

1987 No. 369

**LEGAL AID AND ADVICE, ENGLAND AND WALES
COURTS-MARTIAL (APPEALS)**

**The Legal Aid in Criminal Proceedings (Costs)
(Amendment) Regulations 1987**

<i>Made</i> - - - -	<i>4th March 1987</i>
<i>Laid before Parliament</i>	<i>10th March 1987</i>
<i>Coming into force</i>	<i>1st April 1987</i>

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) Regulations 1987 and shall come into force on 1st April 1987.
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. In regulation 5(3) for the date "30th June 1987" there shall be substituted "30th June 1988".
4. In regulation 8(5)(a) for the date "30th June 1987" there shall be substituted "30th June 1988".
5. For paragraph 1 of Schedule 1 there shall be substituted, in respect of work done on or after 1st April 1987 –
 - "1. Subject to paragraphs 2 and 3, the appropriate authority shall allow fees for work allowed by it under regulation 5 at the following standard rates:

(a) Magistrates' court proceedings	
<i>Class of work</i>	<i>Rate</i>
Preparation	£32.50 per hour – (£33.50 per hour for a
Advocacy	£40.50 per hour fee earner whose office
Attendance at court where counsel	is situated within a
assigned	£21.50 per hour London postal district)
Travelling and waiting	£19.00 per hour
Routine letters written and routine	
telephone calls	£2.50 per item

(a) 1974 c.4. (b) S.I. 1980/705. (c) S.I. 1982/1197, as amended by S.I. 1986/273, 444, 1515 and 1835, and other instruments not relevant to these Regulations.

(b) Crown Court and Court of Appeal proceedings

<i>Class of work</i>	<i>Grade of fee-earner</i>	<i>Rate</i>	
Preparation	Senior solicitor	£38 per hour	£39.50 -
	Solicitor, legal executive or fee-earner of equivalent experience	£32.50 per hour	£33.50 -
	Articled clerk or fee-earner of equivalent experience	£21.50 per hour	£24.50 -
Advocacy	Senior solicitor	£40.50 per hour	
Attendance at court where counsel assigned	Solicitor	£40.50 per hour	
	Senior solicitor	£31.00 per hour	
	Solicitor, legal executive or fee-earner of equivalent experience		£24.50 per hour
Travelling and waiting	Articled clerk or fee-earner of equivalent experience		£15.50 per hour
	Senior solicitor	£19 per hour	
	Solicitor, legal executive or fee-earner of equivalent experience		£19 per hour
Routine letters written and routine telephone calls	Articled clerk or fee-earner of equivalent experience		£ 9.50 per hour
			£ 2.50 per item"

6. For paragraphs 2 to 7 of Part I of Schedule 2 there shall be substituted -

"2. For the purpose of determining which of the standard 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 5.30pm;
- (b) a full day refresher fee shall be allowed where
 - (i) a hearing begins before and ends after the luncheon adjournment but before 5.30pm, or
 - (ii) a hearing begins after the luncheon adjournment and ends after 5.30pm; and
- (c) a more than a full day refresher fee shall be allowed where a hearing begins before the luncheon adjournment and ends after 5.30pm.

3. The standard fee specified for "Committals for sentence" shall be allowed to a junior counsel in respect of proceedings arising out of breach of an order of the Crown Court or other similar matters.

4. Where a case listed for jury trial does not proceed on the day for which it is listed the appropriate authority shall allow a sum equal to half of the standard fee for a jury trial.

5. Where counsel attends in respect of –

(a) a case listed for plea which is adjourned for trial; or

(b) a case listed for hearing which is not opened due to the failure of the defendant or a witness to attend or the non-availability of a social enquiry report or for some good reason;

the appropriate authority shall allow the standard appearance fee, unless counsel has no other effective case on that day and the standard appearance fee would be less than a sum equal to half of the standard fee for the case, in which case that sum shall be allowed.

6. Where counsel attends in respect of a case which is listed for plea and on which a guilty plea was taken, and which was adjourned part-heard, the appropriate authority shall allow –

(a) the standard fee for the first hearing; and

(b) a sum equal to half the standard fee for the hearing at which the case is disposed of, provided that counsel has no other effective case on that day, or the standard appearance fee if he does have such a case.

7. Where counsel represents more than one defendant the appropriate authority shall

(a) increase the standard fee by 20% for each additional defendant who is substantively dealt with at the hearing in respect of which that standard fee is to be paid; or

(b) where paragraph 4, 5 or 6 applies, increase the sum payable by 20% for each additional defendant.

8. 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.

9. Where counsel is instructed to appear in a court which is not within 25 miles of his chambers, the appropriate authority may allow an amount in respect of counsel's attendance at that court to cover any travelling and hotel expenses actually and reasonably incurred and necessarily and exclusively attributable to counsel's attendance at that court; provided that the amount allowed shall not be greater than the amount, if any, which would be payable to counsel practising from the nearest local Bar unless counsel can justify his attendance having regard to all the relevant circumstances of the case."

7. For the Tables in Part II of Schedule 2 there shall be substituted, in respect of work done on or after 1st April 1987 –

"TABLE 1
JUNIOR COUNSEL

<i>Court</i>	<i>Type of proceedings</i>	<i>Basic fee</i>	<i>Full day Refresher fee</i>	<i>Subsidiary fees</i>		<i>Attendance at pre-trial reviews applications and other appearances</i>
				<i>Attendance at consultations, Conferences & views</i>	<i>Written work</i>	
Magistrates' Court	All cases	Maximum amount: £376	Maximum amount: £130	£22 per hour Minimum amount: £11	Maximum amount: £41	Maximum amount: £75
Crown Court	Jury trials	Maximum amount: £438				
	Cases prepared for trial in which no jury is sworn	Maximum amount: £255				
	Guilty pleas	Maximum amount: £154				
	Appeals against conviction	Maximum amount: £169	Maximum amount: £144	£24 per hour Minimum amount: £12	Maximum amount: £47	Maximum amount: £80
	Appeals against sentence	Maximum amount: £87				
	Committals for sentence	Maximum amount: £87				

TABLE 2
QUEEN'S COUNSEL

Court	Type of proceedings	Basic fee	Full day Refresher fee	Subsidiary fee		Attendance at pre-trial reviews, applications and other appearances
				Attendances at consultations, Conferences & views	Written work	
Magistrates' Court	All cases	Maximum amount: £3625	Maximum amount: £243	£42 per hour Minimum amount: £21	Maximum amount: £86	Maximum amount: £167
Crown court	All cases	Maximum amount: £4400	Maximum amount: £270	£48 per hour Minimum amount: £24	Maximum amount: £97	Maximum amount: £210"

4th March 1987

Hailsham of St Marylebone, C.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal Proceedings (Costs) Regulations 1982 and increase the rates of remuneration (apart from standard fees) for legal aid work in criminal proceedings for work done on or after 1st April 1987. The overall increase is in the order of 5% for barristers and 6% for solicitors. There are also some minor changes to Part I of Schedule 2 to the 1982 Regulations which governs the structure of standard fee payments to counsel so as to provide a slightly higher rate of remuneration where there has been an abortive hearing (new paragraphs 4 and 5) or where disposal of a guilty plea requires more than one hearing (new paragraph 6).