
STATUTORY INSTRUMENTS

1995 No. 952

**LEGAL AID AND ADVICE,
ENGLAND AND WALES**

**The Legal Aid in Criminal and Care Proceedings
(Costs) (Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>30th March 1995</i>
<i>Laid before Parliament</i>		<i>31st March 1995</i>
<i>Coming into force</i>	- -	<i>24th April 1995</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 25(2), 34 and 43 of the Legal Aid Act 1988(1), having had regard to the matters specified in section 34(9) and having consulted the General Council of the Bar and the Law Society and with the consent of the Treasury, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) Regulations 1995 and shall come into force on 24th April 1995.

Interpretation

2. In these Regulations a reference to any regulation or Schedule by number alone means the regulation or Schedule so numbered in the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989(2).

Transitional provisions

3. Regulations 5 to 9 of these Regulations shall apply for the purposes of work done on or after 24th April 1995 to which the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 apply.

(1) 1988 c. 34; sections 25(2), 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meaning given to “regulations”.

(2) S.I. 1989/343, as amended by S.I. 1990/488, 1991/529, 838 and 2037, 1993/934 and 1994/1477, 1825 and 2218.

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Amendments to the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989

4. In regulations 6(3) and 9(5)(a) for the date “30th June 1995” there shall be substituted “30th June 1996”.

5. The following paragraphs shall be substituted for Schedule 1 Part I paragraph 1:—

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

(a)

Magistrates' court proceedings

Class of work	Rate
Preparation	£44.00 per hour— (£46.50 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£55.50 per hour
Attendance at court where counsel assigned	£30.00
Travelling and waiting	£24.50 per hour
Routine letters written and routine telephone calls	£3.40 per item— (£3.55 per item for a fee-earner whose office is situated within legal aid area 1)

(b)

Crown Court and Court of Appeal proceedings

Class of work	Grade of fee-earner	Rate
Preparation	Senior solicitor	£52.25 per hour— (£54.75 per hour for a fee-earner whose office is situated within legal aid area 1)
	Solicitor, legal executive or fee-earner of equivalent experience	£44.25 per hour— (£46.50 per hour for a fee-earner whose office is situated within legal aid area 1)
	Articled clerk or fee-earner of equivalent experience	£29.25 per hour— (£33.50 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	Senior solicitor	£63.50 per hour
	Solicitor	£55.25 per hour
Attendance at court where counsel assigned	Senior solicitor	£41.75 per hour
	Solicitor, legal executive or fee-earner of equivalent experience	£33.50 per hour
		£20.25 per hour

Class of work	Grade of fee-earner	Rate
Travelling and waiting	Articled clerk or fee-earner of equivalent experience	
	Senior solicitor	£24.50 per hour
	Solicitor, legal executive or fee-earner of equivalent experience	£24.50 per hour
Routine letters written and routine telephone calls		£12.25 per hour
	Articled clerk or fee-earner of equivalent experience	£3.40 per item— (£3.55 per item for a fee-earner whose office is situated within legal aid area 1)

(2) In paragraphs 1(1) and 1A, “legal aid area” means an area specified by the Board under regulation 4(1) of the Civil Legal Aid (General) Regulations 1989⁽³⁾, and legal aid area 1 means the area so numbered by the Board.

1A. Subject to paragraphs 2 and 3, the following prescribed rates shall apply to work done by a franchisee instead of the corresponding rates in paragraph 1(1)(a):

Class of work	Rate
Preparation	£44.75 per hour— (£47.25 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£56.00 per hour
Attendance at court where counsel assigned	£30.50
Travelling and waiting	£24.75 per hour
Routine letters written and routine telephone calls	£3.45 per item— (£3.60 per item for a fee-earner whose office is situated within legal aid area 1)”

6. In Schedule 1 Part I paragraphs 2 and 3(1), after “paragraph 1” there shall be inserted “or 1A”.

7. Part II of Schedule 1 shall be amended as follows:—

(a) the following shall be substituted for the Table following paragraph 4(3):

⁽³⁾ S.I. 1989/339, as amended by S.I. 1994/1822.

