

2018 No. 1323

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Criminal Legal Aid (Remuneration) (Amendment) (No. 2)
Regulations 2018**

<i>Made</i>	- - - -	<i>7th December 2018</i>
<i>Laid before Parliament</i>		<i>10th December 2018</i>
<i>Coming into force</i>	- -	<i>31st December 2018</i>

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 2(3) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2018 and come into force on 31st December 2018.

PART 2

Amendment of the Criminal Legal Aid (Remuneration) Regulations 2013

Introductory

2. The Criminal Legal Aid (Remuneration) Regulations 2013(b) are amended in accordance with this Part.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1), in the definition of “AGFS Banding Document” for “version 1.1 (February 2018)” substitute “version 1.2 (December 2018)”(c).

Amendment of Schedule 1 (advocates’ graduated fee scheme)

4. Schedule 1 is amended as follows.

(a) 2012 c.10.

(b) S.I. 2013/435. Relevant amending instruments are S.I. 2014/2422, 2015/325, 2015/882, 2015/1678, 2018/220.

(c) A copy of the AGFS Banding Document can be obtained from the Legal Aid Policy Team, Access to Justice Directorate, Justice and Courts Policy Group, Ministry of Justice, 102 Petty France, London SW1H 9AJ.

5. In paragraph 5 (basic fees), for the table substitute—

<i>“(1) Band of offence</i>	<i>Amount of basic fee per category of trial advocate</i>		
	<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen’s Counsel</i>
1.1	£8,585	£12,880	£17,170
1.2	£4,295	£6,445	£8,590
1.3	£2,575	£3,865	£5,150
1.4	£2,145	£3,220	£4,290
2.1	£8,585	£12,880	£17,170
2.2	£2,575	£3,865	£5,150
3.1	£3,535	£5,305	£7,070
3.2	£2,020	£3,030	£4,040
3.3	£1,200	£1,800	£2,400
3.4	£850	£1,275	£1,700
3.5	£750	£1,125	£1,500
4.1	£2,020	£3,030	£4,040
4.2	£1,565	£2,350	£3,130
4.3	£1,515	£2,275	£3,030
5.1	£1,900	£2,850	£3,800
5.2	£1,415	£2,125	£2,830
5.3	£1,010	£1,515	£2,020
6.1	£8,485	£12,730	£16,970
6.2	£7,700	£11,550	£15,400
6.3	£2,855	£4,285	£5,710
6.4	£1,010	£1,515	£2,020
6.5	£810	£1,215	£1,620
7.1	£1,415	£2,125	£2,830
7.2	£810	£1,215	£1,620
7.3	£760	£1,140	£1,520
8.1	£1,210	£1,815	£2,420
9.1	£5,860	£8,790	£11,720
9.2	£4,040	£6,060	£8,080
9.3	£3,030	£4,545	£6,060
9.4	£2,650	£3,975	£5,300
9.5	£1,615	£2,425	£3,230
9.6	£1,210	£1,815	£2,420
9.7	£810	£1,215	£1,620
10.1	£2,220	£3,330	£4,440
11.1	£1,400	£2,100	£2,800
11.2	£800	£1,200	£1,600
12.1	£2,120	£3,180	£4,240
12.2	£1,315	£1,975	£2,630
12.3	£910	£1,365	£1,820
13.1	£1,800	£2,700	£3,600
14.1	£2,325	£3,490	£4,650
15.1	£1,615	£2,425	£3,230
15.2	£1,400	£2,100	£2,800
15.3	£850	£1,275	£1,700
16.1	£2,220	£3,330	£4,440
16.2	£1,615	£2,425	£3,230
16.3	£1,010	£1,515	£2,020
17.1	£725	£1,090	£1,450”.

