

## SCHEDULE 1

Article 5(1)

### Advocates' Graduated Fee Scheme

## PART 1

### Definitions and Scope

#### Interpretation

**1.—(1)** In this Schedule—

“case” means proceedings in the Crown Court against any one assisted person—

- (a) on one or more counts of a single indictment;
  - (b) arising out of a single notice of appeal against conviction or sentence, or a single committal for sentence, whether on one or more charges; or
  - (c) arising out of a single alleged breach of an order of the Crown Court,
- and a case falling within paragraph (c) must be treated as a separate case from the proceedings in which the order was made;

“cracked trial” means a case on indictment in which—

- (a) a plea and case management hearing takes place and—
  - (i) the case does not proceed to trial (whether by reason of pleas of guilty or for other reasons) or the prosecution offers no evidence; and
  - (ii) either—
    - (aa) in respect of one or more counts to which the assisted person pleaded guilty, he did not so plead at the plea and case management hearing; or
    - (bb) in respect of one or more counts which did not proceed, the prosecution did not, before or at the plea and case management hearing, declare an intention of not proceeding with them; or
- (b) the case is listed for trial without a plea and case management hearing taking place;

“guilty plea” means a case on indictment which—

- (a) is disposed of without a trial because the assisted person pleaded guilty to one or more counts; and
- (b) is not a cracked trial;

“main hearing” means—

- (a) in relation to a case which goes to trial, the trial;
- (b) in relation to a guilty plea, the hearing at which pleas are taken or, where there is more than one such hearing, the last such hearing;
- (c) in relation to a cracked trial, the hearing at which—
  - (i) the case becomes a cracked trial by meeting the conditions in the definition of a cracked trial, whether or not any pleas were taken at that hearing; or
  - (ii) a formal verdict of not guilty was entered as a result of the prosecution offering no evidence, whether or not the parties attended the hearing;
- (d) in relation to an appeal against conviction or sentence in the Crown Court, the hearing of the appeal;

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- (e) in relation to proceedings arising out of a committal for sentence in the Crown Court, the sentencing hearing; and
- (f) in relation to proceedings arising out of an alleged breach of an order of the Crown Court, the hearing at which those proceedings are determined;

“Newton Hearing” means a hearing at which evidence is heard for the purpose of determining the sentence of a convicted person in accordance with the principles of *R v Newton* (1982) 77 Cr App R 13;

“standard appearance” means an appearance by the trial advocate or substitute advocate in any of the following hearings which do not form part of the main hearing—

- (a) a plea and case management hearing, except the first plea and case management hearing;
- (b) a pre-trial review;
- (c) the hearing of a case listed for plea which is adjourned for trial;
- (d) any hearing (except a trial, a plea and case management hearing, a pre-trial review or a hearing referred to in paragraph 2(1)(b)) which is listed but cannot proceed because of the failure of the assisted person or a witness to attend, the unavailability of a pre-sentence report or other good reason;
- (e) custody time limit applications;
- (f) bail and other applications (except where any such applications take place in the course of a hearing referred to in paragraph 2(1)(b)); or
- (g) the hearing of the case listed for mention only, including applications relating to the date of the trial (except where an application takes place in the course of a hearing referred to in paragraph 2(1)(b)),

provided that a fee is not payable elsewhere under this Schedule in respect of the hearing;

“substitute advocate” means an advocate who is not an instructed advocate or the trial advocate but who undertakes work on the case; and

“trial advocate” means an advocate instructed in accordance with a representation order to represent the assisted person at the main hearing in any case, including a QC or a leading junior advocate so instructed after the hearing at which pleas are taken.

- (2) For the purposes of this Schedule, the number of pages of prosecution evidence includes all—
  - (a) witness statements;
  - (b) documentary and pictorial exhibits;
  - (c) records of interviews with the assisted person; and
  - (d) records of interviews with other defendants,

which form part of the committal or served prosecution documents or which are included in any notice of additional evidence, but does not include any document provided on CD-ROM or by other means of electronic communication.

(3) In proceedings on indictment in the Crown Court initiated otherwise than by committal for trial, the appropriate officer must determine the number of pages of prosecution evidence in accordance with sub-paragraph (2) or as nearly in accordance with sub-paragraph (2) as possible as the nature of the case permits.

(4) A reference to the Table of Offences in this Schedule is to the Table of Offences in Part 6 and a reference to a Class of Offence in this Schedule is to the Class in which that offence is listed in the Table of Offences.

