

## SCHEDULE 1

Regulation 4

### Advocates' Graduated Fee Scheme

## PART 1

### Definitions and Scope

#### Interpretation

**1.—(1)** In this Schedule—

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

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

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

- (a) a plea and case management hearing takes place 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 plea and case management hearing; or
    - (bb) in respect of one or more counts which did not proceed, the prosecution did not, before or at the plea and case management hearing, declare an intention of not proceeding with them; or
- (b) the case is listed for trial without a plea and case management hearing taking place;

“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;

**F1**  
...

“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;

“standard appearance” means an appearance by the trial advocate or substitute advocate in any of the following hearings which do not form part of the main hearing—

- (a) a plea and case management hearing, except the first plea and case management hearing;
- (b) a pre-trial review;
- (c) the hearing of a case listed for plea which is adjourned for trial;
- (d) any hearing (except a trial, a plea and case management hearing, a pre-trial review or a hearing referred to in paragraph 2(1)(b)) which is listed but cannot proceed because

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of the failure of the assisted person or a witness to attend, the unavailability of a presentence report or other good reason;

- (e) custody time limit applications;
- (f) bail and other applications (except where any such applications take place in the course of a hearing referred to in paragraph 2(1)(b));
- (g) the hearing of the case listed for mention only, including applications relating to the date of the trial (except where an application takes place in the course of a hearing referred to in paragraph 2(1)(b));
- (h) a sentencing hearing other than one falling within paragraph 2(1)(b)(ii), paragraph 15(1) or paragraph 34;
- (i) a preliminary hearing; or
- (j) a hearing, whether contested or not, relating to breach of bail, failure to surrender to bail or execution of a bench warrant,

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

“substitute advocate” means an advocate who is not an instructed advocate or the trial advocate but who undertakes work on the case; <sup>F2</sup> ...

<sup>F1</sup>  
...

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

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

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

which form part of the committal or 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 committal for trial, the appropriate officer must determine the number of pages of prosecution evidence in accordance with sub-paragraphs (2) to (5) or as nearly in accordance with those sub-paragraphs as possible as the nature of the case permits.

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

### Textual Amendments

- F1** 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)
- F2** 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)

### Application

- 2.—**(1) Subject to sub-paragraphs (2) to (11), this Schedule applies to—
- (a) every case on indictment; and
  - (b) the following proceedings in the Crown Court—
    - (i) an appeal against conviction or sentence;
    - (ii) a sentencing hearing following a committal for sentence to the Crown Court; and
    - (iii) proceedings arising out of an alleged breach of an order of the Crown Court (whether or not this Schedule applies to the proceedings in which the order was made).
- (2) Sub-paragraphs (3) and (4) apply where, following a trial, an order is made for a new trial and the same trial advocate appears at both trials where—
- (a) the defendant is an assisted person at both trials; or
  - (b) the defendant is an assisted person at the new trial only; or
  - (c) the new trial is a cracked trial or guilty plea.
- (3) Subject to sub-paragraph (4), in respect of a new trial, or if the trial advocate so elects, in respect of the first trial, the graduated fee payable to the trial advocate must be calculated in accordance with Part 2 or Part 3, as appropriate, except that the fee must be reduced by—
- (a) 30%, where the new trial started within one month of the conclusion of the first trial;
  - (b) 20%, where the new trial did not start within one month of the conclusion of the first trial;
  - (c) 40%, where the new trial becomes a cracked trial or guilty plea within one month of the conclusion of the first trial; or
  - (d) 25% where the new trial becomes a cracked trial or guilty plea more than one month after the conclusion of the first trial.
- (4) Where—
- (a) in relation to the first trial, the case was committed or sent for trial to the Crown Court on the election of a defendant where the magistrates' court had determined the case to be suitable for summary trial; and
  - (b) the new trial becomes a cracked trial or guilty plea,
- the fee payable to the trial advocate must be—
- (i) the graduated fee calculated in accordance with Part 2, in respect of the first trial; and
  - (ii) the fixed fee set out in paragraph 10 in respect of the new trial.
- (5) Sub-paragraphs (6) and (7) apply in the circumstances set out in sub-paragraph (2) but where a different trial advocate appears for the assisted person at each trial.
- (6) Subject to sub-paragraph (7), in respect of each trial, the graduated fee payable to the trial advocate must be calculated in accordance with Part 2 or Part 3 as appropriate.
- (7) Where—

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- (a) in relation to the first trial, the case was committed or sent for trial to the Crown Court on the election of a defendant where the magistrates' court had determined the case to be suitable for summary trial; and
- (b) the new trial becomes a cracked trial or guilty plea,
- the fee payable to the trial advocate at the first trial must be the graduated fee, calculated in accordance with Part 2 and the fee payable to the trial advocate at the new trial must be the fixed fee set out in paragraph 10.
- (8) Where following a case on indictment a Newton hearing takes place—
- (a) for the purposes of this Schedule the case is to be treated as having gone to trial;
- (b) the length of the trial is to be taken to be the combined length of the main hearing and the Newton hearing;
- (c) the provisions of this Schedule relating to cracked trials and guilty pleas do not apply; and
- (d) no fee is payable under paragraph 15 in respect of the Newton hearing.
- (9) Sub-paragraph (10) applies where proceedings are—
- (a) sent for trial to the Crown Court; or
- (b) transferred to the Crown Court under—
- (i) section 4 of the Criminal Justice Act 1987 <sup>M1</sup> (transfer of serious fraud cases); or
- (ii) section 53 of the Criminal Justice Act 1991 <sup>M2</sup> (transfer of certain cases involving children).
- (10) Where, at any time after proceedings are sent or transferred to the Crown Court as referred to in sub-paragraph (9), they are—
- (a) discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985 <sup>M3</sup> (discontinuance of proceedings after accused has been sent for trial); or
- (b) dismissed pursuant to—
- (i) paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 <sup>M4</sup> (applications for dismissal);
- (ii) section 6 of the Criminal Justice Act 1987 (applications for dismissal); or
- (iii) paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (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 the plea and case management hearing 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.

#### Marginal Citations

**M1** 1987 c. 38. Section 4 was repealed by the [Criminal Justice Act 2003 \(c. 44\)](#), sections 41, 332, [Schedule 3, Part 2, Paragraphs 58\(1\) and \(2\)](#) and Schedule 37, Part 4, which repeal is in force for certain purposes and will take effect in full from a date to be appointed.

