
STATUTORY INSTRUMENTS

1996 No. 644

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

**The Legal Aid in Criminal and Care Proceedings
(Costs) (Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>7th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</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, commencement, interpretation and transitional provision

1.—(1) These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) Regulations 1996 and shall come into force on 1st April 1996.

(2) In these Regulations a reference to a 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).

(3) Regulations 2 to 7 of these Regulations shall apply for the purposes of work done on or after 1st April 1996 to which the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 apply.

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

2. In regulations 6(3) and 9(5)(a) for “30th June 1996” there shall be substituted the date “30th June 1997”.

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

(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 assigned to the word “regulations”.

(2) S.I.1989/343; the relevant amending instruments are S.I. 1990/488, 1991/529, 838, 2037, 1992/592, 1993/934, 1994/1477, 1825, 2218 and 1995/952.

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“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

<i>Class of work</i>	<i>Rate</i>	
Preparation	£44.75 per hour—	(£47.25 per hour for a fee-earner whose office is situated within legal aid area 1).
Advocacy	£56.50 per hour	
Attendance at court where counsel assigned	£30.50 per hour	
Attendance at court where counsel assigned	£30.50 per hour	
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).

(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	£53.00 per hour—	(£55.75 per hour for a fee-earner whose office is situated within legal aid area 1).
	Solicitor, legal executive or fee earner of equivalent experience	£45.00 per hour—	(£47.25 per hour for a fee-earner whose office is situated within legal aid area 1).
	Articled clerk or fee-earner of equivalent experience	£29.75 per hour—	(£34.00 per hour for a fee-earner whose office is situated within legal aid area 1).
Advocacy	Senior solicitor	£64.50 per hour	
	Solicitor	£56.00 per hour	
Attendance at court where counsel assigned	Senior solicitor	£42.25 per hour	
	Solicitor, legal executive or fee-earner of equivalent experience	£34.00 per hour	
	Articled clerk or fee-earner of equivalent experience	£20.50 per hour	
Travelling & waiting	Senior solicitor	£24.75 per hour	

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<i>Class of work</i>	<i>Grade of fee-earner</i>	<i>Rate</i>	
	Solicitor, legal executive or fee-earner of equivalent experience	£24.75 per hour	
	Articled clerk or fee-earner of equivalent experience	£12.50 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).

(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):

<i>Class of work</i>	<i>Rate</i>	
Preparation	£46.00 per hour—	(£48.50 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£57.75 per hour	
Attendance at court where counsel assigned	£31.50 per hour	
Travelling and waiting	£25.50 per hour	
Routine letters written and routine telephone calls	£3.55 per item—	(£3.70 per item for a fee-earner whose office is situated within legal aid area 1)”.

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

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

“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	£129.50	£179	£249.50	£312
London rate	£139.00	£186	£261.50	£326

(3) S.I. 1989/339; the relevant amending instrument is S.I. 1994/1822.

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<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>
any case prepared for trial in which no jury was sworn)				
Guilty pleas	£81.50	£110	£175.00	£226
London rate	£87.50	£114	£185.50	£235
Appeals against conviction	£51.00	£68	£153.00	£233
London rate	£54.50	£70	£159.00	£244
Appeals against sentence	£36.25	£52	£93.00	£131
London rate	£39.25	£54	£98.00	£135
Committals for sentence	£42.50	£51	£97.75	£141
London rate	£45.00	£53	£103.00	£145
ADVOCACY IN RESPECT OF BAIL APPLICATIONS	£26.25			
London rate	£28.75			
ATTENDANCE AT COURT (INCLUDING WAITING) WHERE COUNSEL ASSIGNED	£21.40 per hour			
TRAVELLING	£18.50 per hour”;			

(b) in paragraph 4(10), for “£29.50” there shall be substituted “£30.00” and for “£31.50” there shall be substituted “£32.00”;

(c) in paragraph 4(11), for “£10.75” there shall be substituted “£10.90”.

5. Part III of Schedule 1 shall be amended by substituting the following for paragraph 8(1):—

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

TABLE

<i>Type of proceedings</i>	<i>Lower standard fee</i>	<i>Lower limit</i>	<i>Higher standard fee</i>	<i>Higher limit</i>
Category 1	£144.25	£268	£346.00	£463.75
London rate	£185.50	£344	£440.00	£581.50
Category 2	£254.50	£460	£583.00	£767.25
London rate	£326.50	£584	£732.50	£934.75
Category 3	£229.75	£406	£520.25	£709.50
London rate	£290.50	£493	£611.00	£755.25

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

TABLE

<i>Type of proceedings</i>	<i>Lower standard fee</i>	<i>Lower limit</i>	<i>Higher standard fee</i>	<i>Higher limit</i>
Category 1	£148.25	£276	£357.00	£478
London rate	£191.00	£354	£453.00	£598
Category 2	£262.25	£474	£601.00	£790
London rate	£336.25	£602	£755.00	£963
Category 3	£236.50	£418	£536.00	£730
London rate	£299.25	£507	£629.00	£778”;

6. Part I of Schedule 2 shall be amended as follows–

- (a) in paragraph 9, for “£19.00” there shall be substituted “£19.25”;
- (b) in paragraph 10, for “£10.75” there shall be substituted “£10.90”;
- (c) The following shall be substituted for the Table following paragraph 11–

“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)	£221.50
Guilty pleas	£117.00
Appeals against conviction	£117.00
Appeals against sentence	£73.50
Committals for sentence	£73.50
Standard appearance fee	£46.50
Standard refresher fee	

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<i>Type of proceedings</i>	<i>Standard basic fee</i>
(1) Half day	£81.75
(2) Full day	£158.25
(3) More than a full day	£238.00
Standard written work fee	£30.00

7. In Part II of Schedule 2 the following shall be substituted for Table 1 following paragraph 5:–

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: £468	Maximum amount: £162	£29.25 per hour Minimum amount: £14.50	Maximum amount: £51.25	Maximum amount: £94.00
Crown Court	Jury trials	Maximum amount: £545.50				
	Cases prepared for trial in which no jury is sworn	Maximum amount: £317.75				
	Guilty pleas	Maximum amount: £192.25		£33.50 per hour Minimum amount: £16.75	Maximum amount: £58.25	Maximum amount: £99.50
	Appeals against conviction	Maximum amount: £210	Maximum amount: £178.75			
	Appeals against sentence	Maximum amount: £107.50				
	Committals for sentence	Maximum amount: £107.50				

Dated 5th March 1996

Mackay of Clashfern, C.

We consent,

Dated 7th March 1996

Simon Burns
Derek Conway
Two of the Lords Commissioners of Her
Majesty's Treasury

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations increase the rates of remuneration for legal aid work in criminal proceedings done on or after 1st April 1996. The Regulations also alter the date after which certain work may be remunerated at discretionary instead of prescribed rates from 30th June 1996 to 30th June 1997.