6. In paragraph 5A (daily attendance fees), for the table substitute—

<i>“(1) Band of offence</i>	<i>Amount of daily attendance fee per category of trial advocate</i>		
	<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen’s Counsel</i>
1.1	£580	£870	£1,160
1.2	£580	£870	£1,160
1.3	£580	£870	£1,160
1.4	£580	£870	£1,160
2.1	£580	£870	£1,160
2.2	£580	£870	£1,160
3.1	£505	£760	£1,010
3.2	£505	£760	£1,010
3.3	£505	£760	£1,010
3.4	£505	£760	£1,010
3.5	£400	£600	£800
4.1	£530	£795	£1,060
4.2	£505	£760	£1,010
4.3	£480	£720	£960
5.1	£530	£795	£1,060
5.2	£505	£760	£1,010
5.3	£480	£720	£960
6.1	£530	£795	£1,060
6.2	£505	£760	£1,010
6.3	£405	£610	£810
6.4	£400	£600	£800
6.5	£400	£600	£800
7.1	£505	£760	£1,010
7.2	£455	£685	£910
7.3	£405	£610	£810
8.1	£505	£760	£1,010
9.1	£530	£795	£1,060
9.2	£530	£795	£1,060
9.3	£455	£685	£910
9.4	£455	£685	£910
9.5	£455	£685	£910
9.6	£405	£610	£810
9.7	£400	£600	£800
10.1	£530	£795	£1,060
11.1	£455	£685	£910
11.2	£400	£600	£800
12.1	£505	£760	£1,010
12.2	£505	£760	£1,010
12.3	£505	£760	£1,010
13.1	£505	£760	£1,010
14.1	£555	£835	£1,110
15.1	£505	£760	£1,010
15.2	£405	£610	£810
15.3	£400	£600	£800
16.1	£555	£835	£1,110
16.2	£505	£760	£1,010
16.3	£505	£760	£1,010
17.1	£400	£600	£800”.

7. In paragraph 6(2)(b) (scope of Part 3), for sub-paragraph (ii) substitute—

“(ii) the defendant pleads guilty to one or more counts on the indictment and the prosecution offer no evidence on a remaining count, or otherwise do not proceed to trial on a remaining count.”.

8.—(1) Paragraph 8 (basic fees for guilty pleas and cracked trials) is amended as follows.

(2) For Table A substitute—

“Table A

Basic fees where there is a guilty plea or where the trial cracks in the first third or the second third

<i>(1) Band of offence</i>	<i>Amount of basic fee per category of trial advocate</i>		
	<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen’s Counsel</i>
1.1	£4,295	£6,440	£8,585
1.2	£2,150	£3,220	£4,295
1.3	£1,290	£1,930	£2,575
1.4	£1,075	£1,610	£2,145
2.1	£4,295	£6,440	£8,585
2.2	£1,290	£1,930	£2,575
3.1	£1,770	£2,650	£3,535
3.2	£1,010	£1,515	£2,020
3.3	£600	£900	£1,200
3.4	£425	£640	£850
3.5	£375	£565	£750
4.1	£1,010	£1,515	£2,020
4.2	£785	£1,175	£1,565
4.3	£760	£1,135	£1,515
5.1	£950	£1,425	£1,900
5.2	£710	£1,060	£1,415
5.3	£505	£760	£1,010
6.1	£4,245	£6,365	£8,485
6.2	£3,850	£5,775	£7,700
6.3	£1,430	£2,140	£2,855
6.4	£505	£760	£1,010
6.5	£405	£610	£810
7.1	£710	£1,060	£1,415
7.2	£405	£610	£810
7.3	£380	£570	£760
8.1	£605	£910	£1,210
9.1	£2,930	£4,395	£5,860
9.2	£2,020	£3,030	£4,040
9.3	£1,515	£2,275	£3,030
9.4	£1,325	£1,990	£2,650
9.5	£810	£1,210	£1,615
9.6	£605	£910	£1,210
9.7	£405	£610	£810
10.1	£1,110	£1,665	£2,220
11.1	£700	£1,050	£1,400
11.2	£400	£600	£800
12.1	£1,060	£1,590	£2,120
12.2	£660	£985	£1,315
12.3	£455	£685	£910

13.1	£900	£1,350	£1,800
14.1	£1,165	£1,745	£2,325
15.1	£810	£1,210	£1,615
15.2	£700	£1,050	£1,400
15.3	£425	£640	£850
16.1	£1,110	£1,665	£2,220
16.2	£810	£1,210	£1,615
16.3	£505	£760	£1,010
17.1	£365	£545	£725".