**M2** 1991 c. 53. Section 53 was repealed by the [Criminal Justice Act 2003 \(c. 44\)](#), sections 41, 332, [Schedule 3, Part 2, Paragraphs 62\(1\) and \(2\)](#) and Schedule 37, Part 4, which repeal is in force for certain purposes and will take effect in full from a date to be appointed.

- M3** 1985 c. 23. Section 23A was inserted by section 119 of the [Crime and Disorder Act 1998 \(c. 37\)](#).  
**M4** 1998 c. 37.

### Class of Offences

- 3.—(1) For the purposes of this Schedule—
- (a) every indictable offence falls within the Class under which it is listed in the Table of Offences and, subject to sub-paragraph (2), indictable offences not specifically so listed are deemed to fall within Class H;
  - (b) conspiracy to commit an indictable offence contrary to section 1 of the Criminal Law Act 1977 <sup>M5</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>M6</sup> (attempting to commit an offence) fall within the same Class as the substantive offence to which they relate;
  - (c) where the Table of Offences specifies that the Class within which an offence falls depends on whether the value involved exceeds a stated limit, the value must be presumed not to exceed that limit unless the advocate making the claim under regulation 4 proves otherwise to the satisfaction of the appropriate officer;
  - (d) where more than one count of the indictment is for an offence in relation to which the Class depends on the value involved, that value must be taken to be the total value involved in all those offences, but where two or more counts relate to the same property, the value of that property must be taken into account once only;
  - (e) where an entry in the Table of Offences specifies an offence as being contrary to a statutory provision, then subject to any express limitation in the entry that entry includes every offence contrary to that statutory provision whether or not the words of description in the entry are appropriate to cover all such offences;
  - (f) where in a case on indictment there is a hearing to determine the question of whether an assisted person is unfit to plead or unfit to stand trial, the trial advocate must elect whether that hearing falls within the same Class as the indictable offence to which it relates or within Class D; and
  - (g) where in a case on indictment a restriction order is made under section 41 of the Mental Health Act 1983 <sup>M7</sup> (power of higher courts to restrict discharge from hospital), the offence falls within Class A, regardless of the Class under which the offence would be listed in the Table of Offences but for this paragraph.
- (2) Where an advocate in proceedings in the Crown Court is dissatisfied with the classification within Class H of an indictable offence not listed in the Table of Offences, the advocate may apply to the appropriate officer when lodging the claim for fees to reclassify the offence.
- (3) The appropriate officer must, in light of the objections made by the advocate—
- (a) confirm the classification of the offence within Class H; or
  - (b) reclassify the offence,
- and must notify the advocate of the decision.

#### Marginal Citations

- M5** 1977 c. 45.  
**M6** 1981 c. 47.  
**M7** 1983 c. 20.

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**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

## PART 2

### Graduated Fees for Trial

#### Calculation of Graduated Fees

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

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

Where—

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

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

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

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

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

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

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

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

#### Table of fees

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

**Table of Fees and Uplifts**

<i>Class of Offence</i>	<i>Basic Fee (B)</i>	<i>Daily Attendance Fee (D)</i>	<i>Evidence Uplift (E)</i>	<i>Witness Uplift (W)</i>
	(£)	(£)	(£)	(£)
QC				
A	2,856	979	1.63	6.53
B	2,529	857	1.63	6.53
C	1,968	816	1.63	6.53
D	2,284	816	1.63	6.53
E	1,514	612	1.63	6.53
F	1,514	612	1.63	6.53
G	1,514	612	1.63	6.53

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H	1,903	816	1.63	6.53
I	2,122	816	1.63	6.53
J	2,856	979	1.63	6.53
K	2,856	979	1.63	6.53
Leading Junior				
A	2,142	734	1.23	4.90
B	1,897	643	1.23	4.90
C	1,476	612	1.23	4.90
D	1,714	612	1.23	4.90
E	1,136	459	1.23	4.90
F	1,136	459	1.23	4.90
G	1,136	459	1.23	4.90
H	1,427	612	1.23	4.90
I	1,592	612	1.23	4.90
J	2,142	734	1.23	4.90
K	2,142	734	1.23	4.90
Led Junior				
A	1,632	490	0.81	3.26
B	1,265	428	0.81	3.26
C	898	408	0.81	3.26
D	1,125	408	0.81	3.26
E	694	306	0.81	3.26
F	694	306	0.81	3.26
G	694	306	0.81	3.26
H	816	408	0.81	3.26
I	979	408	0.81	3.26
J	1,632	490	0.81	3.26
K	1,428	490	0.81	3.26
Junior Alone				
A	1,632	530	0.98	4.90
B	1,305	469	0.98	4.90
C	898	408	0.98	4.90
D	1,125	408	0.98	4.90
E	653	326	0.98	4.90
F	694	326	0.98	4.90
G	694	326	0.98	4.90

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H	816	408	0.98	4.90
I	979	408	0.98	4.90
J	1,632	530	0.98	4.90
K	1,632	530	0.98	4.90

## PART 3

### Graduated Fees for Guilty Pleas and Cracked Trials

#### Scope of Part 3

[<sup>F3</sup>6.—(1) Subject to sub-paragraph (2) and to paragraph 22, this Part does not apply 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 a summary trial.

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

#### Textual Amendments

**F3** Sch. 1 para. 6 substituted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(6)(a)** (with reg. 3)

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

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

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

(2) Where—

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

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

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



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

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

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

### Tables of fees

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

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

<i>Class of Offence</i>	<i>Basic Fee (£)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 1,000) (£)</i>	<i>Evidence uplift per page of prosecution evidence (1,001 to 10,000) (£)</i>
QC			
A	1,714	2.85	1.43
B	1,305	1.8	0.90
C	1,224	1.28	0.64
D	1,305	2.85	1.43
E	1,081	0.92	0.46
F	1,081	1.20	0.61
G	1,081	1.20	0.61
H	1,224	1.65	0.82
I	1,224	1.61	0.80
J	1,714	2.85	1.43
K	1,714	1.59	0.80
Leading Junior			
A	1,285	2.15	1.07
B	979	1.35	0.67
C	918	0.96	0.48
D	979	2.15	1.07
E	811	0.69	0.35
F	811	0.90	0.46

