

## SCHEDULE 2

### Litigators' Graduated Fee Scheme

#### **PART 5**

#### Fixed Fees

##### **Warrant for arrest**

- 23.**—(1) This paragraph applies where—
- (a) the assisted person fails to attend a hearing;
  - (b) at that hearing the court issues a warrant for the arrest of the assisted person, pursuant to section 7(1) of the Bail Act 1976<sup>M1</sup> (“the warrant”); and
  - (c) the case does not proceed in the absence of the assisted person.
- (2) Where in a case on indictment the warrant is not executed within three months of the date on which it was issued, the fee payable to the litigator is—
- (a) where the warrant is issued at or before [F1the first hearing at which the assisted person enters a plea], the fee payable for a guilty plea in accordance with paragraph 6 or where appropriate paragraph 8;
  - (b) where the warrant is issued after [F1the first hearing at which the assisted person enters a plea] but before the trial, the fee payable for a cracked trial in accordance with paragraph 6 or where appropriate paragraph 8, as appropriate to the Class of Offence with which the assisted person is charged; and
  - (c) where the warrant is issued during the trial, and the trial is aborted as a result, the fee payable for a trial as if the trial had ended on the day the warrant was issued.
- (3) Where the warrant is issued during the course of proceedings referred to in paragraph 15 or 18 the fee payable to the litigator is the fee set out in the table following paragraph 19, as appropriate to the type of proceedings.
- (4) Sub-paragraph (5) applies where—
- (a) a fee has been paid, or is payable, to the litigator in accordance with sub-paragraph (2);
  - (b) the warrant is executed within 15 months of the date on which it was issued;
  - (c) the case proceeds after the warrant has been executed; and
  - (d) the litigator submits a claim for fees for the determination of the litigator's overall remuneration in the case, in accordance with regulation 5.
- (5) Where this sub-paragraph applies—
- (a) the appropriate officer must deduct the amount paid or payable in accordance with sub-paragraph (2) from the amount payable to the litigator on the final determination of fees in the case; and
  - (b) if the fee paid or payable in accordance with sub-paragraph (2) is greater than the amount payable to the litigator on the final determination of fees in the case, the appropriate officer may recover the amount of the difference by way of repayment by the litigator.

**Status:** This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, Paragraph 23. (See end of Document for details)

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**Textual Amendments**

**F1** Words in Sch. 2 para. 23(2) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(8)(b)**

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**Marginal Citations**

**M1** 1976 c. 63.

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