(3) For Table B substitute—

“Table B

Basic fees where the trial cracks in the final third

(1) Band of offence	Amount of basic fee per category of trial advocate		
	(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen’s Counsel
1.1	£7,295	£10,945	£14,595
1.2	£3,650	£5,475	£7,300
1.3	£2,190	£3,285	£4,380
1.4	£1,825	£2,735	£3,645
2.1	£7,295	£10,945	£14,595
2.2	£2,190	£3,285	£4,380
3.1	£3,005	£4,505	£6,010
3.2	£1,715	£2,575	£3,435
3.3	£1,020	£1,530	£2,040
3.4	£725	£1,085	£1,445
3.5	£640	£955	£1,275
4.1	£1,715	£2,575	£3,435
4.2	£1,330	£1,995	£2,660
4.3	£1,290	£1,930	£2,575
5.1	£1,615	£2,425	£3,230
5.2	£1,205	£1,805	£2,405
5.3	£860	£1,290	£1,715
6.1	£7,210	£10,820	£14,425
6.2	£6,545	£9,820	£13,090
6.3	£2,425	£3,640	£4,855
6.4	£860	£1,290	£1,715
6.5	£690	£1,035	£1,375
7.1	£1,205	£1,805	£2,405
7.2	£690	£1,035	£1,375
7.3	£645	£970	£1,290
8.1	£1,030	£1,545	£2,055
9.1	£4,980	£7,470	£9,960
9.2	£3,435	£5,150	£6,870
9.3	£2,575	£3,865	£5,150
9.4	£2,255	£3,380	£4,505
9.5	£1,375	£2,060	£2,745
9.6	£1,030	£1,545	£2,055
9.7	£690	£1,035	£1,375
10.1	£1,885	£2,830	£3,775
11.1	£1,190	£1,785	£2,380

11.2	£680	£1,020	£1,360
12.1	£1,800	£2,705	£3,605
12.2	£1,120	£1,675	£2,235
12.3	£775	£1,160	£1,545
13.1	£1,530	£2,295	£3,060
14.1	£1,975	£2,965	£3,955
15.1	£1,375	£2,060	£2,745
15.2	£1,190	£1,785	£2,380
15.3	£725	£1,085	£1,445
16.1	£1,885	£2,830	£3,775
16.2	£1,375	£2,060	£2,745
16.3	£860	£1,290	£1,715
17.1	£615	£925	£1,235”.

9. In paragraph 9(2)(b) (scope of Part 4), for sub-paragraph (ii) substitute—

“(ii) the defendant pleads guilty to one or more counts on the indictment and the prosecution offer no evidence on a remaining count, or otherwise do not proceed to trial on a remaining count.”.

10. In paragraph 10 (fixed fee for guilty pleas or cracked trials), for “£194” substitute “£365”.

11. In paragraph 14(2) (fees for confiscation hearings), for the table substitute—

“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	£263	£197	£131	£131
Daily rate	£502	£349	£240	£240
2. Pages of evidence				
51-250	£655	£546	£437	£327
251-500	£983	£819	£655	£491
501-750	£1,311	£1,092	£874	£655
751-1000	£1,965	£1,638	£1,311	£983
3. Preparation hourly rates	£74.74	£56.56	£39.39	£39.39”.

12. In paragraph 17(1)(a) (fees for special preparation)--

- (a) before “novel point of law” insert “very unusual or”;
- (b) after “novel point of law” insert “or factual issue”.

13.—(1) Paragraph 19A (fees for further case management hearings and plea and trial preparation hearings) is amended as follows.

(2) The existing paragraph is renumbered as sub-paragraph (1).

(3) After sub-paragraph (1) insert—

“(2) But if a guilty plea is entered at a plea and trial preparation hearing, the fee payable to the advocate for that hearing is the amount set out in Table A following paragraph 8 which corresponds with the band within which the offence falls and the category of the advocate concerned.”.

