

## SCHEDULE 1

Rules 8 and 11

### STANDARD FEES

#### PART 1

##### DEFINITION AND SCOPE

- 1.—(1) Subject to sub-paragraph (2), this Schedule applies to every case on indictment.
- (2) This Schedule does not apply to a Very High Cost Case.
2. Paragraphs 19, 20(2), 21(2) and (3), 29(1) and 30(1) of this Schedule also apply to the following proceedings in the Crown Court –
  - (a) proceedings arising out of an alleged breach of an order of the Crown Court (whether or not this Schedule applies to the proceedings in which the order was made); and
  - (b) proceedings for contempt committed, or alleged to have been committed, by an individual in the face of the Court, and where a court grants legal aid to a person for the purposes of proceedings under this sub-paragraph it may assign to him, for the purposes of those proceedings, any representative who is within the precincts of the court.
- 3.—(1) A case on indictment is a guilty plea if it was disposed of without a trial because the assisted person pleaded guilty to one or more counts.
  - (2) Subject to sub-paragraph (3), a Guilty Plea 1 Fee shall be payable in a case where the assisted person pleaded guilty to one or more counts at the first arraignment and the case did not proceed to trial.
  - (3) A Guilty Plea 2 Fee shall be payable in a case where the assisted person pleaded guilty to one or more counts after the first arraignment but before the end of the first full day of trial and the trial did not proceed further.
  - (4) A Basic Trial Fee shall only be payable in a case where the assisted person pleaded not guilty to one or more counts and the trial proceeded beyond the first full day of trial (or it was otherwise completed as a trial within one day).
  - (5) For the purposes of sub-paragraphs (3) and (4), a day shall not be considered as the first full day of trial unless the prosecution had opened its case and the first prosecution witness had begun to give evidence.
4. A reference in this Schedule to the Table of Offences refers to the Table of Offences in Schedule 3 and a reference in this Schedule to a Class of Offence refers to the Class in which that offence is listed in the Table of Offences.
- 5.—(1) For the purposes of this Schedule –
  - (a) every indictable offence falls within the Class under which it is listed in the Table of Offences and, subject to sub-paragraph (2) below, indictable offences not specifically so listed shall be deemed to fall within Class H;
  - (b) conspiracy to commit an indictable offence contrary to Articles 9 and 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983(1), incitement to commit an indictable offence and attempts to commit an indictable offence contrary to Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, fall within the same Class as the substantive offence to which they relate;

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(1) [S.I. 1983/1120 \(N.I. 13\)](#)

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- (c) where the Table of Offences specifies that the Class within which an offence falls depends on whether the value involved exceeds a stated limit, the value shall be presumed not to exceed that limit unless the representative proves otherwise to the satisfaction of the Commission;
- (d) where more than one count of the indictment is for an offence in relation to which the Class depends on the value involved, that value shall be taken to be the total value involved in all those offences, so however that where two or more counts relate to the same property the value of that property shall be taken into account once only; and
- (e) where an entry in the Table of Offences specifies an offence as being contrary to a statutory provision, then subject to any express limitation in the entry that entry shall include every offence contrary to that statutory provision whether or not the words of description in the entry are apt to cover all such offences.

(2) If a representative is dissatisfied with the classification within Class H of an indictable offence not listed in the Table of Offences, he may apply to the Commission to reclassify the offence.

## PART 2

### STANDARD FEES FOR TRIALS

6.—(1) The amount of the standard fee for a representative representing one assisted person tried on one indictment in the Crown Court shall be calculated according to the following formula –

$$S_1 - B - (d \times R) + AF + T.$$

(2) In the formula in sub-paragraph (1) –

$S_1$  is the amount of the standard fee;

$B$  is the Basic Trial Fee specified in paragraph 7 as appropriate to the representative (including the category of advocate instructed, as applicable), the offence for which the assisted person was tried and the actual duration of the trial;

$d$  is the number of days or parts of a day (measured in units of half a day) by which the trial exceeded one day;

$R$  is the Refresher Fee specified in paragraph 7 as appropriate to the representative (including the category of advocate instructed, as applicable) and the actual duration of the trial;

$AF$  is the amount of any Additional Fees payable under Part 4 of this Schedule; and

$T$  is the amount of any travelling allowance payable under paragraph 29 or 30, as applicable.