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**“TABLE
PREPARATION**

Type of proceedings	Lower standard fee	Lower few limit	Principal standard fee	Upper fee limit	
Jury trials (including any case prepared for trial in which no jury was sworn)	London rate	£127.50	£176	£245.75	£307
		£137.00	£183	£257.75	£321
Guilty pleas	London rate	£80.25	£108	£172.50	£222
		£86.25	£112	£182.75	£231
Appeals against conviction	London rate	£50.25	£67	£150.75	£229
		£53.75	£69	£156.75	£240
Appeals against sentence	London rate	£35.75	£51	£91.75	£129
		£38.75	£53	£96.50	£133
Committals for sentence	London rate	£41.75	£50	£96.25	£139
		£44.25	£52	£101.50	£143
ADVOCACY IN RESPECT OF BAIL APPLICATIONS	London rate	£25.75			
ATTENDANCE AT COURT (INCLUDING WAITING) WHERE COUNSEL ASSIGNED)		£21.10 per hour			
TRAVELLING		£18.25 per hour”			

(b) in paragraph 4(10), for “£29.00” there shall be substituted “£29.50” and for “£31.00” there shall be substituted “£31.50”;

(c) in paragraph 4(11), for “£10.45” there shall be substituted “£10.75”.

8. Part III of Schedule 1 shall be amended as follows:—

- (a) in the definitions of “lower limit” and “higher limit” and of “relevant standard fee” in paragraph 1, for “paragraph 8” there shall be substituted “paragraph 8(1) (or paragraph 8(1A) in the case of a franchisee)”;
- (b) in paragraphs 6(a) and 7(3), after “paragraph 1(1)(a)” there shall be inserted “(or paragraph 1A in the case of a franchisee)”;
- (c) the following shall be substituted for paragraph 8(1):—

“8.—(1) Subject to sub-paragraph (1A), standard fees are payable in accordance with the Table below:—

TABLE

Type of proceedings	Lower standard fee	Lower limit	Higher standard fee	Higher limit	
Category 1	London rate	£142.00	£264	£341.00	£457
		£182.75	£339	£433.50	£573
Category 2	London rate	£250.75	£453	£574.50	£756
		£321.75	£575	£721.75	£921
Category 3	London rate	£226.25	£400	£512.50	£699
		£286.25	£486	£602.00	£744

(1A) Where the work was done by a franchisee, standard fees are payable in accordance with the Table below:—

TABLE

Type of proceedings	Lower standard fee	Lower limit	Higher standard fee	Higher limit	
Category 1	London rate	£144.00	£268	£346.00	£464
		£185.80	£344	£440.00	£581
Category 2	London rate	£254.50	£460	£583.00	£767
		£326.50	£584	£732.50	£935
Category 3	London rate	£229.50	£406	£520.00	£709
		£290.50	£492	£611.00	£755”

- (d) in paragraph 8(2), for “the Table” there shall be substituted “the appropriate Table”.

9. Part I of Schedule 2 shall be amended as follows:—

- (a) in paragraph 9, for “£18.50” there shall be substituted “£19.00”;
- (b) in paragraph 10, for “£10.45” there shall be substituted “£10.75”;
- (c) The following shall be substituted for the Table following paragraph 11:

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“TABLE

Type of proceedings	Standard basic fee
Jury trials (including any case prepared for trial in which no jury was sworn)	£218.25
Guilty pleas	£115.25
Appeals against conviction	£115.25
Appeals against sentence	£72.50
Committals for sentence	£72.50
Standard appearance fee	£45.75
Standard refresher fee	
(1) Half day	£80.50
(2) Full day	£156.00
(1) More than a full day	£234.50
Standard written work fee	£29.50”

Dated 29th March 1995

Mackay of Clashfern, C.

We consent

Dated 30th March 1995

Timothy Wood
Timothy Kirkhope
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 increasing the rates of remuneration for legal aid work in criminal proceedings done on or after 24th April 1995. In the case of solicitors' remuneration for work in magistrates' courts, higher rates are provided for franchisees. The Regulations also alter the date after which certain work may be remunerated at discretionary instead of prescribed rates from 30th June 1995 to 30th June 1996.