offences against the Person Act 1861, s.24	1861 c. 100
Neglecting to provide food for or assaulting servants etc.	Offences against the Person Act 1861, s.26	As above
Setting spring guns with intent to inflict grievous bodily harm	Offences against the Person Act 1861, s.31	As above
Supplying instrument etc. to cause miscarriage	Offences against the Person Act 1861, s.59	As above
Failure to disclose information about terrorism	Terrorism Act 2000, s.19	2000 c. 11
Circumcision of females	Prohibition of Female Circumcision Act 1985, s.1	1985 c. 38
Breaking or injuring submarine telegraph cables	Submarine Telegraph Act 1885, s.3	1885 c. 49
Failing to keep dogs under proper control resulting in injury	Dangerous Dogs Act 1991, s.3	1991 c. 65
Making gunpowder etc. to commit offences	Offences against the Person Act 1861, s.64	1861 c. 100
Stirring up racial hatred	Public Order Act 1986, ss.18-23	1986 c. 64
Class D: Sexual offences and offences against children		
Administering drugs to obtain intercourse	Sexual Offences Act 1956, s.4	1956 c. 69
Procurement of a defective	Sexual Offences Act 1956, s.9	As above
Incest other than by man with a girl under 13	Sexual Offences Act 1956, s.10, 11	As above
Gross indecency between male of 21 or over and male under 16	Sexual Offences Act 1956, s.13	As above
Indecent assault on a woman	Sexual Offences Act 1956, s.14	As above
Indecent assault on a man	Sexual Offences Act 1956, s.15	As above
Abuse of position of trust	Sexual Offences (Amendment) Act 2000, s.3	2000 c. 44
Man living on earnings of prostitution	Sexual Offences Act 1956, s.30	1956 c. 69
Woman exercising control over prostitute	Sexual Offences Act 1956, s.31	As above

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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
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
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

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*The following offences are always in Class G*

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

*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*

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
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		
Breach of a sexual harm prevention order or interim sexual harm prevention order	Sexual Offences Act 2003, s.103I [ <sup>F274</sup> or Sentencing Code, s.354]	2003 c. 42
Breach of a sexual risk order or interim sexual risk order	Sexual Offences Act 2003, s.122H	As above
Breach of a criminal behaviour order	Anti-social Behaviour, Crime and Policing Act 2014, s.30	2014 c. 12
Racially aggravated public order offence	Crime and Disorder Act 1998, s.31(1)	As above
Racially aggravated harassment/putting another in fear of violence	Crime and Disorder Act 1998, s.32(1)	As above
Having an article with a blade or point in a public place	[ <sup>F275</sup> Criminal Justice Act 1988, s. 139]	1988 c. 33
Breach of harassment injunction	Protection from Harassment Act 1997, s.3(6)	1997 c. 40
Putting people in fear of violence	Protection from Harassment Act 1997, s.4(1)	As above

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Breach of restraining order	[ <sup>F276</sup> Sentencing Code, As above s.363(1)]
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 Act 1861, s.38 1861 c. 100
Unlawful eviction and harassment of occupier	Protection from Eviction Act 1977, s.1 1977 c. 43
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 Houses Act 1751, s.8 1751 c. 36
Indecent display	Indecent Displays (Control) Act 1981, s.1 1981 c. 42
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
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, s.35 1861 c. 100
Dangerous driving	Road Traffic Act 1988, s.2 1988 c. 52
Forgery and misuse of driving documents	Public Passenger Vehicles Act 1981, s.65 1981 c. 14
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

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Bribery of foreign public officials	Bribery Act 1010 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		
Rape	Sexual Offences Act 1956, s.1(1)	1956 c. 69
Sexual intercourse with girl under 13	Sexual Offences Act 1956, s.5	As above
Sexual intercourse with girl under 16	Sexual Offences Act 1956, s.6	As above
Sexual intercourse with defective	Sexual Offences Act 1956, s.7	As above
Incest by man with a girl under 13	Sexual Offences Act 1956, s.10	As above
Buggery of person under 16	Sexual Offences Act 1956, s.12	As above

Indecency with children under 14	Indecency with Children Act 1960, s.1(1)	1960 c. 33
Taking, having etc. indecent photographs of children	Protection of Children Act 1978, s.1	1978 c. 37
Assault with intent to commit buggery	Sexual Offences Act 1956, s.16	1956 c. 69
Abduction of woman by force	Sexual Offences Act 1956, s.17	As above
Permitting girl under 13 to use premises for sexual intercourse	Sexual Offences Act 1956, s.25	As above
Allowing or procuring child under 16 to go abroad to perform	Children and Young Persons Act 1933, ss.25, 26	1933 c. 12
Sexual intercourse with patients	Mental Health Act 1959, s.128	1959 c. 72
Abduction of unmarried girl under 16 from parent	Sexual Offences Act 1956, s.20	1956 c. 69
Permitting girl under 16 to use premises for intercourse	Sexual Offences Act 1956, s.26	As above
Causing or encouraging prostitution of girl under 16	Sexual Offences Act 1956, s.28	As above
Rape	Sexual Offences Act 2003, s.1	2003 c. 42
Assault by penetration	Sexual Offences Act 2003, s.2	As above
Causing sexual activity with penetration	Sexual Offences Act 2003, s.4	As above
Rape of child under 13	Sexual Offences Act 2003, s.5	As above
Assault of child under 13 by penetration	Sexual Offences Act 2003, s.6	As above
Sexual assault of child under 13	Sexual Offences Act 2003, s.7	As above
Causing a child under 13 to engage in sexual activity	Sexual Offences Act 2003, s.8	As above
Sexual activity with a child	Sexual Offences Act 2003, s.9	As above
Causing a child to engage in sexual activity	Sexual Offences Act 2003, s.10	As above
Arranging child sex offence	Sexual Offences Act 2003, s.14	As above
Sexual activity with a child family member, with penetration	Sexual Offences Act 2003, s.25	As above