7. For the purposes of paragraph 6 the Basic Trial Fee and Refresher Fee appropriate to any offence shall be those specified in the Table below as appropriate to the representative (including the category of advocate instructed, as applicable), the Class within which that offence falls according to paragraph 5 and the actual duration of the trial.

### TABLES OF BASIC TRIAL FEES AND REFRESHER FEES

#### (a) Basic Trial Fees

#### SOLICITOR

<i>Offence falling within</i>	<i>Actual Duration of Trial</i>		
	<i>Trial Fee 1 1 to 8 Days</i>	<i>Trial Fee 2 9 to 16 Days</i>	<i>Trial Fee 3 17 to 25 Days</i>
Class A	£8,620	£11,465	£17,157

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<i>Offence falling within</i>	<i>Actual Duration of Trial</i>		
	<i>Trial Fee 1 1 to 8 Days</i>	<i>Trial Fee 2 9 to 16 Days</i>	<i>Trial Fee 3 17 to 25 Days</i>
Class B	£3,100	£4,464	£6,517
Class C	£1,900	£2,717	£3,940
Class D	£4,800	£7,200	£9,576
Class E	£1,900	£2,717	£3,940
Class F	£2,200	£3,146	£4,562
Class G	£3,600	£5,400	£7,182
Class H	£1,900	£2,717	£3,940
Class I	£1,900	£2,717	£3,940

### **COUNSEL**

<i>Offence falling within</i>	<i>Queen's Counsel Actual Duration of Trial</i>			<i>Leading Junior Counsel Actual Duration of Trial</i>		
	<i>Trial Fee 1</i>	<i>Trial Fee 2</i>	<i>Trial Fee 3</i>	<i>Trial Fee 1</i>	<i>Trial Fee 2</i>	<i>Trial Fee 3</i>
	<i>1 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>	<i>1 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>
Class A	£7,500	£10,000	£15,000	£5,625	£7,500	£11,250
Class B	£4,000	£5,750	£8,375	£3,000	£4,313	£6,281
Class C	£3,500	£5,000	£7,250	£2,625	£3,750	£5,438
Class D	£5,000	£7,500	£10,000	£3,750	£5,625	£7,500
Class E	£3,500	£5,000	£7,250	£2,625	£3,750	£5,438
Class F	£3,500	£5,000	£7,250	£2,625	£3,750	£5,438
Class G	£5,000	£7,500	£10,000	£3,750	£5,625	£7,500
Class H	£3,500	£5,000	£7,250	£2,625	£3,750	£5,438
Class I	£3,500	£5,000	£7,250	£2,625	£3,750	£5,438

<i>Offence falling within</i>	<i>Led Junior Counsel Actual Duration of Trial</i>			<i>Sole Junior Counsel Actual Duration of Trial</i>		
	<i>Trial Fee 1</i>	<i>Trial Fee 2</i>	<i>Trial Fee 3</i>	<i>Trial Fee 1</i>	<i>Trial Fee 2</i>	<i>Trial Fee 3</i>
	<i>1 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>	<i>1 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>
Class A	£4,500	£6,000	£9,000	£4,875	£6,500	£9,750
Class B	£2,400	£3,450	£5,025	£2,600	£3,738	£5,444
Class C	£1,750	£2,500	£3,625	£2,275	£3,250	£4,713
Class D	£2,500	£3,750	£5,000	£3,250	£4,875	£6,500

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<i>Offence falling within</i>	<i>Led Junior Counsel</i>			<i>Sole Junior Counsel</i>		
	<i>Actual Duration of Trial</i>			<i>Actual Duration of Trial</i>		
	<i>Trial Fee 1</i>	<i>Trial Fee 2</i>	<i>Trial Fee 3</i>	<i>Trial Fee 1</i>	<i>Trial Fee 2</i>	<i>Trial Fee 3</i>
	<i>1 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>	<i>1 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>
Class E	£1,750	£2,500	£3,625	£2,275	£3,250	£4,713
Class F	£1,750	£2,500	£3,625	£2,275	£3,250	£4,713
Class G	£2,500	£3,750	£5,000	£3,250	£4,875	£6,500
Class H	£1,750	£2,500	£3,625	£2,275	£3,250	£4,713
Class I	£1,750	£2,500	£3,625	£2,275	£3,250	£4,713

