

STATUTORY INSTRUMENTS

2013 No. 435

The Criminal Legal Aid (Remuneration) Regulations 2013

Interim payments in cases awaiting determination of fees

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

- (2) Entitlement to a payment arises in respect of a claim for fees by [^{F1}a trial] advocate, where—
- (a) the graduated fee claimed in accordance with Schedule 1 is £4,000 or more (exclusive of value added tax); and
 - (b) the claim for fees is for less than the amount mentioned in sub-paragraph (a) but is related to any claim for fees falling under sub-paragraph (a).

- (3) For the purposes of this regulation, the following claims for fees are related to each other—
- (a) the claims of [^{F2}trial] advocates acting in the same proceedings for a defendant; and
 - (b) the claims of any [^{F2}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) [^{F3}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 [^{F4}trial] advocate has submitted a claim for fees in accordance with regulation 4(3).

[^{F5}(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

- F1** 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)
- F2** 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)

Status: Point in time view as at 05/05/2015. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, Section 18. (See end of Document for details)

- F3** 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)
- F4** 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)
- F5** 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)

Status:

Point in time view as at 05/05/2015. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, Section 18.