**Status:** Point in time view as at 31/10/2022.

**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)

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 [ <sup>F277</sup> sexual exploitation of a child]	Sexual Offences Act 2003, As above s.48
Controlling a child [ <sup>F278</sup> in relation to sexual exploitation]	Sexual Offences Act 2003, As above s.49
[ <sup>F279</sup> Arranging or facilitating sexual exploitation of a child]	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
Trafficking people for sexual exploitation	Sexual Offences Act 2003, As above s.59A
Class K: Other offences of dishonesty (high value)	
<i>Class K offences are listed under Classes F and G]</i>	

#### Textual Amendments

**F274** Words in Sch. 2 Pt. 7 inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 415(4)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

**F275** Words in Sch. 2 Pt. 7 substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 2 para. 20** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)

- F276** Words in Sch. 2 Pt. 7 substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 415(4)(b) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F277** Words in Sch. 2 Pt. 7 (as renumbered) substituted (3.5.2015) by The Serious Crime Act 2015 (Consequential Amendments) Regulations 2015 (S.I. 2015/800), regs. 1(2), 6(a)
- F278** Words in Sch. 2 Pt. 7 (as renumbered) substituted (3.5.2015) by The Serious Crime Act 2015 (Consequential Amendments) Regulations 2015 (S.I. 2015/800), regs. 1(2), 6(b)
- F279** Words in Sch. 2 Pt. 7 (as renumbered) substituted (3.5.2015) by The Serious Crime Act 2015 (Consequential Amendments) Regulations 2015 (S.I. 2015/800), regs. 1(2), 6(c)

## SCHEDULE 3 **E+W**

Regulation 6

### Proceedings in the Court of Appeal

#### General Provisions **E+W**

- 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 **E+W**

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.

(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.

**Status:** Point in time view as at 31/10/2022.

**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) 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>M28</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

M28 1985 c. 23.

### Determination of litigators' fees **E+W**

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—

- (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 **E+W**

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 **E+W**

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.

### Determination of advocates' fees **E+W**

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

**Status:** Point in time view as at 31/10/2022.

**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)

(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 **E+W**

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>F280</sup> Class of work	Grade of fee earner	Rate	Variations
Preparation	Senior solicitor	£55.61 per hour	£58.50 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	£47.22 per hour	£49.59 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	£31.22 per hour	£35.68 per hour for a litigator whose office is situated within the City of London or a London borough
Advocacy	Senior Solicitor	£67.16 per hour	
	Solicitor	£58.77 per hour	
Attendance at court where more than one representative assigned	Senior Solicitor	£44.33 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£35.68 per hour	
	Trainee or fee earner of equivalent experience	£21.52 per hour	
Travelling and waiting	Senior Solicitor	£25.97 per hour	
	Solicitor, legal executive or fee earner of equivalent experience	£25.97 per hour	

<sup>F280</sup> Class of work	Grade of fee earner	Rate	Variations
	Trainee or fee earner of equivalent experience	£13.12 per hour	
Routine letters written and routine telephone calls		£3.62 per item	£3.78 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

**F280** Sch. 3 para. 7(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 3 para. 1** (with reg. 3) (as amended by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) Regulations 2022 (S.I. 2022/1010), regs. 1(1), **2(2)**); and (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

#### Allowance of litigators' fees at more than the prescribed rate **E+W**

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 [<sup>F281</sup>LGFS 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 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%.

**Status:** Point in time view as at 31/10/2022.

**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)

(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.

**Textual Amendments**

**F281** Words in Sch. 3 para. 8(1) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **32** (with reg. 34)

**Advocates' fees for proceedings in the Court of Appeal E+W**

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—

**[<sup>F282</sup> Junior Counsel**

<i>Type 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:  £626.75 per case	Maximum amount:  £205.56 per day	£38.53 per hour, minimum amount:  £19.26		Maximum amount:  £66.99 per item	Maximum amount:  £126.50 per appearance]

**[<sup>F283</sup> QC**

<i>Type 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:  £6,210 per case	Maximum amount:  £380.08 per day	£71.88 per hour, minimum amount:  £36.80		Maximum amount:  £137.43 per item	Maximum amount:  £296.13 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.

#### Textual Amendments

**F282** Sch. 3 para. 9(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 3 para. 2** (with reg. 3) (as amended by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/1010), regs. 1(1), **2(3)**; and (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**F283** Sch. 3 para. 9(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 3 para. 3** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

#### Payment of fees **E+W**

**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 **E+W**

**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).

**Status:** Point in time view as at 31/10/2022.

**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 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.

## SCHEDULE 4 **E+W**

Regulation 8

### Rates payable for the claims specified in Regulation 8

#### Interpretation of this Schedule **E+W**

<sup>F284</sup>1. In this Schedule—

(a) unless the context otherwise requires, words and expressions have the same meaning as in the <sup>F285</sup>2022 Standard Crime Contract], and

(b) “the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014.]

#### Textual Amendments

**F284** 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)**

**F285** Words in Sch. 4 para. 1(a) substituted (1.10.2022) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2022 \(S.I. 2022/995\)](#), regs. 1, **4(3)** (with reg. 6)

#### Work conducted at the Police station: Police Station advice and assistance. **E+W**

2.—(1) The Fixed Fee for Police Station Telephone Advice is—

(a) <sup>F286</sup>£33.00] per claim in London; and

(b) <sup>F287</sup>£31.74] per claim outside London (“National”)

(2) The Criminal Defence Direct Fixed Acceptance Fee is <sup>F288</sup>£8.40] 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>F289</sup> London	National
<b>Police Station attendance hourly rates</b>		
Own or Duty Solicitor	£58.97	£54.57
Duty Solicitor (Unsocial Hours)	£72.46	£72.46
Duty Solicitor – serious offence rate	£68.21	£62.96
Duty Solicitor – serious offence rate (Unsocial Hours)	£83.95	£83.95
<b>Travel and waiting hourly rates</b>		
Own Solicitor	£30.22	£30.22
Duty Solicitor	£58.97	£54.57
Duty Solicitor (Unsocial Hours)	£72.46	£72.46]

**Status:** Point in time view as at 31/10/2022.

**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)

(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.

(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 [F290 2022 Standard Crime Contract] Guidance for reporting crime lower work <sup>M29</sup>.