### **SOLICITOR ADVOCATE**

<i>Offence falling within</i>	<i>Certified Solicitor Advocate</i>			<i>Uncertified Solicitor Advocate</i>		
	<i>Actual Duration of Trial</i>			<i>Actual Duration of Trial</i>		
	<i>Trial Fee 1</i>	<i>Trial Fee 2</i>	<i>Trial Fee 3</i>	<i>Trial Fee 1</i>	<i>Trial Fee 2</i>	<i>Trial Fee 3</i>
	<i>1 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>	<i>1 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>
Class A	£4,875	£6,500	£9,750	£2,438	£3,250	£4,875
Class B	£2,600	£3,738	£5,444	£1,300	£1,869	£2,722
Class C	£2,275	£3,250	£4,713	£1,138	£1,625	£2,357
Class D	£3,250	£4,875	£6,500	£1,625	£2,438	£3,250
Class E	£2,275	£3,250	£4,713	£1,138	£1,625	£2,357
Class F	£2,275	£3,250	£4,713	£1,138	£1,625	£2,357
Class G	£3,250	£4,875	£6,500	£1,625	£2,438	£3,250
Class H	£2,275	£3,250	£4,713	£1,138	£1,625	£2,357
Class I	£2,275	£3,250	£4,713	£1,138	£1,625	£2,357

### **(b) Refresher Fees**

#### **SOLICITOR**

<i>Offence falling within Classes A to I</i>	<i>Actual Duration of Trial</i>		
	<i>Refresher Fee 1</i>	<i>Refresher Fee 2</i>	<i>Refresher Fee 3</i>
	<i>2 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>
Full Day	£500	£600	£700
Half Day	£250	£300	£350

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**COUNSEL**

<i>Offence falling within Classes A to I</i>	<i>Queen's Counsel</i>			<i>Leading Junior Counsel</i>		
	<i>Actual Duration of Trial</i>			<i>Actual Duration of Trial</i>		
	<i>Refresher Fee 1</i>	<i>Refresher Fee 2</i>	<i>Refresher Fee 3</i>	<i>Refresher Fee 1</i>	<i>Refresher Fee 2</i>	<i>Refresher Fee 3</i>
	<i>2 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>	<i>2 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>
Full Day	£500	£600	£700	£375	£450	£525
Half Day	£250	£300	£350	£188	£225	£263

<i>Offence falling within Classes A to I</i>	<i>Led Junior Counsel</i>			<i>Sole Junior Counsel</i>		
	<i>Actual Duration of Trial</i>			<i>Actual Duration of Trial</i>		
	<i>Refresher Fee 1</i>	<i>Refresher Fee 2</i>	<i>Refresher Fee 3</i>	<i>Refresher Fee 1</i>	<i>Refresher Fee 2</i>	<i>Refresher Fee 3</i>
	<i>2 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>	<i>2 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>
Full Day	£250	£300	£350	£325	£390	£455
Half Day	£125	£150	£175	£163	£195	£228

**SOLICITOR ADVOCATE**

<i>Offence falling within Classes A to I</i>	<i>Certified Solicitor Advocate</i>			<i>Uncertified Solicitor Advocate</i>		
	<i>Actual Duration of Trial</i>			<i>Actual Duration of Trial</i>		
	<i>Refresher Fee 1</i>	<i>Refresher Fee 2</i>	<i>Refresher Fee 3</i>	<i>Refresher Fee 1</i>	<i>Refresher Fee 2</i>	<i>Refresher Fee 3</i>
	<i>2 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>	<i>2 to 8 Days</i>	<i>9 to 16 Days</i>	<i>17 to 25 Days</i>
Full Day	£325	£390	£455	£163	£195	£228
Half Day	£163	£195	£228	£82	£98	£114

**PART 3****STANDARD FEES FOR GUILTY PLEAS**

8.—(1) The amount of the standard fee for a representative representing one assisted person in a guilty plea shall be the fee specified in paragraph 9 as appropriate to whether the case was a Guilty Plea 1 or a Guilty Plea 2, the representative (including the category of advocate instructed, as applicable) and the offence with which the assisted person was charged.

(2) In a case where a Guilty Plea 1 Fee is payable, subject to paragraphs 29 and 30 (and also to paragraph 10 in respect of an advocate), the amount so payable shall be an all-inclusive fee.