## Application

2.—(1) Subject to sub-paragraphs (2) to (8), this Schedule applies to—

- (a) every case on indictment; and
- (b) the following proceedings in the Crown Court—
  - (i) an appeal against conviction or sentence;
  - (ii) a sentencing hearing following a committal for sentence to the Crown Court; and
  - (iii) proceedings arising out of an alleged breach of an order of the Crown Court (whether or not this Schedule applies to the proceedings in which the order was made).

(2) This Schedule does not apply to a Very High Cost Case which is the subject of an individual contract for the provision of funded services.

(3) Sub-paragraph (4) applies where, following a trial, an order is made for a new trial and the same trial advocate appears at both trials where—

- (i) the defendant is an assisted person at both trials; or
- (ii) the defendant is an assisted person at the new trial only; or
- (iii) the new trial is a cracked trial or guilty plea.

(4) In respect of a new trial, or if he so elects, in respect of the first trial, the trial advocate will receive a graduated fee calculated in accordance with Part 2 or Part 3, as appropriate, except that the fee will be reduced by—

- (a) 30 percent, where the new trial started within one month of the conclusion of the first trial;
- (b) 20 percent, where the new trial did not start within one month of the conclusion of the first trial;
- (c) 40 percent where the new trial becomes a cracked trial or guilty plea within one month of the conclusion of the first trial; or
- (d) 25 percent where the new trial becomes a cracked trial or guilty plea more than one month after the conclusion of the first trial.

(5) Where a different trial advocate appears for the assisted person at each trial then, in respect of each trial, the trial advocate will receive a graduated fee calculated in accordance with Part 2 or Part 3, as appropriate.

(6) Where following a case on indictment a Newton hearing takes place—

- (a) for the purposes of this Schedule the case will be treated as having gone to trial;
- (b) the length of the trial will be taken to be the combined length of the main hearing and the Newton hearing;
- (c) the provisions of this Schedule relating to cracked trials and guilty pleas will not apply; and
- (d) no fee will be payable under paragraph 12 in respect of the Newton hearing.

(7) Sub-paragraph (8) applies where proceedings are—

- (a) sent for trial to the Crown Court under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences); or
- (b) transferred to the Crown Court under—
  - (i) section 4 of the Criminal Justice Act 1987 (transfer of serious fraud cases); or
  - (ii) section 53 of the Criminal Justice Act 1991<sup>(1)</sup> (transfer of certain cases involving children).

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(1) 1991 c.53.

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(8) Where, at any time after proceedings are sent or transferred to the Crown Court under the provisions referred to in sub-paragraph (7), they are—

- (a) discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985<sup>(2)</sup> (discontinuance of proceedings after accused has been sent for trial); or
- (b) dismissed pursuant to—
  - (i) paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal);
  - (ii) section 6 of the Criminal Justice Act 1987 (applications for dismissal); or
  - (iii) paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (applications for dismissal),

the provisions of paragraph 18 apply.

### **Class of offences**

3.—(1) For the purposes of this Schedule—

- (a) every indictable offence falls within the Class under which it is listed in the Table of Offences and, subject to sub-paragraph (2), indictable offences not specifically so listed will be deemed to fall within Class H;
- (b) conspiracy to commit an indictable offence contrary to section 1 of the Criminal Law Act 1977<sup>(3)</sup> (the offence of conspiracy), incitement to commit an indictable offence and attempts to commit an indictable offence contrary to section 1 of the Criminal Attempts Act 1981<sup>(4)</sup> (attempting to commit an offence), fall within the same Class as the substantive offence to which they relate;
- (c) where the Table of Offences specifies that the Class within which an offence falls depends on whether the value involved exceeds a stated limit, the value must be presumed not to exceed that limit unless the advocate making the claim under article 5 proves otherwise to the satisfaction of the appropriate officer;
- (d) where more than one count of the indictment is for an offence in relation to which the Class depends on the value involved, that value must be taken to be the total value involved in all those offences, but where two or more counts relate to the same property, the value of that property must be taken into account once only;
- (e) where an entry in the Table of Offences specifies an offence as being contrary to a statutory provision, then subject to any express limitation in the entry that entry will include every offence contrary to that statutory provision whether or not the words of description in the entry are appropriate to cover all such offences;
- (f) where in a case on indictment there is a hearing to determine the question of whether an assisted person is unfit to plead or unfit to stand trial, the trial advocate must elect whether that hearing falls within the same Class as the indictable offence to which it relates or within Class D; and
- (g) where in a case on indictment a restriction order is made under section 41 of the Mental Health Act 1983<sup>(5)</sup> (power of higher courts to restrict discharge from hospital), the offence falls within Class A, regardless of the Class under which the offence would be listed in the Table of Offences but for this paragraph.

