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STATUTORY INSTRUMENTS

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**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)**

**25.** After paragraph 24 (and within Part 5 (fixed fees)), insert—

**“Warrant for arrest**

**24A.**—(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 under section 7(1) (liability to arrest for absconding or breaking conditions of bail) of the Bail Act 1976<sup>(1)</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 advocate is the fee for a guilty plea set out in Table A following paragraph 8 which corresponds with the band within which the offence concerned falls and the category of the advocate concerned.

(3) Where the warrant is issued during the course of proceedings referred to in paragraph 20, the fee payable to the advocate is the fee which corresponds with the category of work, and the category of the advocate concerned, which is set out in the table following paragraph 24.

(4) Sub-paragraph (5) applies where—

- (a) a fee has been paid, or is payable, to the advocate 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 advocate submits a claim for fees for the determination of the advocate's overall remuneration in the case, in accordance with regulation 4.

(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 advocate on the final determination of fees in the case; and

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- (b) if the fee paid or payable in accordance with sub-paragraph (2) is greater than the amount payable to the advocate 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 advocate.”.