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G	811	0.90	0.46
H	918	1.24	0.61
I	918	1.21	0.60
J	1,285	2.15	1.07
K	1,285	1.19	0.60
Led Junior			
A	857	1.43	0.72
B	653	0.90	0.45
C	612	0.64	0.32
D	653	1.43	0.72
E	541	0.46	0.23
F	541	0.61	0.30
G	541	0.61	0.30
H	612	0.83	0.42
I	612	0.80	0.40
J	857	1.43	0.72
K	857	0.80	0.40
Junior Alone			
A	979	1.19	0.59
B	694	0.81	0.41
C	449	0.60	0.30
D	694	1.19	0.59
E	408	0.35	0.17
F	408	0.54	0.27
G	408	0.54	0.27
H	490	0.54	0.28
I	571	0.42	0.22
J	979	1.19	0.59
K	979	1.02	0.51

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

<i>Class of Offence</i>	<i>Basic Fee (£)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 250) (£)</i>	<i>Evidence uplift per page of prosecution evidence (pages 251 to 1,000) (£)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000) (£)</i>
QC				

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A	2,324	5.07	1.27	1.68
B	1,743	3.20	0.80	1.06
C	1,520	2.27	0.57	0.75
D	1,743	5.07	1.27	1.68
E	1,232	1.63	0.41	0.54
F	1,232	2.14	0.54	0.71
G	1,232	2.14	0.54	0.71
H	1,540	2.93	0.73	0.96
I	1,598	2.87	0.71	0.94
J	2,324	5.07	1.27	1.68
K	2,324	2.83	0.71	0.94
Leading Junior				
A	1,744	3.80	0.95	1.26
B	1,307	2.40	0.60	0.80
C	1,140	1.70	0.43	0.56
D	1,307	3.80	0.95	1.26
E	924	1.22	0.31	0.41
F	924	1.60	0.41	0.53
G	924	1.60	0.41	0.53
H	1,155	2.20	0.54	0.72
I	1,198	2.14	0.53	0.71
J	1,744	3.80	0.95	1.26
K	1,744	2.13	0.53	0.71
Led Junior				
A	1,162	2.54	0.64	0.84
B	871	1.60	0.40	0.53
C	760	1.14	0.28	0.37
D	871	2.54	0.64	0.84
E	616	0.82	0.20	0.27
F	616	1.07	0.27	0.36
G	616	1.07	0.27	0.36
H	770	1.46	0.37	0.48
I	798	1.43	0.36	0.48
J	1,162	2.54	0.64	0.84
K	1,162	1.42	0.36	0.47
Junior Alone				

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A	1,307	4.52	2.10	0.69
B	908	3.11	1.45	0.48
C	581	2.31	1.07	0.36
D	808	4.52	2.10	0.69
E	508	1.34	0.63	0.20
F	508	2.08	0.96	0.32
G	508	2.08	0.96	0.32
H	618	2.08	0.97	0.32
I	726	1.63	0.76	0.25
J	1,307	4.52	2.10	0.69
K	1,234	3.91	1.82	0.60

## PART 4

### Fixed Fee for Guilty Pleas and Cracked Trials

#### Scope of Part 4

[<sup>F4</sup>9.—(1) Subject to sub-paragraph (2), this Part applies 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.

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

#### Textual Amendments

**F4** Sch. 1 para. 9 substituted (2.10.2014) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2014 \(S.I. 2014/2422\)](#), regs. 1(1), **2(6)(b)** (with reg. 3)

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

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

## PART 5

### Fixed Fees

#### General provisions

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

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

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

### **Fees for plea and case management hearings and standard appearances**

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

- (a) an appearance by the trial advocate or substitute advocate at the first plea and case management hearing or pre-trial review; and
- (b) up to four standard appearances by the trial advocate or substitute advocate,

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

(2) The fee payable in respect of an appearance by the trial advocate or substitute advocate at a plea and case management hearing or standard appearance not included in sub-paragraph (1) is specified in the table following paragraph 24 as appropriate to the category of trial advocate or substitute advocate.

(3) The fee payable for preparing and filing the plea and case management questionnaire where no oral hearing takes place is specified in the table following paragraph 24 as appropriate to the category of trial advocate or substitute advocate.

(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.

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

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

- (a) the hearing of an application to stay the case on indictment or any count on the ground that the proceedings constitute an abuse of the process of the court;
- (b) any hearing relating to the question of whether any material should be disclosed by the prosecution to the defence or the defence to the prosecution (whether or not any claim to public interest immunity is made);
- (c) the hearing of an application under section 2(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965<sup>M8</sup> (issue of witness summons on application to Crown Court) for disclosure of material held by third parties;
- (d) any hearing relating to the question of the admissibility as evidence of any material; and
- (e) the hearing of an application to withdraw a plea of guilty where the application is—
  - (i) made by an advocate other than the advocate who appeared at the hearing at which the plea of guilty was entered; and
  - (ii) unsuccessful.

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

(3) Where a hearing to which this paragraph applies is held prior to the first or only day of the main hearing, it is not included in the length of the main hearing for the purpose of calculating the

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fees payable and the trial advocate or substitute advocate must be remunerated for attendance at such a hearing—

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

#### Marginal Citations

**M8** 1965 c 69.

#### Fees for confiscation hearings

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

- (a) a hearing under Part 2 of the Proceeds of Crime Act 2002 <sup>M9</sup> (confiscation: England and Wales);
- (b) a hearing under section 2 of the Drug Trafficking Act 1994 <sup>M10</sup> (confiscation orders); and
- (c) a hearing under section 71 of the Criminal Justice Act 1988 <sup>M11</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,

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as appropriate to the category of trial advocate or substitute advocate.

### Fees for confiscation hearings

	<i>Fee for QC (£)</i>	<i>Fee for Leading Junior (£)</i>	<i>Fee for Junior Alone (£)</i>	<i>Fee for Led Junior (£)</i>
1. Daily and half daily rates				
Half daily rate	260	195	130	130
Daily rate	497	346	238	238
2. Pages of evidence				
51-250	649	541	433	324
251-500	973	811	649	486
501-750	1,298	1,081	865	649
751-1000	1,946	1,622	1,298	973
3. Preparation				
hourly rates	74	56	39	39

(3) In sub-paragraph (2) “evidence” means—

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

#### Marginal Citations

**M9** 2002 c 29.

**M10** 1994 c. 37.

**M11** 1988 c. 33.

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### Fees for sentencing hearings

**15.**—(1) This paragraph applies to a sentencing hearing following a case on indictment to which this Schedule applies, where sentence has been deferred under section 1 of the Powers of Criminal Courts (Sentencing) Act 2000<sup>M12</sup> (deferment of sentence).

