
STATUTORY INSTRUMENTS

2018 No. 220

**The Criminal Legal Aid (Remuneration)
(Amendment) Regulations 2018**

PART 2

Amendment of the Criminal Legal Aid (Remuneration) Regulations 2013

Amendment of Schedule 1 (advocates' graduated fee scheme)

18. For paragraph 15 (fees for sentencing hearings), substitute—

“Fees for sentencing hearings

15.—(1) Subject to sub-paragraphs (2) to (4), the fee payable to an advocate for appearing at a sentencing hearing is the fixed sentencing hearing fee.

(2) Where sentence has been deferred under section 1 (deferment of sentence) of the Powers of Criminal Courts (Sentencing) Act 2000⁽¹⁾, the fee payable to an advocate for appearing at a sentencing hearing is the fee for a deferred sentencing hearing for the category of the advocate concerned which is set out in the fixed fees table.

(3) Subject to sub-paragraph (4), where a hospital direction, a hospital order or a restriction order is in force in respect of an assisted person in a sentencing hearing, the fee payable to an advocate for appearing at the sentencing hearing is a fee (the “DAF equivalent fee”) which is equal to the daily attendance fee under paragraph 5A which relates to the category of the advocate concerned and the band within which the offence for which the assisted person is to be sentenced falls.

(4) Where the sentencing hearing takes place on a day, or at a time, in respect of which an advocate receives, or is to receive, a banded fee—

- (a) no fixed sentencing hearing fee is payable to the advocate for appearing at the sentencing hearing under sub-paragraph (1);
- (b) no DAF equivalent fee is payable to the advocate for appearing at the sentencing hearing under sub-paragraph (3).

(5) In this paragraph—

“banded fee” means a basic fee under paragraph 5, a daily attendance fee under paragraph 5A or a basic fee (in respect of a guilty plea or a cracked trial) under paragraph 8;

“fixed fees table” means the table following paragraph 24;

“fixed sentencing hearing fee” means the fee for a sentencing hearing for the category of the advocate concerned which is set out in fixed fees table;

⁽¹⁾ 2000 c.6. Section 1 was substituted by section 278 of, and Schedule 23 to, the Criminal Justice Act 2003 (c.44) and amended by S.I. 2008/912 and section 44 of, and Schedule 16 to, the Crime and Courts Act 2013 (c.22).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“hospital direction” has the meaning given in section 45A (power of higher courts to direct hospital admission) of the Mental Health Act 1983(2);

“hospital order” has the meaning given in section 37 (powers of courts to order hospital admission or guardianship) of the Mental Health Act 1983(3);

“sentencing hearing” means a sentencing hearing following a case on indictment to which this Schedule applies.”.

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- (2) 1983 c.20. Section 45A was inserted by section 46 of the Crime (Sentences) Act 1997 (c.43) and amended by sections 304 and 332 of, and Schedules 32 and 37 to, the Criminal Justice Act 2003, and by sections 1, 4, 10 and 55 of, and Schedules 1 and 11 to, the Mental Health Act 2007 (c.12).
- (3) Section 37 was amended by sections 55 and 56 of, and Schedules 4 and 6 to, the Crime (Sentences) Act 1997; section 67 of, and Schedule 4 to, the Youth Justice and Criminal Evidence Act 1999; section 165 of, and Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000; section 304 of, and Schedule 32 to, the Criminal Justice Act 2003; sections 49 and 65 of, and Schedules 1 and 5 to, the Violent Crime Reduction Act 2006 (c.38); sections 1, 4, 10 and 55 of, and Schedules 1 and 11 to, the Mental Health Act 2007; sections 6, 148 and 149 of, and Schedules 4, 26 and 28 to, the Criminal Justice and Immigration Act 2008 (c.4); sections 122 and 142 of, and Schedules 19 and 26 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10); and by section 28 of, and Schedule 5 to, the Criminal Justice and Courts Act 2015 (c.2).