

SCHEDULE 1

Advocates' Graduated Fee Scheme

PART 3

Graduated Fees for Guilty Pleas and Cracked Trials

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

(2) Where—

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

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

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

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

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

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