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(3) In a case where a Guilty Plea 2 Fee is payable, the amount so payable for a representative representing one assisted person tried on one indictment in the Crown Court shall be calculated according to the following formula –

$$S_2 = G2 + AF + T.$$

(4) In the formula in sub-paragraph (3) –

$S_2$  is the amount of the standard fee;

$G2$  is the Guilty Plea 2 Fee specified in paragraph 9 as appropriate to the representative (including the category of advocate instructed, as applicable) and the offence for which the assisted person was charged;

$AF$  is the amount of any Additional Fees payable under Part 4 of this Schedule; and

$T$  is the amount of any travelling allowance payable under paragraph 29 or 30, as applicable.

9. For the purposes of paragraph 8 the fee appropriate to any offence shall be that specified in the Table below as appropriate to whether the case was a Guilty Plea 1 or a Guilty Plea 2, the representative (including the category of advocate instructed, as applicable) and the Class within which that offence falls according to paragraph 5.

#### TABLES OF GUILTY PLEA FEES

##### (a) Guilty Plea 1 Fees

###### SOLICITOR

<i>Offence falling within</i>	<i>Fee</i>
Class A	£7,750
Class B	£1,860
Class C	£1,235
Class D	£3,840
Class E	£1,235
Class F	£1,320
Class G	£2,160
Class H	£1,235
Class I	£1,235

###### COUNSEL

<i>Offence falling within</i>	<i>Queen's Counsel Fee</i>	<i>Leading Junior Counsel Fee</i>	<i>Led Junior Counsel Fee</i>	<i>Sole Junior Counsel Fee</i>
Class A	£3,575	£2,681	£1,788	£2,324
Class B	£2,275	£1,706	£1,138	£1,479
Class C	£1,950	£1,463	£975	£1,268
Class D	£2,470	£1,853	£1,235	£1,606
Class E	£1,950	£1,463	£975	£1,268
Class F	£1,950	£1,463	£975	£1,268

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<i>Offence falling within</i>	<i>Queen's Counsel Fee</i>	<i>Leading Junior Counsel Fee</i>	<i>Led Junior Counsel Fee</i>	<i>Sole Junior Counsel Fee</i>
Class G	£2,470	£1,853	£1,235	£1,606
Class H	£1,950	£1,463	£975	£1,268
Class I	£1,950	£1,463	£975	£1,268

#### **SOLICITOR ADVOCATE**

<i>Offence falling within</i>	<i>Certified Solicitor Advocate Fee</i>	<i>Uncertified Solicitor Advocate Fee</i>
Class A	£2,324	£1,162
Class B	£1,479	£740
Class C	£1,268	£634
Class D	£1,606	£803
Class E	£1,268	£634
Class F	£1,268	£634
Class G	£1,606	£803
Class H	£1,268	£634
Class I	£1,268	£634

#### **(b) Guilty Plea 2 Fees**

#### **SOLICITOR**

<i>Offence falling within</i>	<i>Fee</i>
Class A	£8,620
Class B	£2,170
Class C	£1,425
Class D	£4,320
Class E	£1,425
Class F	£1,540
Class G	£2,520
Class H	£1,425
Class I	£1,425

#### **COUNSEL**

<i>Offence falling within</i>	<i>Queen's Counsel Fee</i>	<i>Leading Junior Counsel Fee</i>	<i>Led Junior Counsel Fee</i>	<i>Sole Junior Counsel Fee</i>
Class A	£5,625	£4,219	£2,813	£3,656
Class B	£3,000	£2,250	£1,500	£1,950
Class C	£2,625	£1,969	£1,313	£1,706
Class D	£3,750	£2,813	£1,875	£2,438

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<i>Offence falling within</i>	<i>Queen's Counsel Fee</i>	<i>Leading Junior Counsel Fee</i>	<i>Led Junior Counsel Fee</i>	<i>Sole Junior Counsel Fee</i>
Class E	£2,625	£1,969	£1,313	£1,706
Class F	£2,625	£1,969	£1,313	£1,706
Class G	£3,750	£2,813	£1,875	£2,438
Class H	£2,625	£1,969	£1,313	£1,706
Class I	£2,625	£1,969	£1,313	£1,706

#### **SOLICITOR ADVOCATE**

<i>Offence falling within</i>	<i>Certified Solicitor Advocate Fee</i>	<i>Uncertified Solicitor Advocate Fee</i>
Class A	£3,656	£1,828
Class B	£1,950	£975
Class C	£1,706	£853
Class D	£2,438	£1,219
Class E	£1,706	£853
Class F	£1,706	£853
Class G	£2,438	£1,219
Class H	£1,706	£853
Class I	£1,706	£853

## PART 4

### FIXED AND TIME-BASED FEES

10.—(1) The fixed fee set out in the Table following paragraph 19 as appropriate to the category of advocate instructed shall be payable to the advocate who completed a Trial Status Report form.