14. In paragraph 21 (fees for contempt proceedings)—

- (a) in the table following sub-paragraph (1) for—

- (i) “300” substitute “303”;
 - (ii) “225” substitute “227”;
 - (iii) “150” substitute “152”;
- (b) in the table following sub-paragraph (2) for—
- (i) “175” substitute “177”;
 - (ii) “125” substitute “126”;
 - (iii) “100” substitute “101”.

15. In paragraph 24 (fixed fees), for the table substitute—

“Fixed fees				
<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Junior Alone or Led Junior</i>	<i>Leading Junior</i>	<i>Queen’s Counsel</i>
Standard Appearance	12(2)	£91 per day	£136 per day	£182 per day
Abuse of process hearing	13(1)(a) and (3)	£240 full day £131 half day	£349 full day £197 half day	£502 full day £263 half day
Hearings relating to disclosure	13(1)(b), (c) and (3)	£240 full day £131 half day	£349 full day £197 half day	£502 full day £263 half day
Hearings relating to the admissibility of evidence	13(1)(d) and (3)	£240 full day £131 half day	£349 full day £197 half day	£502 full day £263 half day
Ground rules hearings	13(1)(da) and (3)	£240 full day £131 half day	£349 full day £197 half day	£502 full day £263 half day
Hearings on withdrawal of guilty plea	13(1)(e) and (3)	£240 full day £131 half day	£349 full day £197 half day	£502 full day £263 half day
Sentencing hearing	15	£126 per day	£192 per day	£253 per day
Deferred sentencing hearing	15(2)	£175 per day	£240 per day	£327 per day
Ineffective trial hearing	16	£380 per day	£380 per day	£380 per day
Special preparation	17	£39.39 per hour	£56.56 per hour	£74.74 per hour
Wasted preparation	18	£39.39 per hour	£56.56 per hour	£74.74 per hour
Conferences and views	19	£40.40 per hour	£60.60 per hour	£80.80 per hour
Further case management hearing	19A	£101 per day	£152 per day	£202 per day
Plea and trial preparation hearing	19A	£126 per day	£192 per day	£253 per day
Appeals to the Crown Court against sentence	20	£250 per day	£373 per day	£498 per day
Appeals to the Crown Court against conviction	20	£330 per day	£496 per day	£661 per day

Proceedings relating to the breach of an order of the Crown Court	20(1)	£109 per day	£153 per day	£218 per day
Committal for sentence	20(1) and (2)	£152 per day	£227 per day	£303 per day
Adjourned appeals, committals for sentence and breach hearings	20(2)	£88 per day	£131 per day	£175 per day
Bail applications, mentions and other applications in appeal, committals for sentence and breach hearings	20(3)	£88 per day	£131 per day	£175 per day
Second and subsequent days of an application to dismiss	22(6)	£240 full day £131 half day	£349 full day £197 half day	£502 full day £263 half day
Noting brief	23	£109 per day	£109 per day	£109 per day
Hearing for mitigation of sentence	34	£109 per day	£175 per day	£263 per day”

16. In paragraph 27(4) (additional charges and additional cases)—

- (a) for “or 16” substitute “, 16 or 19A”;
- (b) in paragraph (a), after “paragraph 24” insert “or, where the hearing falls within paragraph 19A(2), the applicable fee specified in Table A following paragraph 8”.

PART 3

Savings

Savings

17. The amendments made by these Regulations have no effect in relation to proceedings in respect of which a determination under section 16 (representation for criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 was made before 31st December 2018.

Lucy Frazer
Parliamentary Under Secretary of State
Ministry of Justice

7th December 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/435; the “2013 Regulations”). In particular, the Regulations amend the legal aid fees that are

payable to advocates in criminal proceedings under the advocates' graduated fee scheme, as set out in Schedule 1 to the 2013 Regulations.

Part 2 sets out the amendments to the 2013 Regulations. Part 3 (regulation 17) contains a saving provision.

An impact assessment on the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Legal Aid Policy Team, Access to Justice Directorate, Justice and Courts Policy Group, Ministry of Justice, 102 Petty France, London SW1H 9AJ (telephone 0203 334 4334). The impact assessment is annexed to the Explanatory Memorandum which is available alongside these Regulations on the UK legislation website at <http://www.legislation.gov.uk>.

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