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

#### Marginal Citations

M12 2000 c. 6.

### Fees for ineffective trials

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

### Fees for special preparation

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

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

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

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

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

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



(4) Any claim for a special preparation fee under this paragraph must be made by [<sup>F5</sup>a trial] advocate, whether or not [<sup>F6</sup>the trial] advocate did the work claimed for.

(5) [<sup>F7</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>F8</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

- F5** 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)
- F6** 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)
- F7** 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)
- F8** Sch. 1 para. 17(7) inserted (5.5.2015) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882), regs. 1, 2(16)(b) (with reg. 3)

#### Fees for wasted preparation

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

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

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

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

(3) The amount of the wasted preparation fee must be calculated from the number of hours of preparation reasonably carried out by the trial advocate, using the hourly fee rates set out in the table

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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>F9</sup>a trial] advocate, whether or not [<sup>F10</sup>the trial] advocate did the work claimed for.

(5) [<sup>F11</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>F12</sup>... advocate was prevented from representing the assisted person and of the number of hours of preparation.

[<sup>F13</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

- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** Sch. 1 para. 18(6) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(c)(ii)** (with reg. 3)

#### Fees for conferences and views

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

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

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

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

- (a) for trials lasting not less than 21 and not more than 25 days, and cracked trials where it was accepted by the court at the plea and case management hearing 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 the plea and case management hearing 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 the plea and case management hearing 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.

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

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

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

(3) Where—

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

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

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

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

- (a) a fee for preparation including, where appropriate, the first day of the hearing including, where they took place on that day—
  - (i) short conferences;
  - (ii) consultations;
  - (iii) applications and appearances (including bail applications);

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- (iv) views at the scene of the alleged offence; and
- (v) any other preparation;
- (b) a refresher fee for any day or part of a day for which a hearing continued, including, where they took place on that day—
  - (i) short conferences;
  - (ii) consultations;
  - (iii) applications and appearances (including bail applications);
  - (iv) views at the scene of the alleged offence; and
  - (v) any other preparation; and
- (c) subsidiary fees for—
  - (i) attendance at conferences, consultations and views at the scene of the alleged offence not covered by paragraph (a) or (b);
  - (ii) written advice on evidence, plea, appeal, case stated or other written work; and
  - (iii) attendance at applications and appearances (including bail applications and adjournments for sentence) not covered by paragraph (a) or (b).

### **Fees for contempt proceedings**

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

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

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

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

### **Discontinuance or dismissal of sent or transferred proceedings**

- 22.**—(1) This paragraph applies to proceedings which are—
- (a) sent for trial to the Crown Court; or
  - (b) transferred to the Crown Court under—
    - (i) section 4 of the Criminal Justice Act 1987 (transfer of serious fraud cases); or
    - (ii) section 53 of the Criminal Justice Act 1991 (transfer of certain cases involving children).

(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>M13</sup> the advocate must be paid 50% of the basic fee (B) for a guilty plea, as specified in the table following paragraph 8 as appropriate to the offence for which the assisted person is charged and the category of advocate.

(3) Where proceedings referred to in sub-paragraph (1) are discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985 (discontinuance of proceedings after accused has been sent for trial) at any time after the prosecution serves its evidence in accordance with the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005, the advocate must be paid a graduated fee calculated in accordance with paragraph 7, as appropriate for representing an assisted person in a guilty plea.

(4) Sub-paragraph (5) applies to—

- (a) a plea and case management hearing that takes place after the prosecution serves its evidence; and
- (b) any other hearing that takes place before a plea and case management hearing has taken place but after the prosecution has served its evidence.

(5) Where, at a hearing to which this sub-paragraph applies—

- (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 graduated fee calculated in accordance with paragraph 7, as appropriate for representing an assisted person in a guilty plea.

(6) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998, section 6 of the Criminal Justice Act 1987 or paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (applications for dismissal), the advocate must be remunerated for attendance at the hearing of the application for dismissal—

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

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

(7) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998, section 6 of the Criminal Justice Act 1987 or paragraph 5 of Schedule 6 to the Criminal Justice Act 1991, and—

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

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

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

- (a) the fee specified in sub-paragraph (2) where that sub-paragraph applies; or

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(b) the basic fee (B) specified in the table following paragraph 8 where sub-paragraph (3), (4) or (5) applies, as appropriate for the circumstances set out in the relevant sub-paragraph, in respect of each additional assisted person the advocate represents.

#### Marginal Citations

**M13** S.I. 2005/902 as amended by S.I. 2012/1345.

#### Noting brief fees

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

#### Fixed fees

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

#### Fixed Fees

<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Fee for QC (£)</i>	<i>Fee for Leading Junior (£)</i>	<i>Fee for Led Junior or Junior alone (£)</i>
Standard appearance	12(2)	173 per day	130 per day	87 per day
Paper plea and case management	12(3)	26 per case	26 per case	26 per case
Abuse of process hearing	13(1)(a) and 13(3)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Hearings relating to disclosure	13(1)(b), 13(1)(c) and 13(3)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Hearings relating to the admissibility of evidence	13(1)(d) and 13(3)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Hearings on withdrawal of guilty plea	13(1)(e) and 13(3)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Deferred sentencing hearing	15(2)	324 per day	238 per day	173 per day
Ineffective trial payment	16	281 per day	195 per day	130 per day
Special preparation	17	74 per hour	56 per hour	39 per hour
Wasted preparation	18	74 per hour	56 per hour	39 per hour
Conferences and views	19	74 per hour	56 per hour	39 per hour
Appeals to the Crown Court against conviction	20(1)	260 per day	195 per day	130 per day

Appeals to the Crown Court against sentence	20(1)	216 per day	151 per day	108 per day
Proceedings relating to breach of an order of the Crown Court	20(1)	216 per day	151 per day	108 per day
Committal for sentence	20(1)	260 per day	195 per day	130 per day
Adjourned appeals, committals for sentence and breach hearings	20(2)	173 per day	130 per day	87 per day
Bail applications, mentions and other applications in appeals, committals for sentence and breach hearings	20(3)	173 per day	130 per day	87 per day
Second and subsequent days of an application to dismiss	22(6)	260 half day 497 full day	195 half day 346 full day	130 half day 238 full day
Noting brief	24			108 per day
Hearing for mitigation of sentence	34	260 per day	173 per day	108 per day

## PART 6

### Miscellaneous

#### Identity of instructed advocate

**25.**—(1) Where an instructed advocate is appointed before the plea and case management hearing, 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 the plea and case management hearing 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 the plea and case management hearing—

- (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) the plea and case management hearing; or

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**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

(b) where no leading advocate attends the plea and case management hearing, 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) the plea and case management hearing; or
- (b) where no led advocate attends the plea and case management hearing, 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 the plea and case management hearing 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 the plea and case management hearing 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 plea and case management 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.

