

SCHEDULE 4

Rates payable for the claims specified in Regulation 8

Representation in the Magistrates' Court

5.—^[F1](A1) This paragraph does not apply where paragraph 5A applies.]

(1) The fixed amounts and hourly rates ^[F2]for representation in a magistrates' court ^[F3]...] for—

(a) recording time and to determine whether the Lower or Higher Standard Fee Limit has been reached; and

(b) claiming costs in cases which fall outside the Standard Fee payment scheme,

are specified in the table following this sub-paragraph.

^[F4]Representation in a magistrates' court

	<i>All Areas</i>
Routine letters written and telephone calls per item	£4.09
Preparation hourly rate	£52.15
Advocacy hourly rate (including applications for bail and other applications to the court)	£65.42
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£35.68
Travelling and waiting hourly rate (only claimable where the undesignated area fees apply)	£27.60]

(2) The table following this sub-paragraph sets out the fees and fee limits for the Standard Fee payment scheme for representation in a magistrates' court ^[F5](except where paragraph 5A applies)].

^[F6]Higher and Lower Standard Fees Table

	<i>Lower Standard Fee (£)</i>	<i>Lower Standard Fee Limit (£)</i>	<i>Higher Standard Fee (£)</i>	<i>Higher Standard Fee Limit (£)</i>
Designated Area Standard Fees				
Category 1A	286.02	313.19	542.58	542.63
Category 1B	232.53	313.19	500.99	542.63
Category 2	397.14	538.02	831.85	896.59
Undesignated Area Standard Fees				
Category 1A	223.88	313.19	474.15	542.63
Category 1B	182.01	313.19	437.81	542.63
Category 2	321.37	538.02	737.08	896.59]

(3) In the table following sub-paragraph (2)—

(a) the reference to “Category 1A” cases is a reference to the following proceedings—

(i) either way guilty pleas;

Status: Point in time view as at 30/09/2022. This version of this provision has been superseded.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 5. (See end of Document for details)

- [^{F7}(ia) guilty pleas in proceedings for low-value shoplifting as defined in section 22A(3) of the Magistrates’ Court Act 1980 (low-value shoplifting);]
- (ii) indictable only cases heard in the Youth Court;
- (iii) proceedings ^{F8}...relating to either way offences [^{F9}or proceedings referred to in subparagraph (ia)] which are discontinued or withdrawn or where the prosecution offer no evidence; and
- (iv) proceedings ^{F8}... relating to either way offences [^{F10}or proceedings referred to in subparagraph (ia)] which result in a bind over;
- (b) the reference to “Category 1B” cases is a reference to the following proceedings [^{F11}(other than proceedings referred to in paragraph (a)(ia))][—]
 - (i) summary only guilty pleas;
 - (ii) uncontested proceedings arising out of a breach of an order of a magistrates' courts (including proceedings in a magistrates' court relating to a breach of a Crown Court community rehabilitation order, community punishment order or suspended sentence);
 - (iii) proceedings ^{F12}... relating to summary offences which are discontinued or withdrawn or where the prosecution offer no evidence;
 - (iv) proceedings ^{F12}... relating to summary offences which result in a bind over;
 - (v) proceedings arising out of a deferment of sentence (including any subsequent sentence hearing) under [^{F13}Chapter 1 of Part 2 of the Sentencing Code];
 - (vi) proceedings prescribed under regulation 9 of the Criminal Legal Aid (General) Regulations 2013 ^{M1}, except where the case was listed and fully prepared for a contested hearing to decide whether an order should be made; ^{F14}...
 - (vii) proceedings relating to either way offences which must be tried in a magistrates' court in accordance with section 22 of the Magistrates' Courts Act 1980 ^{M2};
- (c) the reference to “Category 2” cases is a reference to—
 - (i) contested trials;
 - (ii) proceedings which were listed and fully prepared for trial in a magistrates' court but are disposed of by a guilty plea on the day of trial before the opening of the prosecution case;
 - (iii) proceedings which were listed and fully prepared for trial in a magistrates' court but are discontinued or withdrawn or where the prosecution offers no evidence or which result in a bind over on the day of trial before the opening of the prosecution case;
 - (iv) contested proceedings relating to a breach of an order of a magistrates' court (including proceedings relating to a breach of a Crown Court community rehabilitation order, community punishment order or suspended sentence);
 - (v) proceedings where mixed pleas are entered; and
 - (vi) proceedings prescribed under regulation 9 of the Criminal Legal Aid (General) Regulations 2013 where the case was listed and fully prepared for a contested hearing to decide whether an order should be made; and

^{F15}(d)

(4) The fees payable to Assigned Counsel for representation in a magistrates' court are subject to the limits specified in the table following paragraph 12.

^{F16}(5)

[^{F17}(6) The fixed fee payable to a litigator in respect of a case sent for trial to the Crown Court is [^{F18}£208.61].]

Textual Amendments

- F1** Sch. 4 para. 5(A1) inserted (1.4.2016) by The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), **6(8)(f)(i)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)
- F2** Words in Sch. 4 para. 5(1) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(a)**
- F3** Words in Sch. 4 para. 5(1) omitted (1.4.2016) by virtue of The Criminal Legal Aid (Remuneration etc.) (Amendment) Regulations 2015 (S.I. 2015/1369), regs. 1(2)(b), **6(8)(f)(ii)** (with reg. 2(2)) (as amended by S.I. 2015/2049, **reg. 2**)
- F4** Sch. 4 para. 5(1) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 7(2)** (with reg. 3)
- F5** Words in Sch. 4 para. 5(2) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(b)**
- F6** Sch. 4 para. 5(2) table substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 7(3)** (with reg. 3)
- F7** Sch. 4 para. 5(3)(a)(ia) inserted (with application in accordance with reg. 4(3) of the amending S.I.) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(c)(i)**
- F8** Words in Sch. 4 para. 5(3)(a)(iii)(iv) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(b)(i)** (with reg. 10(1))
- F9** Words in Sch. 4 para. 5(3)(a)(iii) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(c)(ii)**
- F10** Words in Sch. 4 para. 5(3)(a)(iv) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(c)(ii)**
- F11** Words in Sch. 4 para. 5(3)(b) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **3(6)(c)(iii)**
- F12** Words in Sch. 4 para. 5(3)(b)(iii)(iv) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(b)(i)** (with reg. 10(1))
- F13** Words in Sch. 4 para. 5(3)(b)(v) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 416** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** Word in Sch. 4 para. 5(3)(c)(vi) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(b)(ii)** (with reg. 10(1))
- F15** Sch. 4 para. 5(3)(d) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(b)(iii)** (with reg. 10(1))
- F16** Sch. 4 para. 5(5) omitted (5.10.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(13)(c)** (with reg. 10(1))
- F17** Sch. 4 para. 5(6) inserted (19.10.2020) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903), regs. 1(3), **6** (with reg. 7)
- F18** Sum in Sch. 4 para. 5(6) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 4 para. 7(4)** (with reg. 3)

Marginal Citations

- M1** S.I. 2013/9.
M2 1980 c. 43.

Status:

Point in time view as at 30/09/2022. 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 5.