<sup>(2)</sup> 1985 c.23 Section 23A was inserted by section 119 of the Crime and Disorder Act 1998 (c.37).

<sup>(3)</sup> 1977 c.45.

<sup>(4)</sup> 1981 c.47.

<sup>(5)</sup> 1983 c.20.

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(2) Where an advocate in proceedings in the Crown Court is dissatisfied with the classification within Class H of an indictable offence not listed in the Table of Offences, he may apply to the appropriate officer when lodging his claim for fees to reclassify the offence.

- (3) The appropriate officer must, in light of the objections made by the advocate—
  - (a) confirm the classification of the offence within Class H; or
  - (b) reclassify the offence,

and must notify the advocate of his decision.

## PART 2

### Graduated Fees for Trial

#### Calculation of Graduated Fees

4.—(1) The amount of the graduated fee for a single trial advocate representing one assisted person being tried on one indictment in the Crown Court in a trial lasting one to 40 days must be calculated in accordance with the following formula—

$$G = B + (d \times D) + (e \times E) + (w \times W)$$

(2) In the formula in sub-paragraph (1)—

**G** is the amount of the graduated fee;

**B** is the basic fee specified in the Table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

**d** is the number of days or parts of a day on which the advocate attends at court by which the trial exceeds 2 days but does not exceed 40 days;

**D** is the fee payable in respect of daily attendance at court for the number of days by which the trial exceeds two days but does not exceed 40 days, as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

**e** is the number of pages of prosecution evidence excluding the first 50, up to a maximum of 10,000;

**E** is the evidence uplift specified in the Table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate;

**w** is the number of prosecution witnesses excluding the first 10;

**W** is the witness uplift specified in the Table following paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate.

#### Table of fees

5. For the purposes of paragraph 4 the basic fee (B), the daily attendance fee (D), the evidence uplift (E) and the witness uplift (W) appropriate to any offence will be those specified in the Table following this paragraph in accordance with the Class within which that offence falls.

**Table of Fees and Uplifts**

<i>Class of Offence</i>	<i>Basic Fee (B)</i>	<i>Daily attendance fee (D)</i>	<i>Evidence uplift (E)</i>	<i>Witness uplift (W)</i>
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<i>Class of Offence</i>	<i>Basic Fee (B)</i>	<i>Daily attendance fee (D)</i>	<i>Evidence uplift (E)</i>	<i>Witness uplift (W)</i>
A	£4,434	£1,321	£1.89	£7.55
B	£2,924	£991	£1.89	£7.55
C	£2,275	£943	£1.89	£7.55
D	£2,641	£943	£1.89	£7.55
E	£1,750	£708	£1.89	£7.55
F	£1,750	£708	£1.89	£7.55
G	£2,200	£943	£1.89	£7.55
H	£2,200	£943	£1.89	£7.55
I	£2,453	£943	£1.89	£7.55
J	£3,302	£1,132	£1.89	£7.55
K	£3,302	£1,132	£1.89	£7.55
<b>Leading Junior</b>				
A	£3,325	£991	£1.42	£5.66
B	£2,193	£743	£1.42	£5.66
C	£1,706	£708	£1.42	£5.66
D	£1,981	£708	£1.42	£5.66
E	£1,313	£531	£1.42	£5.66
F	£1,313	£531	£1.42	£5.66
G	£1,650	£708	£1.42	£5.66
H	£1,650	£708	£1.42	£5.66
I	£1,840	£708	£1.42	£5.66
J	£2,476	£849	£1.42	£5.66
K	£2,476	£849	£1.42	£5.66
<b>Led Junior</b>				
A	£2,217	£660	£0.94	£3.77
B	£1,462	£495	£0.94	£3.77
C	£1,038	£472	£0.94	£3.77
D	£1,300	£472	£0.94	£3.77
E	£802	£354	£0.94	£3.77
F	£802	£354	£0.94	£3.77
G	£1,100	£472	£0.94	£3.77
H	£943	£472	£0.94	£3.77
I	£1,132	£472	£0.94	£3.77
J	£1,887	£566	£0.94	£3.77