(2) Where the advocate acted for more than one assisted person, the Commission shall increase the fixed fee payable under sub-paragraph (1) by twenty per cent for each additional Trial Status Report form completed by the advocate.

11. The fixed fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) shall be payable where the assisted person pleaded not guilty to one or more counts at arraignment and the case was adjourned for trial.

12.—(1) Subject to sub-paragraphs (2) and (3), the fixed fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) shall be payable in respect of each occasion on which the case was listed for trial but did not proceed on the day for which it was listed (other than by reason of an application for an adjournment by the prosecution or the defence).

(2) Subject to paragraph 22, where the representative was advised prior to the day on which the case had been listed for trial that it was no longer on standby and that it was listed only for mention on that day, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the duration of the hearing on that day shall be payable.



(3) No standby fee shall be payable under sub-paragraph (1) where the assisted person pleaded guilty to one or more counts when the case was subsequently listed and it did not proceed to trial.

13.—(1) This paragraph applies to –

- (a) the hearing of a No Bill application;
- (b) the hearing of an application to stay the indictment on the ground that the assisted person is unfit to plead;
- (c) the hearing of an application to stay the indictment or any count on the ground that the proceedings constitute an abuse of the process of the court;
- (d) any hearing relating to the question of whether any material should be disclosed by the prosecution to the defence or the defence to the prosecution (whether or not any claim to public interest immunity is made);
- (e) the hearing of an application under section 51A of the Judicature (Northern Ireland) Act 1978<sup>(2)</sup> for disclosure of material held by third parties; and
- (f) any hearing relating to the question of the admissibility as evidence of any material.

(2) Where a hearing to which this paragraph applies was held on any day of the main hearing of a case on indictment, no separate fee shall be payable in respect of attendance at the hearing (other than a hearing under sub-paragraph (1)(f)), but the hearing shall be included in the length of the main hearing for the purpose of calculating costs.

(3) Where a hearing to which this paragraph applies was held prior to the first or only day of the main hearing, it shall not be included in the length of the main hearing for the purpose of calculating costs, and, subject to sub-paragraph (5) and also to paragraph 22, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the duration of the hearing on that day shall be payable.

(4) In determining the duration of an application for the purpose of sub-paragraph (3), there shall be excluded the period of time during any luncheon adjournment.

(5) Where an application made under sub-paragraph (1)(a), (b) or (c) was successful and the case did not proceed, a Basic Trial Fee, together with Refresher Fees if applicable, shall be payable in accordance with paragraphs 6 and 7.

14.—(1) This paragraph applies to a hearing to which the court proceeded under Article 8 of the Proceeds of Crime (Northern Ireland) Order 1996<sup>(3)</sup> or section 156 of the Proceeds of Crime Act 2002<sup>(4)</sup>.

(2) A hearing to which this paragraph applies shall not be included in the length of the main hearing or of any sentencing hearing for the purpose of calculating costs, and, subject to paragraph 22, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the duration of the hearing on that day shall be payable.

(3) In determining the duration of an application for the purpose of sub-paragraph (2), there shall be excluded the period of time during any luncheon adjournment.

15.—(1) This paragraph applies to –

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(2) 1978 c. 23  
(3) S.I. 1996/1299 (N.I. 9)  
(4) 2002 c. 29

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- (a) a sentencing hearing following a case on indictment to which this Schedule applies, where sentence was deferred under Article 3 of the Criminal Justice (Northern Ireland) Order 1996<sup>(5)</sup>; and
- (b) a sentencing hearing following a case on indictment to which this Schedule applies, other than a hearing within paragraph (a) or a sentencing hearing forming part of the main hearing.

(2) The fixed fee payable to a representative for attending at a hearing to which this paragraph applies shall be that set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the circumstances of the hearing.

16.—(1) Subject to paragraph 22, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the duration of the hearing on that day shall be payable to a representative for attending at the following hearings in a case on indictment, when not forming part of the main hearing or a hearing for which a fee is provided elsewhere in this Schedule –

- (a) the hearing of a case listed for plea which is adjourned for trial;
- (b) any hearing (including a trial) which is listed but cannot proceed because of the failure of the assisted person or a witness to attend, an application for postponement by the prosecution or defence, the unavailability of a pre-sentence report or other good reason;
- (c) bail and other applications; and
- (d) the hearing of the case listed for mention only, including applications relating to the date of the trial.