### Payment of fees to instructed advocate

**26.**—(1) In accordance with regulation 23 the appropriate officer must notify each [F14] advocate of the total fees payable and authorise payment to the [F14] advocate accordingly.

(2) Payment of the fees in accordance with sub-paragraph (1) must be made to each [F14] advocate.

(3) Where the section 16 determination provides for representation by a single advocate, the [F14] advocate is responsible for arranging payment of fees to the [F15] instructed advocate and any substitute advocate who has undertaken work on the case.

(4) Where there are two [F14] advocates for an assisted person, payment must be made to each [F14] advocate individually, and—

- (a) the leading [F14] advocate is responsible for arranging payment of fees to the [F15] 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 [F14] advocate is responsible for arranging payment of fees to the [F15] instructed advocate and any substitute advocate who have undertaken work on the case of a type for which a led advocate is responsible.

[F16](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

- F14** 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)
- F15** 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)
- F16** Sch. 1 para. 26(4A) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(d)(ii)** (with reg. 3)

### Additional charges and additional cases

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

(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;

*Status: Point in time view as at 05/05/2015.*

*Changes to legislation: There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)*

- (b) in respect of the main hearing in each of the other cases the trial advocate must be paid a fixed fee of 20% of—
  - (i) the basic fee (B) specified in the table following paragraph 5 or that following paragraph 8, as appropriate, for the principal case, where that is a case falling within paragraph 2(1)(a); or
  - (ii) the fixed fee for the principal case, where that is a case falling within paragraph 2(1)(b) or paragraph 10.
- (3) Nothing in sub-paragraphs (4) to (6) permits a fixed fee under Part 5, other than one to which paragraph 14 applies, to be paid in a case to which Part 4 applies.
- (4) Where a trial advocate or substitute advocate appears at a hearing specified in paragraph 12, 13, 14, 15 or 16, forming part of two or more cases involving different assisted persons, the trial advocate or substitute advocate must be paid—
  - (a) in respect of the first such case, the fixed fee for that hearing specified in the table following paragraph 24; and
  - (b) in respect of each of the other cases, 20% of that fee.
- (5) Subject to sub-paragraphs (1) to (4), where a trial advocate or substitute advocate appears at a hearing forming part of two or more cases, the trial advocate or substitute advocate must be paid the fixed fee for that hearing specified in the table following paragraph 24 in respect of one such case, without any increase in respect of the other cases.
- (6) Where a trial advocate selects—
  - (a) one offence, in preference to another offence, under sub-paragraph (1); or
  - (b) one case as the principal case, in preference to another case, under sub-paragraph (2),that selection does not affect the trial advocate's right to claim any of the fees set out in the table following paragraph 24 to which the trial advocate would otherwise have been entitled.

### **Multiple advocates**

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

### **Non-local appearances**

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

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

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

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

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

**Status:** Point in time view as at 05/05/2015.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

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

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

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

- (a) if a trial on indictment is held, or continues, at any time thereafter, the length of the fitness hearing is included in determining the length of the trial for the calculation of the graduated fee in accordance with Part 2 or Part 3;
- (b) if a trial on indictment is not held, or does not continue, thereafter by reason of the assisted person being found unfit to plead or to stand trial, the trial advocate must be paid—
  - (i) a graduated fee calculated in accordance with paragraph 4 as appropriate to the combined length of—
    - (aa) the fitness hearing; and
    - (bb) any hearing under section 4A of the Criminal Procedure (Insanity) Act 1964 <sup>M14</sup> (finding that the accused did the act or made the omission charged against him); or
  - (ii) a graduated fee calculated in accordance with paragraph 7 as appropriate for representing an assisted person in a cracked trial,
 whichever the trial advocate elects; and
- (c) if at any time the assisted person pleads guilty to the indictable offence, the trial advocate must be paid either—
  - (i) a graduated fee calculated in accordance with paragraph 4 as appropriate to the length of the fitness hearing; or
  - (ii) a graduated fee calculated in accordance with paragraph 7 as appropriate for representing an assisted person in a guilty plea,
 whichever the trial advocate elects.

**Marginal Citations**

**M14** 1964 c. 84, as amended by section 2 of the [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25\)](#) and section 22 of the [Domestic Violence Crime and Victims Act 2004 \(c. 28\)](#).

**Cross examination of witness**

**32.**—(1) Where in any case on indictment an advocate is retained solely for the purpose of cross-examining a witness under section 38 of the Youth Justice and Criminal Evidence Act 1999 <sup>M15</sup> (defence representation for purposes of cross-examination), the advocate must be paid a graduated fee calculated in accordance with paragraph 4.

