

1990 No. 488

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Aid in Criminal and Care Proceedings (Costs)
(Amendment) Regulations 1990**

<i>Made - - - -</i>	<i>5th March 1990</i>
<i>Laid before Parliament</i>	<i>9th March 1990</i>
<i>Coming into force</i>	<i>1st April 1990</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 2(5), (7), 25(2), 34 and 43 of the Legal Aid Act 1988^(a), having had regard to the matters specified in section 34(9) and consulted the General Council of the Bar and the Law Society, and with the consent of the Treasury, hereby makes the following Regulations:

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) Regulations 1990 and shall come into force on 1st April 1990.

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 and Care Proceedings (Costs) Regulations 1989^(b).

3.—(1) In regulation 6(3) for the date “30th June 1990” there shall be substituted “30th June 1991”.

(2) In regulation 9(5)(a) for the date “30th June 1990” there shall be substituted “30th June 1991”.

(3) For sub-paragraph (1) of paragraph 1 of Part I of Schedule 1 there shall be substituted, in respect of work done on or after 1st April 1990, the following sub-paragraph—

“1.—(1) Subject to paragraphs 2 and 3, the appropriate authority shall allow fees for work allowed by it under regulation 6 at the following basic rates—

(a) **Magistrates’ court criminal proceedings**

^(a) 1988 c.34; section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.

^(b) S.I. 1989/343.

<i>Class of work</i>	<i>Rate</i>
Preparation	£39.25 per hour—(£41.75 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
Advocacy	£49.50 per hour
Attendance at court where counsel assigned	£26.25 per hour
Travelling and waiting	£22 per hour
Routine letters written and routine telephone calls	£3.05 per item— (£3.15 per item for a fee-earner whose office is situated within legal aid area 1, 13 or 14)

(b) Magistrates' court care proceedings

<i>Class of work</i>	<i>Rate</i>
Preparation	£47.25 per hour—(£50.50 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
Advocacy	£57 per hour
Attendance at court where counsel assigned	£30 per hour
Travelling and waiting	£26.50 per hour
Routine letters written and routine telephone calls	£3.40 per item

(c) Crown court criminal and Court of Appeal proceedings

<i>Class of work</i>	<i>Grade of fee-earner</i>	<i>Rate</i>
Preparation	Senior solicitor	£46 per hour— (£48.50 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
	Solicitor, legal executive or fee-earner of equivalent experience	£39.50 per hour— (£41.75 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
	Articled clerk or fee-earner of equivalent experience	£26 per hour— (£30 per hour for a fee-earner whose office is situated within legal aid area 1, 13 or 14)
Advocacy	Senior solicitor	£57 per hour
	Solicitor	£49.50 per hour
Attendance at court where counsel assigned	Senior solicitor	£37.75 per hour
	Solicitor, legal executive or fee-earner of equivalent experience	£29.50 per hour
	Articled clerk or fee-earner of equivalent experience	£18.25 per hour
Travelling and waiting	Senior solicitor	£22 per hour
	Solicitor, legal executive or fee-earner of equivalent experience	£22 per hour
	Articled clerk or fee-earner of equivalent experience	£11 per hour
Routine letters written and routine telephone calls		£3.05 per item— (£3.15 per item for a fee-earner whose office is situated within legal aid area 1, 13 or 14)"

(4) For the table in paragraph 4(3) of Part II of Schedule 1 there shall be substituted, in respect of work done on or after 1st April 1990, the following table—

PREPARATION

<i>Type of proceedings</i>	<i>Lower standard fee</i>	<i>Lower fee limit</i>	<i>Principal standard fee</i>	<i>Upper fee limit</i>
Jury trials (including any case prepared for trial in which no jury was sworn)	£114	£157	£220	£274
London rate	£121	£163	£229	£287
Guilty pleas	£72	£96	£154	£198
London rate	£76	£100	£160	£207
Appeals against conviction	£45	£60	£135	£204
London rate	£47	£62	£140	£214
Appeals against sentence	£32	£46	£82	£115
London rate	£34	£48	£86	£119
Committals for sentence	£37	£45	£86	£124
London rate	£39	£47	£90	£128
Advocacy in respect of bail applications	£23			
London rate	£25			
Attendance at court (including waiting) where counsel assigned	£19 per hour			
Travelling	£16.25 per hour”			

(5) In paragraph 4(10) of Part II of Schedule 1 for the figure “£24.50” there shall be substituted the figure “£26.25” and for the figure “£26.00” there shall be substituted the figure “£28”.