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<i>Class of Offence</i>	<i>Basic Fee (B)</i>	<i>Daily attendance fee (D)</i>	<i>Evidence uplift (E)</i>	<i>Witness uplift (W)</i>
K	£1,651	£566	£0.94	£3.77
<b>Junior alone</b>				
A	£2,547	£778	£1.13	£5.66
B	£1,509	£542	£1.13	£5.66
C	£1,038	£472	£1.13	£5.66
D	£1,300	£472	£1.13	£5.66
E	£755	£377	£1.13	£5.66
F	£802	£377	£1.13	£5.66
G	£1,415	£472	£1.13	£5.66
H	£943	£472	£1.13	£5.66
I	£1,132	£472	£1.13	£5.66
J	£1,887	£613	£1.13	£5.66
K	£1,887	£613	£1.13	£5.66

## PART 3

### Graduated Fees for Guilty Pleas and Cracked Trials

#### Calculation of graduated fees in guilty pleas and cracked trials—

6. The amount of the graduated fee for a single trial advocate representing one assisted person in a guilty plea or cracked trial is—

- (a) the basic fee specified in the table following paragraph 7 as appropriate to the offence with which the assisted person is charged, the category of trial advocate and whether the case is a guilty plea or a cracked trial; and
- (b) the evidence uplift, as appropriate to the number of pages of prosecution evidence, calculated in accordance with the table following paragraph 7.

#### Tables of fees

7.—(1) Subject to sub-paragraphs (2) and (3), for the purposes of paragraph 6 the basic fee and evidence uplift appropriate to any offence are specified in the Tables following this paragraph in accordance with the class within which that offence falls.

(2) Where—

- (a) the trial of a case does not commence on the date first fixed; or
- (b) the case is not taken and disposed of from the first warned list in which it is entered,

the basic fee and evidence uplift for the offence are specified for the last third in the Table referred to in sub-paragraph (1).

(3) In this paragraph, and in the Tables following this paragraph, references to the first, second and last third are references to the first, second and last third—

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- (a) where a case is first listed for trial on a fixed date, of the period of time beginning after the date on which the case is so listed and ending before the date so fixed,
- (b) where the case is first placed in a warned list, of the period of time beginning after the date on which the case is so placed and ending before the date of the start of that warned list, and
- where the number of days in this period of time cannot be divided by three equally, any days remaining after such division must be added to the last third.
- (4) Where a graduated fee is calculated in accordance with this Part for the purposes of paragraph 2(4), the fee must be calculated as if the trial had cracked in the final third.

**Table A -Fees and uplifts in guilty pleas and trials which crack in the first third**

<i>Class of Offence</i>	<i>Basic fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 1,000)</i>	<i>Evidence uplift per page of prosecution evidence (1,001 to 10,000)</i>
<b>QC</b>			
A	£2,358.00	£2.53	£1.17
B	£1,509.00	£2.08	£1.04
C	£1,415.00	£1.48	£0.74
D	£1,509.00	£3.30	£1.65
E	£1,250.00	£1.06	£0.53
F	£1,250.00	£1.39	£0.70
G	£1,415.00	£1.84	£0.92
H	£1,415.00	£1.91	£0.95
I	£1,415.00	£1.86	£0.92
J	£1,981.00	£3.30	£1.65
K	£1,981.00	£1.84	£0.92
<b>Leading Junior</b>			
A	£1,768.50	£1.90	£0.88
B	£1,131.75	£1.56	£0.78
C	£1,061.25	£1.11	£0.56
D	£1,131.75	£2.48	£1.24
E	£937.50	£0.80	£0.40
F	£937.50	£1.04	£0.53
G	£1,061.25	£1.38	£0.69
H	£1,061.25	£1.43	£0.71
I	£1,061.25	£1.40	£0.69
J	£1,485.75	£2.48	£1.24
K	£1,485.75	£1.38	£0.69
<b>Led Junior</b>			
A	£1,179.00	£1.27	£0.59