**[F291 Police Station Attendance – Fixed Fees and Escape Fee Thresholds**

<i>Criminal System Area</i>	<i>Justice Scheme</i>		<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
Cleveland	Hartlepool		151.11	466.21
	Teesside		156.35	479.58
Durham	Darlington		177.72	533.16
	South Durham		175.25	538.52
	Durham		204.63	637.65
	Derwentside		197.37	592.14
	Easington		192.04	589.42
Northumbria	South Northumberland	East	170.58	511.73
	Newcastle upon Tyne		158.46	487.61
	Gateshead		164.34	492.99
	North Tyneside		161.61	495.67
	South Tyneside		153.21	471.56
	Sunderland/Houghton Le Spring		171.05	527.82
	Berwick & Alnwick		203.58	626.95
	Tynedale & Hexham		177.34	546.57
Avon & Somerset	Avon North & Thornbury		204.63	645.71

**Status:** Point in time view as at 31/10/2022.**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	Bath	222.38	667.12
	Mendip & South Somerset	249.17	747.52
	Bristol	183.98	551.93
	Sedgemoor/Taunton Deane	208.83	707.32
	Weston-Super-Mare	209.09	624.28
Dorset	Central Dorset	209.88	629.63
	Bournemouth & Christchurch	167.00	501.02
	Poole East Dorset	176.30	541.19
	Bridport/West Dorset	167.90	503.70
Wiltshire	Salisbury	200.43	616.22
	Chippenham/Trowbridge	216.13	648.39
	Swindon	197.28	608.19
Gloucestershire	Cheltenham	181.54	559.96
	Gloucester	178.40	549.25
	Stroud	204.63	629.63
Devon & Cornwall	Barnstaple	200.05	600.16
	Exeter	177.72	533.16
	Plymouth	206.31	618.92
	East Cornwall	228.77	776.99
	Carrick/Kerrier (Cambourne) / Penwith	204.63	648.39
	Teignbridge / Torbay	187.65	562.64
Staffordshire	Stoke on Trent / Leek	204.63	648.39
	Stafford / Cannock & Rugeley	204.63	629.63
	Lichfield & Tamworth / Burton Upon Trent / Uttoxeter	198.33	610.86
Warwickshire	Leamington / Nuneaton / Rugby	205.40	616.22
West Mercia	Hereford / Leominster	178.62	535.84
	Kidderminster / Redditch	228.63	685.88



**Status:** Point in time view as at 31/10/2022.**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
West Midlands	Shrewsbury	190.99	586.75
	Telford	198.33	610.86
	Worcester	208.09	624.28
	Sandwell	202.53	621.60
	Wolverhampton & Seisdon	202.53	621.60
	Dudley & Halesowen	199.16	597.48
	Walsall	204.63	632.30
	Birmingham	204.63	651.06
	Solihull	215.23	645.71
Dyfed Powys	Coventry	176.84	530.50
	Amman Valley	204.63	656.42
Gwent	Carmarthen	232.21	696.61
	East Dyfed		
	Llanelli	159.51	490.29
	Brecon & Radnor	233.99	701.97
	Mid Wales	178.62	535.84
	North Ceredigion / South Ceredigion	234.88	704.64
	Pembrokeshire	192.04	592.14
	East Gwent	195.19	600.16
	Newport	192.04	589.42
	Lower Valley / Bedwellty / Bedwellty	Rhymney / North / South	204.63
North Wales	Bangor & Caernarfon	217.91	653.74
	Colwyn Bay	199.39	613.54
	Denbighshire	217.02	651.06
	Dolgellau	217.02	651.06
	Mold & Hawarden	204.63	637.65
	North Anglesey	226.85	680.54
	Pwllheli	153.61	460.83
	Wrexham	185.76	557.28
South Wales	Cardiff	204.63	675.18

**Status:** Point in time view as at 31/10/2022.**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	Vale of Glamorgan	239.35	718.06
	Cynon Valley	204.63	648.39
	Mid Glamorgan & Miskin	204.63	675.18
	Merthyr Tydfil	204.63	669.83
	Port Talbot	251.85	852.01
	Newcastle & Ogmore	204.63	685.88
	Neath	207.78	704.64
	Swansea	197.28	608.19
Merseyside	Bootle & Crosby	186.79	573.37
	Southport	156.30	468.88
	Liverpool	206.31	618.92
	St Helens	176.30	543.90
	Knowsley	189.93	584.07
	Wirral	181.54	557.28
Cheshire	Crewe & Nantwich / Sandbach & Congleton / Macclesfield	202.53	621.60
	Warrington / Halton	177.72	533.16
	Chester / Vale Royal (Northwich)	184.87	554.61
Cumbria	Barrow in Furness	176.84	530.50
	Kendal & Windermere	210.77	632.30
	Penrith / Carlisle	199.16	597.48
	Whitehaven / Workington	165.22	495.67
Greater Manchester	Manchester	204.63	675.18
	Stockport	192.90	578.71
	Trafford	204.63	643.03
	Salford	204.63	656.42
	Bolton	189.34	568.02
	Bury	183.98	551.93
	Wigan	195.58	586.75
	Rochdale / Middleton	194.70	584.07
	Tameside	179.45	551.93

**Status:** Point in time view as at 31/10/2022.**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
Lancashire	Oldham	158.08	474.24
	Burnley / Rossendale	186.66	559.96
	Blackburn / Accrington / Ribble Valley	204.63	667.12
	Blackpool	145.57	436.71
	Fleetwood	149.14	447.44
	Lancaster	183.08	549.25
	Chorley / Ormskirk / South Ribble & Leyland	200.94	602.83
Kent	Preston	164.34	492.99
	Dartford & Gravesend	267.93	803.78
	Ashford & Tenterden / Dover / Folkestone	236.11	801.10
	Medway	235.77	707.32
	Swale	279.53	838.60
	Maidstone & West Malling	249.17	747.52
	Canterbury / Thanet	204.63	693.94
Surrey	West Kent (Tonbridge)	239.35	718.06
	Guildford & Farnham	206.72	701.97
	North West Surrey (Woking)	225.62	766.26
	South East Surrey	238.21	809.13
	Epsom	241.36	819.87
	Staines	277.04	937.73
	Brighton & Hove & Lewes	210.92	715.35
Sussex	Chichester & District	186.79	573.37
	Crawley / Horsham	262.57	787.69
	Hastings	163.70	503.70
	Worthing	188.89	581.39
	Eastbourne	199.16	597.48
	East Derbyshire (Ripley) / Ilkeston	237.56	712.68
	Derbyshire		