(2) In determining the duration of an application for the purpose of sub-paragraph (1), there shall be excluded the period of time during any luncheon adjournment.

17. The fixed fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) shall be payable to a representative in respect of any day forming part of the main hearing of the case when the court sat more than 45 minutes beyond 4.30 pm.

18.—(1) The hourly fee set out in the Table following paragraph 19 as appropriate to the category of advocate instructed shall be payable in respect of work of the following types, provided that the advocate satisfies the Commission that the work was reasonably undertaken and properly done, namely –

- (a) attendance by an advocate at pre-trial consultations with the assisted person not held at court; or
- (b) attendance by an advocate at consultations with prospective or actual expert witnesses; or
- (c) attendance by an advocate at views,

and where that fee is allowed the advocate shall also be paid a travelling allowance for such attendance in accordance with paragraph 30.

(2) An advocate shall be entitled to a fee in accordance with the Table following paragraph 19 as appropriate to the category of advocate instructed for the number of periods or parts of a period of 10 minutes of running time of any disc, tape or video cassette or part thereof which he listened to or viewed as part of the evidence in the case.

19.—(1) The costs payable to a representative instructed in any case mentioned in paragraph 2 shall be the fixed fee set out in the Table following this paragraph as appropriate to the representative

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(5) [S.I. 1996/3160 \(N.I. 24\)](#)

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(including the category of advocate instructed, as applicable), together with any travelling allowance payable under paragraph 29(1) or 30(1) as applicable.

(2) Where the same solicitor attended court as an attending solicitor and as a solicitor advocate (whether certified or not), the solicitor shall be allowed one travelling allowance only in respect of that attendance.

## TABLES OF FIXED AND TIME-BASED FEES

### SOLICITOR

<i>Type of work</i>	<i>Paragraph providing for fee</i>	<i>Fee</i>
Arraignment – Not Guilty	11	£90
Standby Fee	12(1)	£500
Appearing at deferred sentencing hearing	15(1)(a)	£250
Appearing at other sentencing hearing	15(1)(b)	£100
Late Sitting Fee	17	£250
Cases within paragraph 2	19	£750
Application Fee 1 (hearing not exceeding 1.5 hours)		£150
Application Fee 2 (hearing exceeding 1.5 hours but not exceeding 3 hours)	12(2), 13, 14 and 16	£250
Application Fee 3 (hearing exceeding 3 hours)		£500

### COUNSEL AND SOLICITOR ADVOCATE

<i>Type of work</i>	<i>Paragraph providing for fee</i>	<i>Queen's Counsel Fee</i>	<i>Leading Junior Counsel Fee</i>	<i>Led Junior Counsel Fee</i>	<i>Sole Junior Counsel and Solicitor Advocate (Certified or uncertified) Fee</i>
Trial Status Report form	10	£250	£188	£125	£163
Arraignment – Not Guilty	11	£150	£113	£75	£98
Standby Fee	12(1)	£500	£375	£250	£325
Appearing at deferred sentencing hearing	15(1)(a)	£400	£300	£200	£260

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<i>Type of work</i>	<i>Paragraph providing for fee</i>	<i>Queen's Counsel Fee</i>	<i>Leading Junior Counsel Fee</i>	<i>Led Junior Counsel Fee</i>	<i>Sole Junior Counsel and Solicitor Advocate (Certified or uncertified) Fee</i>
Appearing at other sentencing hearing	15(1)(b)	£300	£225	£150	£195
Late Sitting Fee	17	£250	£188	£125	£163
Cases within paragraph 2	19	£750	£563	£375	£488
Application Fee 1 (hearing not exceeding 1.5 hours)		£125	£94	£63	£82
Application Fee 2 (hearing exceeding 1.5 hours but not exceeding 3 hours)	12(2), 13, 14 and 16	£250	£188	£125	£163
Application Fee 3 (hearing exceeding 3 hours)		£500	£375	£250	£325
Consultations/ views	18(1)	£63 per hour	£47 per hour	£31 per hour	£41 per hour
Listening to or viewing tapes etc.	18(2)	£27 per 10 minutes	£20 per 10 minutes	£14 per 10 minutes	£18 per 10 minutes

## PART 5

### MISCELLANEOUS

20.—(1) Where an assisted person was charged with more than one offence on one indictment, the standard fee payable to the representative shall be based on whichever of those offences he shall select for the purposes.