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<i>Class of Offence</i>	<i>Basic fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 1,000)</i>	<i>Evidence uplift per page of prosecution evidence (1,001 to 10,000)</i>
B	£754.50	£1.04	£0.52
C	£707.50	£0.74	£0.37
D	£754.50	£1.65	£0.83
E	£625.00	£0.53	£0.27
F	£625.00	£0.70	£0.35
G	£707.50	£0.92	£0.46
H	£707.50	£0.96	£0.48
I	£707.50	£0.93	£0.46
J	£990.50	£1.65	£0.83
K	£990.50	£0.92	£0.46
<b>Junior alone</b>			
A	£1,312.00	£1.08	£0.54
B	£802.00	£0.94	£0.47
C	£519.00	£0.69	£0.35
D	£802.00	£1.37	£0.68
E	£472.00	£0.41	£0.20
F	£472.00	£0.63	£0.31
G	£755.00	£1.18	£0.59
H	£566.00	£0.63	£0.32
I	£660.00	£0.49	£0.25
J	£1,132.00	£1.37	£0.68
K	£1,132.00	£1.18	£0.59

**Table B -Fees and uplifts in trials which crack in the second or final third**

<i>Class of Offence</i>	<i>Basic Fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 250)</i>	<i>Evidence uplift per page of prosecution evidence (pages 251 to 1,000)</i>	<i>A case that cracks in the second third</i>	<i>A case that cracks in the final third</i>
<b>QC</b>					
A	£3,585.00	£4.70	£1.17	£1.55	£4.70
B	£2,264.00	£4.16	£1.04	£1.38	£4.16

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<i>Class of Offence</i>	<i>Basic Fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 250)</i>	<i>Evidence uplift per page of prosecution evidence (pages 251 to 1,000)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
				<i>A case that cracks in the second third</i>	<i>A case that cracks in the final third</i>
C	£1,975.00	£2.95	£0.74	£0.97	£2.95
D	£2,264.00	£6.59	£1.65	£2.18	£6.59
E	£1,600.00	£2.11	£0.53	£0.70	£2.11
F	£1,600.00	£2.77	£0.70	£0.92	£2.77
G	£2,000.00	£3.68	£0.92	£1.22	£3.68
H	£2,000.00	£3.80	£0.95	£1.25	£3.80
I	£2,075.00	£3.72	£0.92	£1.23	£3.72
J	£3,019.00	£6.59	£1.65	£2.18	£6.59
K	£3,019.00	£3.68	£0.92	£1.22	£3.68
<b>Leading Junior</b>					
A	£2,688.75	£3.53	£0.88	£1.16	£3.53
B	£1,698.00	£3.12	£0.78	£1.04	£3.12
C	£1,481.25	£2.21	£0.56	£0.73	£2.21
D	£1,698.00	£4.94	£1.24	£1.64	£4.94
E	£1,200.00	£1.58	£0.40	£0.53	£1.58
F	£1,200.00	£2.08	£0.53	£0.69	£2.08
G	£1,500.00	£2.76	£0.69	£0.92	£2.76
H	£1,500.00	£2.85	£0.71	£0.94	£2.85
I	£1,556.25	£2.79	£0.69	£0.92	£2.79
J	£2,264.25	£4.94	£1.24	£1.64	£4.94
K	£2,264.25	£2.76	£0.69	£0.92	£2.76
<b>Led Junior</b>					
A	£1,792.50	£2.35	£0.59	£0.78	£2.35
B	£1,132.00	£2.08	£0.52	£0.69	£2.08
C	£987.50	£1.48	£0.37	£0.49	£1.48
D	£1,132.00	£3.30	£0.83	£1.09	£3.30
E	£800.00	£1.06	£0.27	£0.35	£1.06
F	£800.00	£1.39	£0.35	£0.46	£1.39
G	£1,000.00	£1.84	£0.46	£0.61	£1.84

<i>Class of Offence</i>	<i>Basic Fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 250)</i>	<i>Evidence uplift per page of prosecution evidence (pages 251 to 1,000)</i>	<i>A case that cracks in the second third</i>	<i>A case that cracks in the final third</i>
				<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
H	£1,000.00	£1.90	£0.48	£0.63	£1.90
I	£1,037.50	£1.86	£0.46	£0.62	£1.86
J	£1,509.50	£3.30	£0.83	£1.09	£3.30
K	£1,509.50	£1.84	£0.46	£0.61	£1.84
<b>Junior alone</b>					
A	£1,981.00	£4.63	£2.15	£0.71	£2.15
B	£1,179.00	£4.03	£1.88	£0.62	£1.88
C	£755.00	£2.99	£1.39	£0.46	£1.39
D	£1,050.00	£5.87	£2.73	£0.90	£2.73
E	£660.00	£1.75	£0.82	£0.27	£0.82
F	£660.00	£2.70	£1.25	£0.42	£1.25
G	£1,132.00	£5.08	£2.37	£0.78	£2.37
H	£802.00	£2.71	£1.26	£0.42	£1.26
I	£943.00	£2.11	£0.98	£0.32	£0.98
J	£1,698.00	£5.87	£2.73	£0.90	£2.73
K	£1,604.00	£5.08	£2.37	£0.78	£2.37