**Status:** Point in time view as at 31/10/2022.**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	Ashbourne / Matlock / High Peak (Buxton)	218.81	656.42
	Chesterfield	204.52	613.54
	Derby / Swadlincote	204.63	656.42
Leicestershire	Ashby & Coalville / Loughborough / Melton Mowbray	208.98	626.95
	Leicester	204.63	634.97
	Hinckley / Market Harborough	232.21	696.61
Lincolnshire	Boston, Stamford Bourne,	199.39	613.54
	Skegness	179.50	538.52
	Lincoln / Gainsborough	185.76	557.28
	Grantham & Sleaford	183.64	565.31
Nottinghamshire	Mansfield	184.69	568.02
	Newark	207.20	621.60
	Nottingham	206.31	618.92
	Worksop & East Retford	196.24	602.83
Northamptonshire	Corby (Kettering) / Wellingborough	181.30	543.90
	Northampton	196.48	589.42
Bedfordshire	Bedford	193.09	594.80
	Luton	204.63	691.23
Cambridgeshire	Cambridge	186.79	576.05
	Ely	204.63	661.77
	Huntingdon	199.16	597.48
	March & Wisbech	197.37	592.14
	Peterborough	164.34	492.99
Essex	Basildon	204.63	632.30
	Brentwood	286.48	972.58
	Braintree	228.77	774.32
	Clacton & Harwich / Colchester	204.63	648.39
	Grays	267.59	908.27

**Status:** Point in time view as at 31/10/2022.**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
Hertfordshire	Harlow & Loughton	267.59	908.27
	Stansted	295.93	1004.72
	Rayleigh / Southend on Sea	192.02	576.05
	Chelmsford / Witham	202.53	624.28
	Dacorum (Hemel Hempstead)	241.36	817.16
	Bishop's Stortford / East Hertfordshire	292.78	993.99
	Stevenage & North Hertfordshire	271.79	921.68
	St. Albans	246.61	807.59
Norfolk	Watford	242.41	822.54
	Cromer & North Walsham	211.98	718.06
	Great Yarmouth	193.80	581.39
	Kings Lynn & West Norfolk	189.34	568.02
	Norwich & District	194.70	584.07
	Diss / Thetford	201.48	618.92
	Dereham	227.71	771.64
Suffolk	Lowestoft / Beccles & Halesworth / Aldeburgh	194.70	584.07
	Felixstowe / Ipswich & District / Woodbridge	198.27	594.80
	Sudbury & Hadleigh / Bury St. Edmunds / Haverhill / Newmarket	204.63	634.97
Thames Valley	Abingdon, Didcot & Witney (South Oxfordshire)	240.30	814.49
	Aylesbury	228.63	685.88
	High Wycombe & Amersham	219.32	744.84
	Milton Keynes	189.93	584.07
	Bicester / North Oxon (Banbury)	223.51	758.23
	Oxford	223.51	758.23

**Status:** Point in time view as at 31/10/2022.**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	Reading	217.02	651.06
	Slough (East Berkshire)	240.30	814.49
	West Berkshire (Newbury etc)	200.94	602.83
Hampshire	Aldershot / Petersfield (North East Hampshire)	229.82	779.67
	Andover / Basingstoke / Winchester (North West Hampshire)	242.03	726.09
	Isle of Wight	197.37	592.14
	Portsmouth / Waterlooville (South East Hampshire)	202.73	608.19
	Gosport & Fareham	247.38	742.14
	Southampton (South West Hampshire)	228.63	685.88
Humberside	Grimsby & Cleethorpes	154.50	463.50
	Scunthorpe	165.81	511.73
	Hull	176.30	541.19
	Beverley / Bridlington	204.63	675.18
	Goole	209.88	710.00
North Yorkshire	Northallerton & Richmond	220.59	661.77
	Harrogate & Ripon	211.66	634.97
	Skipton, Settle & Ingleton	204.63	629.63
	Scarborough / Whitby	175.25	538.52
	Malton & Ryedale	168.80	506.38
	York / Selby	183.64	565.31
South Yorkshire	Barnsley	182.60	562.64
	Doncaster	176.30	541.19
	Rotherham	186.79	576.05
	Sheffield	192.04	592.14
West Yorkshire	Halifax	200.05	600.16

**Status:** Point in time view as at 31/10/2022.**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	Huddersfield	168.80	506.38
	Dewsbury	183.08	549.25
	Bradford	156.35	482.26
	Keighley & Bingley	176.30	541.19
	Leeds	165.81	509.05
	Pontefract & Castleford	162.54	487.61
	Wakefield	160.55	492.99
London	Barking	258.15	876.13
	Bexley	230.86	782.35
	Bishopsgate	269.69	913.62
	Brent	251.85	852.01
	Brentford	256.05	868.07
	Bromley	243.46	825.22
	Camberwell Green	251.85	854.68
	Central London	272.84	924.35
	Clerkenwell / Hampstead	255.00	862.71
	Croydon	248.70	841.27
	Ealing	264.44	897.77
	Enfield	250.80	849.33
	Greenwich / Woolwich	240.30	814.49
	Haringey	259.20	878.80
	Harrow	251.85	854.68
	Havering	235.06	795.75
	Heathrow	315.86	1071.72
	Hendon / Barnet	253.95	860.04
	Highbury Corner	264.44	894.88
	Kingston-Upon-Thames	262.35	889.50
	Newham	252.90	857.36
	Old Street	251.85	854.68
	Redbridge	259.20	878.80
	Richmond-Upon-Thames	277.04	937.73