(6) For sub-paragraph (11) of paragraph 4 of Part II of Schedule 1 there shall be substituted, in respect of work done on or after 1st April 1990, the following sub-paragraph—

“(11) Where a fee-earner listens to a tape recording of an interview conducted under a code issued by the Secretary of State under section 60 of the Police and Criminal Evidence Act 1984(a), the standard preparation fee payable after application of any increase required by paragraphs 8(a) or 9 shall be further increased by £9.40 for every 10 minutes of the total running time of all tapes or parts of tapes listened to and by the same amount for any remaining period.”

(7) In paragraph 5 of Part I of Schedule 2, in respect of work done on or after 1st April 1990, the words “, 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 basic fee for the case, in which case that sum shall be allowed” shall be omitted.

(8) For paragraph 6 of Part I of Schedule 2 there shall be substituted, in respect of work done on or after 1st April 1990, the following paragraph—

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

- (a) the standard basic fee for the first hearing; and
- (b) the standard appearance fee for the hearing at which the case is disposed of.”

(9) In paragraph 9 of Part I of Schedule 2 for the figure “£16” there shall be substituted, in respect of work done on or after 1st April 1990, the figure “£17”.

(10) For paragraph 10 of Part I of Schedule 2 there shall be substituted, in respect of work done on or after 1st April 1990, the following paragraph—

“10. Where counsel listens to a tape recording of an interview conducted under a code issued by the Secretary of State under section 60 of the Police and Criminal Evidence Act 1984, the standard basic fee payable after application of any increase required by paragraph 7(a) or 8 shall be further increased by £9.40 for every 10

(a) 1984 c.60.

minutes of the total running time of all tapes or parts of tapes listened to and by the same amount for any remaining period.”

(11) For the Table in Part I of Schedule 2 there shall be substituted, in respect of work done on or after 1st April 1990, the following Table—

“ **TABLE**

<i>Type of proceedings</i>	<i>Standard basic fee</i>
Jury trials (including any case prepared for trial in which no jury is sworn)	£193
Guilty pleas	£102
Appeals against conviction	£102
Appeals against sentence	£64
Committals for sentence	£64
Standard appearance fee	£40
Standard refresher fee	
(1) Half day	£71
(2) Full day	£136
(3) More than a full day	£207
Standard written work fee	£26

”

(12) For the tables in Part II of Schedule 2 there shall be substituted, in respect of work done on or after 1st April 1990, the following tables—

“ **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 consultations, conferences & views</i>	<i>Written work</i>	<i>Attendance at pre-trial reviews, applications and other appearances</i>
Magistrates' Court	All cases	Maximum amount: £448	Maximum amount: £155	£26 per hour Minimum amount: £13	Maximum amount: £49	Maximum amount: £90
Crown Court	Jury trials	Maximum amount: £522				
	Cases prepared for trial in which no jury is sworn	Maximum amount: £304				
	Guilty pleas	Maximum amount: £184		£30 per hour Minimum amount: £15	Maximum amount: £56	Maximum amount: £95
	Appeals against conviction	Maximum amount: £201	Maximum amount: £171			
	Appeals against sentence	Maximum amount: £103				
	Committals for sentence	Maximum amount: £103				

TABLE 2: QUEEN'S 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 consultations, conferences & views</i>	<i>Written work</i>	<i>Attendance at pre-trial reviews, applications and other appearances</i>
Magistrates' Court	All cases	Maximum amount: £4317	Maximum amount: £289	£50 per hour Minimum amount: £25	Maximum amount: £102	Maximum amount: £199
Crown Court	All cases	Maximum amount: £5243	Maximum amount: £321	£57 per hour Minimum amount: £29	Maximum amount: £116	Maximum amount: £250

”

Dated 28th February 1990

Mackay of Clashfern, C.

We consent,

*John Taylor
Stephen Dorrell*

Dated 5th March 1990 Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 by making some minor amendments to the standard fee provisions for solicitors and counsel and by increasing the rates of remuneration for legal aid work in criminal and care proceedings done on or after 1st April 1990. There is an overall increase of 7½% for work done by solicitors and 7% for work done by counsel.

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