## PART 4

### Fixed fees

#### General provisions

8. Except as provided under this Part, all work undertaken by an advocate is included within the basic fee (B) specified in the Table following paragraph 5 as appropriate to—

- (a) the offence for which the assisted person is tried;
- (b) the category of advocate; and
- (c) whether the case is a cracked trial, guilty plea or trial.

#### Fees for plea and case management hearings and standard appearances

9.—(1) The fee payable in respect of—

- (a) an appearance by the trial advocate or substitute advocate at the first plea and case management hearing or pre-trial review; and

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(b) up to four standard appearances by the trial advocate or substitute advocate, is included within the basic fee (B) specified in paragraph 5 as appropriate to the offence for which the assisted person is tried and the category of trial advocate.

(2) The fee payable in respect of an appearance by the trial advocate or substitute advocate at a plea and case management hearing or standard appearance not included in sub-paragraph (1) is specified in the Table following paragraph 19 as appropriate to the category of trial advocate or substitute advocate.

(3) The fee payable for preparing and filing the plea and case management questionnaire where no oral hearing takes place is specified in the Table following paragraph 19 as appropriate to the category of trial advocate or substitute advocate.

(4) This paragraph does not apply to a standard appearance which is or forms part of the main hearing in a case or to a hearing for which a fee is payable elsewhere under this Schedule.

### **Fees for abuse of process, disclosure, admissibility and withdrawal of plea hearings**

**10.**—(1) This paragraph applies to—

- (a) the hearing of an application to stay the case on indictment or any count on the ground that the proceedings constitute an abuse of the process of the court;
- (b) any hearing relating to the question of whether any material should be disclosed by the prosecution to the defence or the defence to the prosecution (whether or not any claim to public interest immunity is made);
- (c) the hearing of an application under section 2(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965<sup>(6)</sup> (issue of witness summons on application to Crown Court) for disclosure of material held by third parties;
- (d) any hearing relating to the question of the admissibility as evidence of any material; and
- (e) the hearing of an application to withdraw a plea of guilty where the application is—
  - (i) made by an advocate other than the advocate who appeared at the hearing at which the plea of guilty was entered; and
  - (ii) unsuccessful.

(2) Where a hearing to which this paragraph applies is held on any day of the main hearing of a case on indictment, no separate fee is payable in respect of attendance at the hearing, but the hearing is included in the length of the main hearing for the purpose of calculating the fees payable.

(3) Where a hearing to which this paragraph applies is held prior to the first or only day of the main hearing, it is not included in the length of the main hearing for the purpose of calculating the fees payable and the trial advocate or substitute advocate must be remunerated for attendance at such a hearing—

- (a) in respect of any day where the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the Table following paragraph 19 as appropriate to the category of trial advocate or substitute advocate; or
- (b) in respect of any day where the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in the Table following paragraph 19 as appropriate to the category of trial advocate or substitute advocate.

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(6) 1965 c.69.

### **Fees for confiscation hearings**

**11.**—(1) This paragraph applies to—

- (a) a hearing under Part 2 of the Proceeds of Crime Act 2002<sup>(7)</sup> (confiscation: England and Wales);
- (b) a hearing under section 2 of the Drug Trafficking Act 1994;<sup>(8)</sup> (confiscation orders) and
- (c) a hearing under section 71 of the Criminal Justice Act 1988<sup>(9)</sup> (confiscation orders).

(2) A hearing to which this paragraph applies is not included in the length of the main hearing or of any sentencing hearing for the purpose of calculating the fees payable, and the trial advocate or substitute advocate must be remunerated for attendance at such a hearing—

- (a) in respect of any day where the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the Table following paragraph 19 as appropriate to the category of trial advocate or substitute advocate; or
- (b) in respect of any day where the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in the Table following paragraph 19 as appropriate to the category of trial advocate or substitute advocate.