(2) Where two or more cases to which this Schedule applies involving the same representative were heard concurrently (whether involving the same or different assisted persons) –

- (a) the representative shall select one case (“the principal case”), which shall be treated for the purposes of costs in accordance with the previous paragraphs of this Schedule;

- (b) in respect of the main hearing in each of the other cases the representative shall be paid a fixed fee of twenty per cent of –
  - (i) the Basic Trial Fee, Guilty Plea 1 Fee or Guilty Plea 2 Fee, as applicable, for the principal case, where that is a case falling within paragraph 1, or
  - (ii) the fixed fee for the principal case, where that is a case falling within paragraph 2.
- (3) Where a representative attended a hearing specified in paragraph 13, 14, 15 or 16(1)(a) or (b), forming part of two or more cases involving different assisted persons, he shall be paid –
  - (a) in respect of the first such case, the fee for that hearing specified in the Table following paragraph 19; and
  - (b) in respect of each of the other cases, twenty per cent of that fee.
- (4) Subject to sub-paragraphs (1) to (3), where a representative attended a hearing forming part of two or more cases, he shall be paid the fixed fee for that hearing specified in the Table following paragraph 19 in respect of one such case, without any increase in respect of the other cases.

21.—(1) Subject to sub-paragraphs (2), (4) and (5), the fee payable to a solicitor in accordance with paragraph 6 or 8 of this Schedule, as applicable, shall be in addition to any fee which may be payable to a solicitor advocate in accordance with that paragraph.

(2) Where the same solicitor prepared the case and appeared as a certified solicitor advocate at the hearing, the advocacy fee payable shall be reduced by ten per cent.

(3) If the solicitor satisfies the Commission that there was a clearly maintained division of responsibility in the conduct of the case, no reduction of the advocacy fee shall be made under sub-paragraph (2).

(4) Where the same solicitor attended court as an attending solicitor and as a solicitor advocate (whether certified or not) –

(a) on a day in respect of which a Refresher Fee would otherwise be payable under paragraph 6, or

(b) for a hearing in respect of which a fee would otherwise be payable under Part 4, the solicitor shall be allowed one fee only in respect of that day or hearing, as applicable.

(5) Where the same solicitor attended court, a prison visit, other consultation or view as an attending solicitor and as a solicitor advocate (whether certified or not), the solicitor shall be allowed one travelling allowance only under paragraphs 29 and 30 in respect of each such attendance.

22.—(1) This paragraph applies to any hearing in respect of which an Application Fee is payable under paragraph 12(2), 13, 14 or 16.

(2) Subject to sub-paragraph (3), the fee payable for the hearing shall be determined by the Commission in accordance with the actual court hearing time taken in dealing with the application.

(3) Where the Commission is satisfied that the total waiting time in dealing with the applications in a case exceeded two hours, in determining the fee payable for one or more of the applications the Commission may, in its discretion, allow such Application Fee as set out in the Table following paragraph 19 as it considers to be reasonable.

(4) Where more than one application to which this paragraph applies was heard and disposed of on the same day, the fee payable to the representative shall be –

(a) in respect of the first application, the time-based fee set out in the Table following paragraph 19 as appropriate to the representative (including the category of advocate instructed, as applicable) and the combined duration of the hearings on that day; and

(b) in respect of each of the other applications, twenty per cent of that fee.

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(5) Where an Application Fee is payable under paragraph 13 or 14 and the hearing in question lasted more than one day, a further fee shall be payable to the representative under that paragraph in respect of any additional day or part of a day.

23.—(1) Subject to sub-paragraph (5), this paragraph applies if a trial was ended by direction of the judge, or it ended with the jury being unable to agree a verdict, and an order was made for a new trial.

(2) Where the new trial began either on the same day or within fifteen working days, the case shall be considered as having comprised one trial for the purposes of determining the fees payable under these Rules.

(3) Where the period of time between the first trial ending and the new trial beginning exceeded fifteen working days, a second fee shall be payable in accordance with sub-paragraph (4).