**Status:** Point in time view as at 31/10/2022.

**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>Criminal System Area</i>	<i>Justice Scheme</i>	<i>Fixed Fee (£)</i>	<i>Escape Fee Threshold (£)</i>
	South London	264.44	894.88
	Sutton	250.80	849.33
	Thames	250.80	849.33
	Tower Bridge	267.59	908.27
	Uxbridge	242.41	822.54
	Waltham Forest	235.06	798.42
	West London	270.74	918.97
	Wimbledon	257.09	870.77]

#### Textual Amendments

- F286** Sum in Sch. 4 para. 2(1)(a) substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 1(2)** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F287** Sum in Sch. 4 para. 2(1)(b) substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 1(3)** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F288** Sum in Sch. 4 para. 2(2) substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 1(4)** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F289** Sch. 4 para. 2(3) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 2** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F290** Words in Sch. 4 para. 2(8) substituted (1.10.2022) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2022 \(S.I. 2022/995\)](#), regs. 1, **4(3)** (with reg. 6)
- F291** Sch. 4 para. 2(8) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 3** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)

#### Marginal Citations

- M29** 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 **E+W**

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>F292</sup>£314.81].



**Status:** Point in time view as at 31/10/2022.**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>F293</sup>Free standing Advice and Assistance**

	<i>London (£)</i>	<i>National (£)</i>
Routine letters written and routine telephone calls per item	4.04	3.89
Preparation hourly rate	52.15	49.22
Travel and waiting hourly rate	27.60	27.6]

(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>F294</sup>£1,574.06].

**[<sup>F295</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	4.04	3.89
Duty Solicitor (Unsocial Hours)	5.35	5.14
<b>Preparation hourly rate</b>		
Own Solicitor and Duty Solicitor	52.15	49.22
Duty Solicitor (Unsocial Hours)	69.58	65.58
<b>Advocacy hourly rate</b>		
Own Solicitor and Duty Solicitor	61.92	61.92
Duty Solicitor (Unsocial Hours)	82.54	82.54
<b>Travel and waiting hourly rate</b>		
Own Solicitor and Duty Solicitor	27.60	27.60
Duty Solicitor (Unsocial Hours)	36.78	36.78

**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	7.87	7.87
Routine telephone calls per item	4.36	4.36
All other preparation work hourly rate	83.42	78.71
Attending counsel in conference or at the trial or hearing of any summons or application at court or other appointment, hourly rate	38.82	38.82

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	<i>London (£)</i>	<i>National (£)</i>
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	78.71	78.71
Travelling and waiting, hourly rate	34.89	34.89]

(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 [F296£1,574.06].

**[F297 Advocacy Assistance for armed forces custody hearings**

	<i>London (£)</i>	<i>National (£)</i>
<b>Routine letters written and telephone calls (per item)</b>		
Own Solicitor and Duty Solicitor	4.04	3.89
Duty Solicitor (Unsocial Hours)	5.35	5.14
<b>Preparation hourly rate</b>		
Own Solicitor and Duty Solicitor	52.15	49.22
Duty Solicitor (Unsocial Hours)	69.58	65.58
<b>Advocacy hourly rate</b>		
Own Solicitor and Duty Solicitor	61.92	61.92
Duty Solicitor (Unsocial Hours)	82.54	82.54
<b>Travel and waiting hourly rate</b>		
Own Solicitor and Duty Solicitor	27.60	27.60
Duty Solicitor (Unsocial Hours)	36.78	36.78]

(4) The fixed amounts and hourly rates for Advocacy Assistance in [F298magistrates' courts in connection with an application relating to police bail] are specified in the table following this sub-paragraph and this Unit of Work is subject to an Upper Limit of [F299£1,574.06].

**[F300 Advocacy Assistance in magistrates' courts in connection with an application relating to police bail**

	<i>London (£)</i>	<i>National (£)</i>
Routine letters written and telephone calls per item	4.26	4.09
Preparation hourly rate	55.14	52.15
Advocacy hourly rate	65.42	65.42
Travelling and waiting hourly rate	27.60	27.60]

**Textual Amendments**

- F292** Sum in Sch. 4 para. 3(1) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 4(2)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F293** Sch. 4 para. 3(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 4(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F294** Sum in Sch. 4 para. 3(2) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 4(4)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F295** Sch. 4 para. 3(2) Tables A, B substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 4(5)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F296** Sum in Sch. 4 para. 3(3) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 4(6)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F297** Sch. 4 para. 3(3) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 4(7)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F298** 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)
- F299** Sum in Sch. 4 para. 3(4) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 4(8)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F300** Sch. 4 para. 3(4) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 4(9)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**[<sup>F301</sup>Advice and Assistance for Pre-Charge Engagement **E+W****

**3A.**—(1) The hourly rates for advice and assistance for Pre-Charge Engagement are—

- (a) [<sup>F302</sup>£58.97] in London;
- (b) [<sup>F303</sup>£54.57] outside London.

(2) This Unit of Work is subject to an Upper Limit of [<sup>F304</sup>£314.81].]

**Textual Amendments**

- F301** Sch. 4 para. 3A inserted (7.6.2021) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/497), regs. 1(1), **2**
- F302** Sum in Sch. 4 para. 3A(1)(a) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 5(2)** (with reg. 3) (as

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amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**

**F303** Sum in Sch. 4 para. 3A(1)(b) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 5(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**F304** Sum in Sch. 4 para. 3A(2) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 5(4)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

### Advice and Assistance and Advocacy Assistance by a court Duty Solicitor and Advocacy Assistance at the virtual court **E+W**

4.—(1) The hourly rates for Advice and Assistance and Advocacy Assistance by a court Duty Solicitor are specified in the table following this sub-paragraph.

#### **[<sup>F305</sup> Advice and Assistance and Advocacy Assistance by a court Duty Solicitor**

	<i>London (£)</i>	<i>National (£)</i>
Standard hourly rate (attendance and waiting at a magistrates' court)	57.87	56.51
Enhanced hourly rate (only payable in respect of work done on a day which is not a Business Day)	72.30	70.62
Travelling hourly rate (only payable where the Duty Solicitor 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.	27.60	27.60]

Reasonable travel expenses may also be claimed (where relevant)).