### **Fees for sentencing hearings**

**12.**—(1) This paragraph applies to—

- (a) a sentencing hearing following a case on indictment to which this Schedule applies, where sentence has been deferred under section 1 of the Powers of Criminal Courts (Sentencing) Act 2000<sup>(10)</sup> (deferment of sentence); or
- (b) a sentencing hearing following a case on indictment to which this Schedule applies, other than a hearing within paragraph (a) or a sentencing hearing forming part of the main hearing.

(2) The fee payable to an advocate for appearing at a hearing to which this paragraph applies is that set out in the Table following paragraph 19 as appropriate to the category of trial advocate or substitute advocate and the circumstances of the hearing.

### **Fees for ineffective trials**

**13.** The fee set out in the Table following paragraph 19 as appropriate to the category of trial advocate will be payable in respect of each day on which the case was listed for trial but did not proceed on the day for which it was listed, for whatever reason.

### **Fees for special preparation**

**14.**—(1) This paragraph applies where, in any case on indictment in the Crown Court in respect of which a graduated fee is payable under Part 2 or Part 3—

- (a) it has been necessary for an advocate to do work by way of preparation substantially in excess of the amount normally done for cases of the same type because the case involves a very unusual or novel point of law or factual issue;

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(7) 2002 c.29.

(8) 1994 c.37.

(9) 1988 c.33.

(10) 2000 c.6.

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- (b) the number of pages of prosecution evidence, as defined in paragraph 1(2), exceeds 10,000 and the appropriate officer considers it reasonable to make a payment in excess of the graduated fee payable under this Schedule; or
  - (c) any or all of the prosecution evidence, as defined in paragraph 1(2), is served in electronic form only, and the appropriate officer considers it reasonable to make a payment in excess of the graduated fee payable under this Schedule.
- (2) Where this paragraph applies, a special preparation fee may be paid, in addition to the graduated fee payable under Part 2 or Part 3.
- (3) The amount of the special preparation fee must be calculated—
- (a) where sub-paragraph (1)(a) applies, from the number of hours preparation in excess of the amount the appropriate officer considers reasonable for cases of the same type;
  - (b) where sub-paragraph (1)(b) applies, from the number of hours which the appropriate officer considers reasonable to read the excess pages; and
  - (c) where sub-paragraph (1)(c) applies, from the number of hours which the appropriate officer considers reasonable to view the prosecution evidence,
- and in each case using the rates of hourly fees set out in the table following paragraph 19 as appropriate to the category of trial advocate.
- (4) Any claim for a special preparation fee under this paragraph must be made by an instructed advocate, whether or not he did the work claimed for.
- (5) An instructed advocate claiming a special preparation fee must supply such information and documents as may be required by the appropriate officer in support of the claim.
- (6) In determining a claim under this paragraph, the appropriate officer must take into account all the relevant circumstances of the case, including, where special preparation work has been undertaken by more than one advocate, the benefit of such work to the trial advocate.

### **Fees for wasted preparation**

- 15.—**(1) A wasted preparation fee may be claimed where a trial advocate in any case to which this paragraph applies is prevented from representing the assisted person in the main hearing by any of the following circumstances—
- (a) the trial advocate is instructed to appear in other proceedings at the same time as the main hearing in the case and has been unable to secure a change of date for either the main hearing or the other proceedings;
  - (b) the date fixed for the main hearing is changed by the court despite the trial advocate's objection;
  - (c) the trial advocate has withdrawn from the case with the leave of the court because of his professional code of conduct or to avoid embarrassment in the exercise of his profession;
  - (d) the trial advocate has been dismissed by the assisted person or the litigator; or
  - (e) the trial advocate is obliged to attend at any place by reason of a judicial office held by him or other public duty.
- (2) This paragraph applies to every case on indictment to which this Schedule applies provided that—
- (a) the case goes to trial, and the trial lasts for five days or more; or
  - (b) the case is a cracked trial, and the number of pages of prosecution evidence exceeds 150.
- (3) The amount of the wasted preparation fee must be calculated from the number of hours of preparation reasonably carried out by the trial advocate, using the rates for hourly fees set out in

the Table following paragraph 19 as appropriate to the category of trial advocate, but no such fee is payable unless the number of hours of preparation is eight or more.

(4) Any claim for a wasted preparation fee under this paragraph must be made by an instructed advocate, whether or not he did the work claimed for.

