

## SCHEDULE 1

### Advocates' Graduated Fee Scheme

## PART 6

### Miscellaneous

#### 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;
- (b) in respect of the main hearing in each of the other cases the trial advocate must be paid a fixed fee of 20% of—

[<sup>F1</sup>(i) where the principal case is a case on indictment, the basic fee specified in the table following paragraph 5 or, where there is a guilty plea or a cracked trial, the basic fee specified in the tables following [<sup>F2</sup>paragraph 7], which corresponds with the band within which the offence concerned falls and the category of the advocate concerned; or]

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

<sup>F3</sup>(3) .....

(4) Where a trial advocate or substitute advocate appears at a hearing specified in paragraph 12, 13, 14, 15 [<sup>F4</sup>, 16 or 19A], forming part of two or more cases involving different assisted persons, the trial advocate or substitute advocate must be paid—

- (a) in respect of the first such case, the fixed fee for that hearing specified in the table following paragraph 24 [<sup>F5</sup>or, where the hearing falls within paragraph 19A(2), the applicable fee specified in Table A following [<sup>F6</sup>paragraph 7]]; and
- (b) in respect of each of the other cases, 20% of that fee.

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

(6) Where a trial advocate selects—

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

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

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, Paragraph 27. (See end of Document for details)

### Textual Amendments

- F1** Sch. 1 para. 27(2)(b)(i) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **26** (with reg. 34)
- F2** Words in Sch. 1 para. 27(2)(b)(i) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(17)(a)** (with reg. 7)
- F3** Sch. 1 para. 27(3) omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 13** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)
- F4** Words in Sch. 1 para. 27(4) substituted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **16(a)** (with reg. 17)
- F5** Words in Sch. 1 para. 27(4)(a) inserted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **16(b)** (with reg. 17)
- F6** Words in Sch. 1 para. 27(4)(a) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(17)(b)** (with reg. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, Paragraph 27.