(2) The Fixed Fees for Advocacy Assistance at the Virtual Court are specified in the table following this sub-paragraph.

#### **[<sup>F306</sup> Advocacy Assistance at the Virtual Court**

	<i>London (£)</i>	<i>National (£)</i>
Virtual Court Fixed Fee where the hearing is held during Business Hours	209.88	157.41
Virtual Court Fixed Fee where the hearing is held during Unsocial hours	251.85	188.89]

#### **Textual Amendments**

**F305** Sch. 4 para. 4(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 6(2)** (with reg. 3) (as amended (31.10.2022)

**Status:** Point in time view as at 31/10/2022.**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)

by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), 2(1))

**F306** Sch. 4 para. 4(2) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 6(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), 2(1))

## Representation in the Magistrates' Court **E+W**

5.—<sup>F307</sup>(A1) This paragraph does not apply where paragraph 5A applies.]

(1) The fixed amounts and hourly rates <sup>F308</sup>for representation in a magistrates' court <sup>F309</sup>...] for—

- (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.

### <sup>F310</sup>Representation in a magistrates' court

	<i>All Areas</i>
Routine letters written and telephone calls per item	£4.09
Preparation hourly rate	£52.15
Advocacy hourly rate (including applications for bail and other applications to the court)	£65.42
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£35.68
Travelling and waiting hourly rate (only claimable where the undesignated area fees apply)	£27.60]

(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>F311</sup>(except where paragraph 5A applies)].

### <sup>F312</sup>Higher and Lower Standard Fees Table

	<i>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	286.02	313.19	542.58	542.63
Category 1B	232.53	313.19	500.99	542.63
Category 2	397.14	538.02	831.85	896.59
<b>Undesignated Area Standard Fees</b>				
Category 1A	223.88	313.19	474.15	542.63
Category 1B	182.01	313.19	437.81	542.63
Category 2	321.37	538.02	737.08	896.59]

**Status:** Point in time view as at 31/10/2022.

**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) 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>F313</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>F314</sup>...relating to either way offences [<sup>F315</sup>or proceedings referred to in sub-paragraph (ia)] which are discontinued or withdrawn or where the prosecution offer no evidence; and
    - (iv) proceedings <sup>F314</sup>... relating to either way offences [<sup>F316</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>F317</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>F318</sup>... relating to summary offences which are discontinued or withdrawn or where the prosecution offer no evidence;
    - (iv) proceedings <sup>F318</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 [<sup>F319</sup>Chapter 1 of Part 2 of the Sentencing Code];
    - (vi) proceedings prescribed under regulation 9 of the Criminal Legal Aid (General) Regulations 2013 <sup>M30</sup>, except where the case was listed and fully prepared for a contested hearing to decide whether an order should be made; <sup>F320</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>M31</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>F321</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>F322</sup>(5) .....

<sup>F323</sup>(6) The fixed fee payable to a litigator in respect of a case sent for trial to the Crown Court is <sup>F324</sup>£208.61.]

### Textual Amendments

- F307** 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**)
- F308** 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)**
- F309** 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**)
- F310** Sch. 4 para. 5(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 7(2)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F311** 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)**
- F312** Sch. 4 para. 5(2) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 7(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F313** 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)**
- F314** 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))
- F315** 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)**
- F316** 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)**
- F317** 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)**
- F318** 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))
- F319** Words in Sch. 4 para. 5(3)(b)(v) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 416** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F320** 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))
- F321** 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))
- F322** 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))
- F323** Sch. 4 para. 5(6) inserted (19.10.2020) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903), regs. 1(3), **6** (with reg. 7)
- F324** Sum in Sch. 4 para. 5(6) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 7(4)** (with reg. 3) (as

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amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), 2(1)

**Marginal Citations**

**M30** [S.I. 2013/9.](#)

**M31** [1980 c. 43.](#)

**[<sup>F325</sup>Representation in proceedings relating to an injunction under Part 1 of the 2014 Act or related parenting order in any court E+W**

**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.

**[<sup>F326</sup>Representation in proceedings relating to an injunction under Part 1 of the 2014 Act or related parenting order in any court**

<i>All Areas</i>	
Routine letters written and telephone calls per item	£4.09
Preparation hourly rate	£52.15
Advocacy hourly rate (including applications for bail and other applications to the court)	£65.42
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£35.68]

(3) The table following this sub-paragraph sets out the fees and fee limits for representation in any court.

**[<sup>F327</sup>Higher and Lower Fees Table**

	<i>Lower fee (£)</i>	<i>Lower fee limit (£)</i>	<i>Higher fee (£)</i>	<i>Higher fee limit (£)</i>
Uncontested	182.01	313.19	437.81	542.63
Contested	321.37	538.02	737.08	896.59]

(4) The hourly rate for travelling and waiting in any court is [<sup>F328</sup>£27.60].]



**Textual Amendments**

- F325** Sch. 4 para. 5A inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(7)**
- F326** Sch. 4 para. 5A(2) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 8(2)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F327** Sch. 4 para. 5A(3) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 8(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F328** Sum in Sch. 4 para. 5A(4) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 8(4)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**Own client work** **E+W**

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>F329</sup>£55.14] per claim in London; and
- (b) [<sup>F329</sup>£52.15] per claim outside London (“National”).

(3) The Fixed Fee for Early Cover is [<sup>F330</sup>£78.71].

(4) The refused means test completion fee is [<sup>F331</sup>£26.23].

**[<sup>F332</sup>Work undertaken prior to a determination that an individual is not eligible for criminal legal aid**

<i>Column header</i>	<i>London (£)</i>	<i>National (£)</i>
Routine letters written and telephone calls per item	4.26	4.09
Preparation hourly rate	55.14	52.15
Advocacy (including applications for bail and other applications to the court) hourly rate	65.42	65.42
Travelling and waiting hourly rate (only applicable where the Undesignated Area fees apply)	N/A	27.60]

**Textual Amendments**

- F329** Sum in Sch. 4 para. 6(2) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 9(2)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)
- F330** Sum in Sch. 4 para. 6(3) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 9(3)** (with reg. 3) (as

**Status:** Point in time view as at 31/10/2022.

**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)

amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**F331** Sum in Sch. 4 para. 6(4) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 9(4)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**F332** Sch. 4 para. 6(4) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 9(5)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

### Representation in proceedings prescribed as criminal proceedings under section 14(h) of the Act **E+W**

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 magistrates' court [<sup>F333</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>F334</sup>£1,574.06].