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

**Marginal Citations**

**M15** 1999 c. 23.

**Provision of written or oral advice**

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

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

**Mitigation of sentence**

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

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

## PART 7

### Table of Offences

<i>Offence</i>	<i>Contrary to</i>	<i>Year and Chapter</i>
Class A: Homicide and related grave offences		

**Status:** Point in time view as at 05/05/2015.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

Murder	Common law	
Manslaughter	Common law	
Soliciting to commit murder	Offences against the Person Act 1861, s.4	1861 c. 100
Child destruction	Infant Life (Preservation) Act 1929, s.1(1)	1929 c. 34
Infanticide	Infanticide Act 1938, s.1(1)	1938 c. 36
Causing explosion likely to endanger life or property	Explosive Substances Act 1883, s.2	1883 c. 3
Attempt to cause explosion, making or keeping explosives etc.	Explosive Substances Act 1883, s.3	As above
Class B: Offences involving serious violence or damage, and serious drug offences		
Endangering the safety of an aircraft	Aviation Security Act 1982, s.2(1)(b)	1982 c. 36
Racially aggravated arson (not endangering life)	Crime and Disorder Act 1998, s.30(1)	1998 c. 37
Kidnapping	Common law	
False imprisonment	Common law	
Aggravated criminal damage	Criminal Damage Act 1971, s.1(2)	1971 c. 48
Aggravated arson	Criminal Damage Act 1971, s.1(2), (3)	As above
Arson (where value exceeds £30,000)	Criminal Damage Act 1971, s.1(3)	As above
Possession of firearm with intent to endanger life	Firearms Act 1968, s.16	1968 c. 27
Use of firearm to resist arrest	Firearms Act 1968, s.17	As above
Possession of firearm with criminal intent	Firearms Act 1968, s.18	As above
Possession or acquisition of certain prohibited weapons etc.	Firearms Act 1968, s.5	As above
Aggravated burglary	Theft Act 1968, s.10	1968 c. 60
Armed robbery	Theft Act 1968, s.8(1)	As above
Assault with weapon with intent to rob	Theft Act 1968, s.8(2)	As above
Blackmail	Theft Act 1968, s.21	As above
Riot	Public Order Act 1986, s.1	1986 c. 64
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 Act 1990, s.12 (International Co-operation)	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

**Status:** Point in time view as at 05/05/2015.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

Practitioner contravening drug supply regulations	Misuse of Drugs Act 1971, 1971 c. 38 ss. 12, 13
Cultivation of cannabis plant	Misuse of Drugs Act 1971, As above s.6
Occupier knowingly permitting drugs offences etc.	Misuse of Drugs Act 1971, As above s.8
Activities relating to opium	Misuse of Drugs Act 1971, As above s.9
Drug trafficking offences at sea	Criminal Justice 1990 c. 5 (International Co-operation) Act 1990, s.18
Firing on Revenue vessel	Customs and Excise 1979 c. 2 Management Act 1979, s.85
Making or possession of explosive in suspicious circumstances	Explosive Substances Act 1883 c. 3 1883, s.4(1)
Causing bodily injury by explosives	Offences against the Person 1861 c. 100 Act 1861, s.28
Using explosive or corrosives with intent to cause grievous bodily harm	Offences against the Person As above Act 1861, s.29
Hostage taking	Taking of Hostages Act 1982 c. 28 1982, s.1
Offences against international protection of nuclear material	Nuclear Material (Offences) 1983 c. 18 Act 1983, s.2
Placing explosives with intent to cause bodily injury	Offences against the Person 1861 c. 100 act 1861, s.30
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, As above ss.16-18
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 c. 29 2002, s.327



Involvement in arrangements facilitating the acquisition, retention, use or control of criminal property	Proceeds of Crime Act 2002, s.328	As above
Acquisition, use or possession of criminal property	Proceeds of Crime Act 2002, s.329	As above
Failure to disclose knowledge or suspicion of money laundering: regulated sector	Proceeds of Crime Act 2002, s.330	As above
Failure to disclose knowledge or suspicion of money laundering: nominated officers in the regulated sector	Proceeds of Crime Act 2002, s.331	As above
Failure to disclose knowledge or suspicion of money laundering: other nominated officers	Proceeds of Crime Act 2002, s.332	As above
Tipping off	Proceeds of Crime Act 2002, s.333	As above
Disclosure under sections 330, 331, 332 or 333 of the Proceeds of Crime Act 2002 otherwise than in the form and manner prescribed	Proceeds of Crime Act 2002, s.339(1A)	As above
Causing or allowing the death of a child	Domestic Violence, Crime and Victims Act 2004, 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

**Status:** Point in time view as at 05/05/2015.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

Shortening of smooth bore gun	Firearms Amendment Act 1988 c. 45 1988, s.6(1)
Possession or acquisition of shotgun without certificate	Firearms Act 1968, s.2      1968 c. 27
Possession of firearms by person convicted of crime	Firearms Act 1968, s.21(4)      As above
Acquisition by or supply of firearms to person denied them	Firearms Act 1968, s.21(5)      As above
Dealing in firearms	Firearms Act 1968, s.3      As above
Failure to comply with certificate when transferring firearm	Firearms Act 1968, s.42      As above
Permitting an escape	Common law
Rescue	Common law
Escape from lawful custody without force	Common law
Breach of prison	Common law
Harbouring escaped prisoners	Criminal Justice Act 1961, 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)
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,      As above s.3
Child abduction by connected person	Child Abduction Act 1984, 1984 c. 37 s.1
Child abduction by other person	Child Abduction Act 1984,      As above s.2
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      As above s.5(3)
Fraudulent evasion of controls on Class C drugs	Customs and Excise Management Act 1979, s.170(2)(b),(c)
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
Tipping off in relation to money laundering investigations	Drug Trafficking Offences Act 1986, s.26C
Assaults on officers saving wrecks	Offences against the Person Act 1861, s.37
Attempting to injure or alarm the Sovereign	Treason Act 1842, s.2
Assisting illegal entry or harbouring persons	Immigration Act 1971, s.25
Administering poison with intent to injure etc.	Offences against the Person Act 1861, s.24
Neglecting to provide food for or assaulting servants etc.	Offences against the Person Act 1861, s.26
Setting spring guns with intent to inflict grievous bodily harm	Offences against the Person Act 1861, s.31
Supplying instrument etc. to cause miscarriage	Offences against the Person Act 1861, s.59
Failure to disclose information about terrorism	Terrorism Act 2000, s.19
Circumcision of females	Prohibition of Female Circumcision Act 1985, s.1
Breaking or injuring submarine telegraph cables	Submarine Telegraph Act 1885, s.3
Failing to keep dogs under proper control resulting in injury	Dangerous Dogs Act 1991, s.3
Making gunpowder etc. to commit offences	Offences against the Person Act 1861, s.64
Stirring up racial hatred	Public Order Act 1986, ss.18-23
<b>Class D: Sexual offences and offences against children</b>	
Administering drugs to obtain intercourse	Sexual Offences Act 1956, s.4
Procurement of a defective	Sexual Offences Act 1956, s.9
Incest other than by man with a girl under 13	Sexual Offences Act 1956, s.10, 11
Gross indecency between male of 21 or over and male under 16	Sexual Offences Act 1956, s.13
Indecent assault on a woman	Sexual Offences Act 1956, s.14
Indecent assault on a man	Sexual Offences Act 1956, s.15

