
STATUTORY INSTRUMENTS

2023 No. 97

**The Criminal Legal Aid (Remuneration)
(Amendment) Regulations 2023**

Amendments to the Criminal Legal Aid (Remuneration) Regulations 2013

2.—(1) The Criminal Legal Aid (Remuneration) Regulations 2013⁽¹⁾ are amended as follows.

(2) At the end of sub-paragraph (b) of regulation 4(8) (claims for fees by advocates – Crown Court), insert “, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.”.

(3) At the end of sub-paragraph (b) of regulation 18(7) (interim payments in cases awaiting determination of fees), insert “, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.”.

(4) In sub-paragraph (a) of regulation 21(8) (hardship payments), after “commenced”, in both places it appears, insert “, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.”.

(5) At the end of sub-paragraph (b) of regulation 22(3) (computation of final claim where an interim payment has been made), insert “, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.”.

(6) At the end of sub-paragraph (b) of regulation 23(4) (payment of fees to advocates – Crown Court), insert “, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.”.

(7) After paragraph 13 of Schedule 1, insert—

“Fee for video recorded cross-examination or re-examination

13A.—(1) The fee payable to the trial advocate per case to which paragraph (2) applies in respect of all cross-examination to which paragraph (3) applies is £670.

(2) This paragraph applies to any case where a special measures direction provides for a video recording to be admitted under section 28 (video recorded cross-examination) of the 1999 Act.

(3) This sub-paragraph applies to a cross-examination —

- (a) which is recorded by means of video recording; and
- (b) where such a recording is admissible, so far as it relates to any such cross-examination, as evidence of the witness under cross-examination, by virtue of a special measures direction.

(4) In this paragraph—

“the 1999 Act” is the Youth Justice and Criminal Evidence Act 1999⁽²⁾;

“cross-examination” includes re-examination; and

(1) [S.I. 2013/435](#), amended by [S.I. 2015/882](#); there are other amending instruments but none is relevant.

(2) [1999 c. 23](#).

“special measures direction” has the meaning given in section 33(1) (interpretation etc of Chapter 1) of the 1999 Act.””

(8) At the end of paragraph (b) of paragraph 17(7) of Schedule 1 (fees for special preparation), insert “, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.”.

(9) At the end of paragraph (b) of paragraph 18(6) of Schedule 1 (fees for wasted preparation), insert “, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.”.