#### <sup>F335</sup>Representation in Prescribed Proceedings in a Crown Court

	<i>London (£)</i>	<i>National (£)</i>
Routine letters written and telephone calls per item	4.26	4.09
Preparation hourly rate	55.14	52.15
Advocacy hourly rate	65.42	65.42
Travelling and waiting hourly rate	27.60	27.60]

(2) The fixed amounts and hourly rates for representation in the High Court [<sup>F336</sup>, the family court] or a county court in proceedings prescribed as criminal proceedings under section 14(h) of the Act [<sup>F337</sup>(except where paragraph 5A or paragraph 10 applies)] are specified in the table following this sub-paragraph [<sup>F338</sup>and this Unit of Work is subject to an Upper Limit of [<sup>F339</sup>£1,574.06]].

#### <sup>F340</sup>Representation in Prescribed Proceedings in the High Court, the family court or a county court

	<i>London (£)</i>	<i>National (£)</i>
Routine letters out per item	7.87	6.92
Routine telephone calls per item	4.36	3.83
All other preparation work hourly rate	78.71 (83.42 where Provider's office is in London)	69.26 (73.46 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	38.82	34.11
Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other	78.71	69.26

	London (£)	National (£)
application at court or other appointment – hourly rate		
Travelling and waiting hourly rate	34.89	30.65]

(3) The fees payable to Assigned Counsel for representation in the High Court [<sup>F341</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

- F333** 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)**
- F334** Sum in Sch. 4 para. 7(1) substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 10(2)** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F335** Sch. 4 para. 7(1) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 10(3)** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F336** 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)**
- F337** 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)**
- F338** 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)
- F339** Sum in Sch. 4 para. 7(2) substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 10(4)** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F340** Sch. 4 para. 7(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 10(5)** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F341** 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 **E+W**

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—

- <sup>F342</sup>£314.81] for Advice and Assistance on appeals against conviction or sentence; and
- <sup>F343</sup>£524.69] for Advice and Assistance on an application to the Criminal Cases Review Commission.

**Status:** Point in time view as at 31/10/2022.

**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>F344</sup> Advice and Assistance on an appeal against conviction or sentence or application to the Criminal Cases Review Commission**

	<i>London (£)</i>	<i>National (£)</i>
Routine letters written and routine telephone calls per item	4.04	3.89
Preparation hourly rate	52.15	49.22
Travel and waiting hourly rate	27.60	27.60]

**Textual Amendments**

**F342** Sum in Sch. 4 para. 8(a) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 11(2)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**F343** Sum in Sch. 4 para. 8(b) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 11(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**F344** Sch. 4 para. 8 table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 11(4)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**Representation on an appeal by way of case stated E+W**

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.

**[<sup>F345</sup> Representation on an appeal by way of case stated in the High Court**

	<i>High Court (£)</i>
Routine letters out per item	7.87
Routine telephone calls per item	4.36
All other preparation work – hourly rate	78.71 (83.42 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	38.82
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	78.71
Travel and waiting hourly rate	34.89]

(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

**F345** Sch. 4 para. 9(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 12** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

### 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 **E+W**

**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>F346</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>F347</sup>£1,574.06].

	<sup>F348</sup> London (£)	National (£)
Routine letters written and telephone calls per item	4.26	4.09
Preparation hourly rate	55.14	52.15
Advocacy hourly rate	65.42	65.42
Travelling and waiting hourly rate	27.60	27.60]

#### Textual Amendments

**F346** 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)**

**F347** Sum in Sch. 4 para. 10 substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 13(2)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

**F348** Sch. 4 para. 10 table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 13(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**)

### Advice and Assistance provided pursuant to a determination made under section 15 of the Act in Prison Law cases **E+W**

**11.**—(1) The Fixed Fee for Advice and Assistance in <sup>F349</sup>...Sentence Cases, Disciplinary Cases and Parole Board Cases is [<sup>F350</sup>£200.75] and the Escape Fee Threshold is [<sup>F351</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.

**Status:** Point in time view as at 31/10/2022.

**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>F352</sup>Hourly rates for determining whether Escape Fee Threshold reached**

	<i>All areas (£)</i>
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 [<sup>F353</sup>and Sentence 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>F354</sup>[<sup>F355</sup>Hourly rates in Disciplinary Cases and Sentence 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

**[<sup>F356</sup>Higher and Lower Standard Fees table for Disciplinary Cases and Sentence 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 sub-paragraph.

**[<sup>F357</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**

- F349** Words in Sch. 4 para. 11(1) omitted (2.12.2013) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2803\)](#), regs. 1, **3(6)** (with reg. 5(1))
- F350** 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)
- F351** 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)
- F352** 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)
- F353** Words in Sch. 4 para. 11(3) inserted (21.2.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2017 \(S.I. 2017/1319\)](#), regs. 1, **4(2)** (with reg. 5)
- F354** 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)
- F355** Words in Sch. 4 para. 11(3) table substituted (21.2.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2017 \(S.I. 2017/1319\)](#), regs. 1, **4(3)** (with reg. 5)
- F356** Words in Sch. 4 para. 11(3) table substituted (21.2.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2017 \(S.I. 2017/1319\)](#), regs. 1, **4(4)** (with reg. 5)
- F357** 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** **E+W**

- 12.**—(1) This paragraph applies to the fees payable to Assigned Counsel for—
- representation in a magistrates' court;
  - representation in the High Court<sup>[F358]</sup>, the family court] or a county court in proceedings prescribed as criminal proceedings under section 14(h) of the Act; and
  - 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.