(4) The second fee payable to a representative under sub-paragraph (3) shall be calculated in accordance with paragraph 6 (or paragraph 8, if applicable) except that each of the elements of the formula set out in paragraph 6 (or paragraph 8, if applicable) shall be reduced by –

- (a) forty per cent, where the new trial started within two calendar months of the conclusion of the first trial; and
- (b) twenty-five per cent, where the new trial did not start within two calendar months of the conclusion of the first trial,

except for the refresher and travelling allowance elements which shall not be so reduced.

(5) This paragraph shall not apply where a different representative acted for the assisted person at each trial.

24. Where following a case on indictment a Newton hearing took place –

- (a) the case shall for all the purposes of this Schedule be treated as having gone to trial;
- (b) the duration of the trial shall be taken to be the combined duration of the main hearing and of the Newton hearing;
- (c) the provisions of this Schedule relating to guilty pleas shall not apply; and
- (d) no fee shall be payable under paragraph 15 in respect of that hearing.

25. Where a fee is payable under Part 4 in respect of the holding of a voir dire, any day on which the voir dire was held shall count towards calculating the duration of the trial for the purposes of paragraphs 6 and 7.

26. Any case in which –

- (a) the prosecution offered no evidence (or no further evidence) and which was discontinued; or
- (b) the prosecution entered a nolle prosequi,

shall be treated as a substantive trial and a Basic Trial Fee, together with Refresher Fees if applicable, shall be payable in accordance with paragraphs 6 and 7.

27. Where a solicitor was dismissed by the assisted person, or the Commission is satisfied that he was obliged to withdraw from the case for compelling professional reasons, the Commission may, in its discretion, allow the following fees to the solicitor –

- (a) if the solicitor was dismissed or withdrew within one week of the date of the first arraignment, a Guilty Plea 1 Fee as appropriate to the offence with which the assisted person was charged;

- (b) if the solicitor was dismissed or withdrew after the first arraignment and before the trial (if any) commenced, a Guilty Plea 2 Fee as appropriate to the offence with which the assisted person was charged;
- (c) in any other circumstances, such amount as it considers to be reasonable in all the circumstances.

28.—(1) Where an advocate instructed in a case passed the brief to another advocate before arraignment, no costs shall be payable to the original advocate under these Rules.

(2) Subject to sub-paragraph (3), where an advocate instructed in a case passed the brief to another advocate after arraignment, no costs shall be payable to the original advocate under Parts 2 or 3 of this Schedule.

(3) Where an advocate was dismissed by the assisted person, or the Commission is satisfied that he was obliged to withdraw from the case for compelling professional reasons, the Commission may, in its discretion, allow the following fees to the advocate –

- (a) if the advocate was dismissed or withdrew within one week of the date of the first arraignment, fifty per cent of the Guilty Plea 1 Fee as appropriate to the category of advocate instructed and the offence with which the assisted person was charged;
- (b) if the advocate was dismissed or withdrew after the first arraignment and before the trial (if any) commenced, fifty per cent of the Guilty Plea 2 Fee as appropriate to the category of advocate instructed and the offence with which the assisted person was charged;
- (c) if the advocate was dismissed or withdrew after the trial (if any) commenced, the Basic Trial Fee as appropriate to the category of advocate instructed and the offence with which the assisted person was charged;
- (d) in any other circumstances, such amount as it considers to be reasonable in all the circumstances.

29.—(1) Where a solicitor attended court, the Commission shall allow travelling time at a rate in accordance with sub-paragraphs (2) and (3), and it may allow an amount to cover any travelling expenses actually and reasonably incurred and necessarily and exclusively attributable to the solicitor's attendance at that court.

(2) A solicitor shall be allowed travelling time at the rate of £24.75 per hour.

(3) An apprentice or fee-earner of equivalent experience shall be allowed travelling time at the rate of £12.50 per hour.

(4) Subject to the Commission being satisfied that the work involved was reasonably undertaken and properly done, a travelling allowance shall also be payable under sub-paragraph (1) in respect of attendance at prison visits, other consultations and views.

30.—(1) Where an advocate was instructed to appear in a court which is more than 20 miles from the Head Post Office, Belfast, the Commission shall allow travelling time at the rate of £12 per hour and it may allow an amount to cover any travelling expenses actually and reasonably incurred and necessarily and exclusively attributable to the advocate's attendance at that court.

(2) Subject to the Commission being satisfied that the work involved was reasonably undertaken and properly done, a travelling allowance shall also be payable under sub-paragraph (1) in respect of attendance at prison visits, other consultations and views.