

1986 No. 1835

LEGAL AID AND ADVICE, ENGLAND AND WALES
COURTS-MARTIAL (APPEALS)The Legal Aid in Criminal Proceedings (Costs) (Amendment)
(No. 4) Regulations 1986

Made - - - 28th October 1986

Laid before Parliament 31st October 1986

Coming into Operation 21st November 1986

The Lord Chancellor, in exercise of the powers conferred by section 39 of the Legal Aid Act 1974(a) and now vested in him(b) and having had regard to the principle of allowing fair remuneration according to the work actually and reasonably done, hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid in Criminal Proceedings (Costs) (Amendment) (No. 4) Regulations 1986 and shall come into operation on 21st November 1986.

2. In these Regulations a regulation or Schedule referred to by number means a regulation or Schedule so numbered in the Legal Aid in Criminal Proceedings (Costs) Regulations 1982(c).

3. After paragraph 3 of Part I of Schedule 2, there shall be inserted the following paragraph —

“3A. For the purpose of determining which of the standard refresher fees specified in the Table should be allowed —

(a) a half day refresher fee shall be allowed where

- (i) a hearing begins and ends before the luncheon adjournment, or
- (ii) a hearing begins after the luncheon adjournment and ends before 5.30 pm;

(b) a full day refresher fee shall be allowed where

- (i) a hearing begins before and ends after the luncheon adjournment but before 5.30 pm, or
- (ii) a hearing begins after the luncheon adjournment and ends after 5.30 pm; and

(c) a more than a full day refresher fee shall be allowed where a hearing begins before the luncheon adjournment and ends after 5.30 pm.”

(a) 1974 c.4.

(b) S.I. 1980/705.

(c) S.I. 1982/1197, as amended by S.I. 1986/444 and 1515 and other instruments not relevant to these Regulations.

4. For paragraph 5 of Part I of Schedule 2 there shall be substituted the following paragraph —

“5. Where counsel appears on behalf of a defendant on the same day in respect of more than one

- (a) indictment,
- (b) appeal against conviction,
- (c) appeal against sentence, or
- (d) committal for sentence,

or in respect of any combination of (a) to (d) above, the appropriate authority shall allow whichever of the standard fees is the greater and shall increase it by 20% for each additional indictment, appeal or committal for sentence, as the case may be.”.

5. For the Table in Part I of Schedule 2 there shall be substituted the following Table —

“TABLE

Type of proceedings	Standard fee
Jury trials (including any case prepared for trial in which no jury is sworn)	£160
Guilty pleas	£85
Appeals against conviction	£85
Appeals against sentence	£55
Committals for sentence	£55
Standard appearance fee	£35
Standard refresher fee	
(1) Half day	£60
(2) Full day	£115
(3) More than a full day	£175 ”.

Hailsham of St. Marylebone, C.

Dated 28th October 1986.

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EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid in Criminal Proceedings (Costs) Regulations 1982 to make two minor revisions to the system of prescribed standard fees for certain items of work done by junior counsel in the Crown Court. These revisions provide for

- (a) the increase in the standard fee of 20% (provided by paragraph 5 of Part I of Schedule 2) for counsel who appear on behalf of the same defendant in respect of more than one indictment to apply also to cases involving more than one committal for sentence, appeal against conviction or appeal against sentence, or any combination of appeals, committals and indictments, and
- (b) the arrangements for standard refresher fees to be modified where a hearing begins before and ends after the luncheon adjournment.

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