**[F359] Payment for Assigned Counsel**

	<i>Junior Counsel (£)</i>		<i>Queen's Counsel (£)</i>	
	Maximum	amount	Maximum	amount
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).	491.05		4,664.40	
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)).	169.05		311.66	

**Subsidiary fees:**



**Status:** Point in time view as at 31/10/2022.

**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>Junior Counsel (£)</i>		<i>Queen's Counsel (£)</i>	
Attendance at consultations, conferences and views not covered by the basic fee or the refresher fee	30.69 – minimum	per hour amount	57.19 – minimum	per hour amount
	15.24		29.38	
Written work (on evidence, plea, appeal, cases stated or other written work).	Maximum	amount	Maximum	amount
	53.79		110.18	
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	Maximum	amount
	98.65		215.12]	

#### Textual Amendments

- F358** 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)**
- F359** Sch. 4 para. 12 table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 4 para. 14** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)

## [<sup>F360</sup>SCHEDULE 5 **E+W**

Regulation 16

### Experts' Fees and Rates

#### Textual Amendments

- F360** Sch. 5 substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 5** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(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	£115.92	£124.20
Accident reconstruction	£82.80	£62.56
Accountant	£73.60	£73.60
Accountant (general staff)	£46.00	£46.00
Accountant (manager)	£99.36	£99.36
Accountant (partner)	£132.48	£132.48
Anaesthetist	£124.20	£82.80
Architect	£91.08	£82.80
Back calculations	£165.50 fixed fee	£173.88 fixed fee
Benefit expert	£83	£83



**Status:** Point in time view as at 31/10/2022.**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>
Cardiologist	£132	£83
Cell telephone site analysis	£83	£83
Child psychiatrist	£124	£83
Child psychologist	£116	£83
Computer expert	£83	£83
Consultant engineer	£83	£63
Dentist	£108	£83
Dermatologist	£99	£83
Disability consultant	£63	£63
DNA (testing of sample)	£289.80 per test	£289.80 per test
DNA preparation of report	£83	£83
Doctor (GP)	£91	£83
Drug expert	£83	£83
Employment consultant	£63	£63
Enquiry agent	£29	£21
ENT surgeon	£116	£83
Facial Mapping	£124	£83
Fingerprint expert	£83	£43
Fire investigation	£83	£63
Firearm expert	£83	£83
Forensic scientist	£104	£83
General surgeon	£124	£83
Geneticist	£99	£83
GP (records report)	£57.96 fixed fee	£82.80 fixed fee
Gynaecologist	£124	£83
Haematologist	£112	£83
Handwriting expert	£83	£83
Interpreter	£32	£29
Lip reader/Signer	£66	£38
Mediator	£116	£116
Medical consultant	£124	£83
Medical microbiologist	£124	£83
Medical Report	£91	£83
Meteorologist	£116	£165.60 fixed fee

**Status:** Point in time view as at 31/10/2022.

**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>
Midwife	£83	£83
Neonatologist	£124	£83
Neurologist	£141	£83
Neuropsychiatrist	£145	£83
Neuroradiologist	£157	£83
Neurosurgeon	£157	£83
Nursing expert	£75	£75
Obstetrician	£124	£83
Occupational therapist	£63	£63
Oncologist	£129	£83
Orthopaedic surgeon	£132	£83
Paediatrician	£124	£83
Pathologist	£141	£496.80 fixed fee
Pharmacologist	£112.24	£82.80
Photographer	£29.44	£21.16
Physiotherapist	£74.52	£74.52
Plastic surgeon	£124.20	£82.80
Process server	£29.44	£21.16
Psychiatrist	£124.20	£82.80
Psychologist	£107.64	£82.80
Radiologist	£124.20	£82.80
Rheumatologist	£124.20	£82.80
Risk assessment expert	£57.96	£57.96
Speech therapist	£91.08	£82.80
Surgeon	£124.20	£82.80
Surveyor	£46.00	£46.00
Telecoms expert	£82.80	£82.80
Toxicologist	£124.20	£82.80
Urologist	£124.20	£82.80
Vet	£82.80	£82.80
Voice recognition	£107.64	£82.80]

[<sup>F361</sup>SCHEDULE 6 E+W

Regulation 12A

Fees in Very High Cost Cases

**Textual Amendments**

**F361** 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 E+W**

Interpretation and Application

**Interpretation E+W**

- 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.
- (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 E+W**

- 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.

**Status:** Point in time view as at 31/10/2022.

**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>F362</sup> 4. Part 4 of this Schedule applies to work done in a case which is the subject of a Very High Cost Case Contract—

- (a) signed by the parties on or after 30th September 2022; or
- (b) pursuant to any Task List agreed between the parties on or after 30th September 2022.]

#### Textual Amendments

**F362** Sch. 6 para. 4 inserted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 6 para. 1** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), 2(1))

## PART 2 **E+W**

**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	
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	

**Status:** Point in time view as at 31/10/2022.**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>
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

**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

**Status:** Point in time view as at 31/10/2022.**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)**PART 3 E+W****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	
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

**Status:** Point in time view as at 31/10/2022.**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>Preliminary hearing (£)</i>	<i>Half day (£)</i>	<i>Full day (£)</i>
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]

**[<sup>F363</sup>PART 4 E+W****Textual Amendments**

**F363** Sch. 6 Pt. 4 inserted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 6 para. 2** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)

**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	116.73	90.97	73.26	73.26	44.88

**Status:** Point in time view as at 31/10/2022.

**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> (£)
Level B	102.24	80.50	63.60	63.60	38.04
Level C	67.62	52.33	41.06	41.06	28.18
Pupil/Junior	36.23	28.98	24.15	24.15	
<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	
2 <sup>nd</sup> 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	
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
2 <sup>nd</sup> 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)**

	£
Level A	34.02
Level B	27.37



**Status:** Point in time view as at 31/10/2022.

**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)

	£
Level C	16.50

**Table 4**

**Travelling, waiting and mileage**

	£
Travelling (hourly rates)	28.75 (up to a maximum of 4 hours in one day)
Waiting (hourly rates)	28.75
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 31/10/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013.