**Status:** Point in time view as at 05/05/2015.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

Abuse of position of trust	Sexual Offences 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
Living on earnings of male prostitution	Sexual Offences Act 1967, s.5	1967 c. 60
Incitement to commit incest	Criminal Law Act 1977, s.54	1977 c. 45
Ill-treatment of persons of unsound mind	Mental Health Act 1983, s.127	1983 c. 20
Abduction of unmarried girl under 18 from parent	Sexual Offences Act 1956, s.19	1956 c. 69
Abduction of defective from parent	Sexual Offences Act 1956, s.21	As above
Procuration of girl under 21	Sexual Offences Act 1956, s.23	As above
Permitting defective to use premises for intercourse	Sexual Offences Act 1956, s.27	As above
Causing or encouraging prostitution of defective	Sexual Offences Act 1956, s.29	As above
Sexual assault	Sexual Offences Act 2003, s.3	2003 c. 42
Causing sexual activity without penetration	Sexual Offences Act 2003, s.4	As above
Engaging in sexual activity in the presence of a child	Sexual Offences Act 2003, s.11	As above
Causing a child to watch a sexual act	Sexual Offences Act 2003, s.12	As above
Child sex offence committed by person under 18	Sexual Offences Act 2003, s.13	As above
Meeting child following sexual grooming	Sexual Offences Act 2003, s.15	As above
Abuse of trust: sexual activity with a child	Sexual Offences Act 2003, s.16	As above
Abuse of position of trust: causing a child to engage in sexual activity	Sexual Offences Act 2003, s.17	As above
Abuse of trust: sexual activity in the presence of a child	Sexual Offences Act 2003, s.18	As above
Abuse of position of trust: causing a child to watch sexual activity	Sexual Offences Act 2003, s.19	As above

Engaging in sexual activity in the presence of a person with a mental disorder	Sexual Offences Act 2003, s.32	As above
Causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003, s.33	As above
Engaging in sexual activity in the presence of a person with a mental disorder	Sexual Offences Act 2003, s.36	As above
Causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003, s.37	As above
Care workers: sexual activity in presence of a person with a mental disorder	Sexual Offences Act 2003, s.40	As above
Care workers: causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003, s.41	As above
Causing or inciting prostitution for gain	Sexual Offences Act 2003, s.52	As above
Controlling prostitution for gain	Sexual Offences Act 2003, s.53	As above
Administering a substance with intent	Sexual Offences Act 2003, s.61	As above
Committing offence with intent to commit sexual offence	Sexual Offences Act 2003, s.62	As above
Trespass with intent to commit sexual offence	Sexual Offences Act 2003, s.63	As above
Sex with adult relative	Sexual Offences Act 2003, ss.64,65	As above
Exposure	Sexual Offences Act 2003, s.66	As above
Voyeurism	Sexual Offences Act 2003, s.67	As above
Intercourse with an animal	Sexual Offences Act 2003, s.69	As above
Sexual penetration of a corpse	Sexual Offences Act 2003, s.70	As above
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

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Possession (with intention) of false identity documents	Identity Cards Act 2006, s.25(1)	2006, 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

*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		
[ <sup>F17</sup> Breach of a sexual harm prevention order or interim sexual harm prevention order	Sexual Offences Act 2003, s.103I	<a href="#">2003 c. 42</a> ]
[ <sup>F17</sup> Breach of a sexual risk order or interim sexual risk order	Sexual Offences Act 2003, s.122H	As above]
[ <sup>F17</sup> Breach of a criminal behaviour order	Anti-social Behaviour, Crime and Policing Act 2014, s.30	<a href="#">2014 c. 12</a> ]
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

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Having an article with a blade or point in a public place	Criminal Justice Act 1988, 1988 c. 33 s.39
Breach of harassment injunction	Protection from Harassment Act 1997, s.3(6)
Putting people in fear of violence	Protection from Harassment Act 1997, s.4(1)
Breach of restraining order	Protection from Harassment Act 1997, s.5(5)
Being drunk on an aircraft	Air Navigation Order 2005, SI 2005/1970 article 75
Possession of offensive weapon	Prevention of Crime Act 1953 c. 14 1953, s.1
Affray	Public Order Act 1986, s.3 1986 c. 64
Assault with intent to resist arrest	Offences against the Person Act 1861, s.38
Unlawful eviction and harassment of occupier	Protection from Eviction Act 1977 c. 43 Act 1977, s.1
Obscene articles intended for publication for gain	Obscene Publications Act 1964 c. 74 1964, s.1
Gross indecency between males (other than where one is 21 or over and the other is under 16)	Sexual Offences Act 1956, 1956 c. 69 s.13
Solicitation for immoral purposes	Sexual Offences Act 1956, As above s.32
Buggery of males of 16 or over otherwise than in private	Sexual Offences Act 1956, As above s.12
Acts outraging public decency	Common law
Offences of publication of obscene matter	Obscene Publications Act 1959 c. 66 1959, s.2
Keeping a disorderly house	Common law: Disorderly Houses Act 1751, s.8
Indecent display	Indecent Displays (Control) Act 1981, s.1
Presentation of obscene performance	Theatres Act 1968, s.2 1968 c. 54
Procurement of intercourse by threats etc.	Sexual Offences Act 1956, 1956 c. 69 s.2
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 1861 c. 100 Act 1861, s.35
Dangerous driving	Road Traffic Act 1988, s.2 1988 c. 52
Forgery and misuse of driving documents	Public Passenger Vehicles 1981 c. 14 Act 1981, s.65
Forgery of driving documents	Road Traffic Act 1960, 1960 c. 16 s.233
Forgery etc. of licences and other documents	Road Traffic Act 1988, 1988 c. 52 s.173
Mishandling or falsifying parking documents etc.	Road Traffic Regulation Act 1984 c. 27 1984, s.115
Aggravated vehicle taking	Theft Act 1968, s.12A 1968 c. 60
Forgery, alteration, fraud of licences etc.	Vehicle Excise and 1994 c. 22 Registration Act 1994, s.44
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 1979 c. 2 Management Act 1979, s.13
Obstructing Customs Officer	Customs and Excise As above Management Act 1979, s.16
Class I: Offences against public justice and similar offences	
Conspiring to commit offences outside the United Kingdom	Criminal Justice (Terrorism 1998 c. 40 and Conspiracy) Act 1998, s.5
Perverting the course of public justice	Common Law
Perjuries (7 offences)	Perjury Act 1911, ss.1 to 1911 c. 6 7(2)

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Corrupt transactions with agents	Prevention of Corruption Act 1906, s.1	1906 c. 34
Corruption in public office	Public Bodies Corrupt Practices Act 1889, s.1	1889 c. 69
Embracery	Common law	
Offences of bribing another person	Bribery Act 2010, s.1	2010 c. 23
Offences relating to being bribed	Bribery Act 2010, s.2	As above
Bribery of foreign public officials	Bribery Act 2010 s.6	As above
Fabrication of evidence with intent to mislead a tribunal	Common law	
Personation of jurors	Common law	
Concealing an arrestable offence	Criminal Law Act 1967, s.5	1967 c. 58
Assisting offenders	Criminal Law Act 1967, s.4(1)	As above
False evidence before European Court	European Communities Act 1972, s.11	1972 c. 68
Personating for purposes of bail etc.	Forgery Act 1861, s.34	1861 c. 98
Intimidating a witness, juror etc.	Criminal Justice and Public Order Act 1994, s.51(1)	1994 c. 33
Harming, threatening to harm a witness, juror etc.	Criminal Justice and Public Order Act 1994, s.51(2)	As above
Prejudicing a drug trafficking investigation	Drug Trafficking Act 1994, s.58(1)	1994 c. 37
Giving false statements to procure cremation	Cremation Act 1902, s.8(2)	1902 c. 8
False statement tendered under section 9 of the Criminal Justice Act 1967	Criminal Justice Act 1967, s.89	1967 c. 80
Making a false statement to obtain interim possession order	Criminal Justice and Public Order Act 1994, s.75(1)	1994 c. 33
Making false statement to resist making of interim possession order	Criminal Justice and Public Order Act 1994, s.75(2)	As above
False statement tendered under section 5B of the Magistrates' Courts Act 1980	Magistrates' Courts Act 1980, s.106	1980 c. 43
Making false statements to authorised officer	Trade Descriptions Act 1968, s. 29(2)	1968 c. 29
Class J: Serious sexual offences		
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, As above s.7
Incest by man with a girl under 13	Sexual Offences Act 1956, As above s.10
Buggery of person under 16	Sexual Offences Act 1956, As above s.12
Indecency with children under 14	Indecency with Children 1960 c. 33 Act 1960, s.1(1)
Taking, having etc. indecent photographs of children	Protection of Children Act 1978 c. 37 1978, s.1
Assault with intent to commit buggery	Sexual Offences Act 1956, 1956 c. 69 s.16
Abduction of woman by force	Sexual Offences Act 1956, As above s.17
Permitting girl under 13 to use premises for sexual intercourse	Sexual Offences Act 1956, As above s.25
Allowing or procuring child under 16 to go abroad to perform	Children and Young Persons 1933 c. 12 Act 1933, ss.25, 26
Sexual intercourse with patients	Mental Health Act 1959, 1959 c. 72 s.128
Abduction of unmarried girl under 16 from parent	Sexual Offences Act 1956, 1956 c. 69 s.20
Permitting girl under 16 to use premises for intercourse	Sexual Offences Act 1956, As above s.26
Causing or encouraging prostitution of girl under 16	Sexual Offences Act 1956, As above s.28
Rape	Sexual Offences Act 2003, 2003 c. 42 s.1
Assault by penetration	Sexual Offences Act 2003, As above s.2
Causing sexual activity with penetration	Sexual Offences Act 2003, As above s.4
Rape of child under 13	Sexual Offences Act 2003, As above s.5
Assault of child under 13 by penetration	Sexual Offences Act 2003, As above s.6
Sexual assault of child under 13	Sexual Offences Act 2003, As above s.7
Causing a child under 13 to engage in sexual activity	Sexual Offences Act 2003, As above s.8
Sexual activity with a child	Sexual Offences Act 2003, As above s.9

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Causing a child to engage in sexual activity	Sexual Offences Act 2003, As above s.10
Arranging child sex offence	Sexual Offences Act 2003, As above s.14
Sexual activity with a child family member, with penetration	Sexual Offences Act 2003, As above s.25
Inciting a child family member to engage in sexual activity	Sexual Offences Act 2003, As above s.26
Sexual activity with a person with a mental disorder	Sexual Offences Act 2003, As above s.30
Causing or inciting a person with a mental disorder to engage in sexual activity	Sexual Offences Act 2003, As above s.31
Offering inducement to procure sexual activity with a person with a mental disorder	Sexual Offences Act 2003, As above s.34
Inducing person with mental disorder to engage in sexual activity	Sexual Offences Act 2003, As above s.35
Care workers: sexual activity with a person with a mental disorder	Sexual Offences Act 2003, As above s.38
Care workers: inciting person with mental disorder to engage in sexual act	Sexual Offences Act 2003, As above s.39
Paying for sexual services of a child	Sexual Offences Act 2003, As above s.47
Causing or inciting child prostitution or pornography	Sexual Offences Act 2003, As above s.48
Controlling a child prostitute	Sexual Offences Act 2003, As above s.49
Facilitating child prostitution	Sexual Offences Act 2003, As above s.50
Trafficking into UK for sexual exploitation	Sexual Offences Act 2003, As above s.57
Trafficking within UK for sexual exploitation	Sexual Offences Act 2003, As above s.58
Trafficking out of UK for sexual exploitation	Sexual Offences Act 2003, As above s.59
[ <sup>F18</sup> Trafficking people for sexual exploitation	Sexual Offences Act 2003, As above] s.59A

Class K: Other offences of dishonesty (high value)

*Class K offences are listed under Classes F and G*

#### Textual Amendments

**F17** Words in Sch. 1 Pt. 7 substituted (23.3.2015) by [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), regs. 1, **3(3)** (with reg. 4(1))

**F18** Words in Sch. 1 Pt. 7 inserted (13.5.2013) by [The Protection of Freedoms Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/862\)](#), art. 1(2), **Sch. para. 3**

**Status:**

Point in time view as at 05/05/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1.