(5) An instructed advocate claiming a wasted preparation fee must supply such information and documents as may be required by the appropriate officer as proof of the circumstances in which he was prevented from representing the assisted person and of the number of hours of preparation.

### **Fees for conferences and views**

16.—(1) This paragraph applies to the following types of work—

- (a) attendance by the trial advocate at pre-trial conferences with prospective or actual expert witnesses not held at court;
- (b) attendance by the trial advocate at views at the scene of the alleged offence;
- (c) attendance by the trial advocate at pre-trial conferences with the assisted person not held at court;
- (d) reasonable travelling time by the trial advocate for the purpose of attending a view at the scene of the alleged offence; or
- (e) reasonable travelling time by the trial advocate for the purpose of attending a pre-trial conference with the assisted person or prospective or actual expert witness, where the appropriate officer is satisfied that the assisted person or prospective or actual expert witness was unable or could not reasonably have been expected to attend a conference at the trial advocate's chambers or office.

(2) The fees payable in respect of attendance at the first three pre-trial conferences or views, as set out in sub-paragraph (1)(a) to (c), are included in the basic fee (B) specified in the Table following paragraph 5 or paragraph 7, as appropriate to the offence for which the assisted person is tried, the category of trial advocate and whether the case is a guilty plea, cracked trial or trial, provided that the trial advocate satisfies the appropriate officer that the work was reasonably necessary.

(3) The fee specified in the Table following paragraph 19 as appropriate to the category of trial advocate will be payable in the following circumstances, provided that the trial advocate satisfies the appropriate officer that the work was reasonably necessary—

- (a) for trials lasting not less than 21 and not more than 25 days, and cracked trials where it was accepted by the court at the plea and case management hearing that the trial would last not less than 21 days and not more than 25 days, one further pre-trial conference or view not exceeding two hours;
- (b) for trials lasting not less than 26 and not more than 35 days, and cracked trials where it was accepted by the court at the plea and case management hearing that the trial would last not less than 26 days and not more than 35 days, two further pre-trial conferences or views each not exceeding two hours; and
- (c) for trials lasting not less than 36 days, and cracked trials where it was accepted by the court at the plea and case management hearing that the trial would last not less than 36 days and not more than 40 days, three further pre-trial conferences or views each not exceeding two hours.

(4) Travel expenses must be paid for all conferences and views set out in sub-paragraph (1)(a) to (c), provided that the trial advocate satisfies the appropriate officer that they were reasonably incurred.

(5) Travelling time must be paid for all conferences and views set out in sub-paragraph (1)(a) to (c), provided that the trial advocate satisfies the appropriate officer that it was reasonable.

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### **Fees for appeals, committals for sentence and breach hearings**

17.—(1) Subject to sub-paragraphs (4) and (5) and paragraph 21 the fee payable to a trial advocate in any of the hearings referred to in paragraph 2(1)(b) is the fixed fee specified in the Table following paragraph 19.

(2) Where a hearing referred to in paragraph 2(1)(b) is listed but cannot proceed because of the failure of the assisted person or a witness to attend, the unavailability of a pre-sentence report, or other good reason, the fee payable to the advocate is the fixed fee specified in the Table following paragraph 19.

(3) Where—

- (a) a bail application;
- (b) a mention hearing; or
- (c) any other application

takes place in the course of a hearing referred to in paragraph 2(1)(b), the fee payable to the advocate is the fixed fee specified in the Table following paragraph 19.

(4) Where it appears to the appropriate officer that the fixed fee allowed under sub-paragraph (1) would be inappropriate taking into account all of the relevant circumstances of the case he may instead allow fees in such amounts as appear to him to be reasonable remuneration for the relevant work in accordance with sub-paragraph (5).

(5) The appropriate officer may allow any of the following classes of fees to an advocate in respect of work allowed by him under this paragraph—

- (a) a fee for preparation including, where appropriate, the first day of the hearing including, where they took place on that day—
  - (i) short conferences;
  - (ii) consultations;
  - (iii) applications and appearances (including bail applications);
  - (iv) views at the scene of the alleged offence; and
  - (v) any other preparation;
- (b) a refresher fee for any day or part of a day for which a hearing continued, including, where they took place on that day—
  - (i) short conferences;
  - (ii) consultations;
  - (iii) applications and appearances (including bail applications);
  - (iv) views at the scene of the alleged offence; and
  - (v) any other preparation; and
- (c) subsidiary fees for—
  - (i) attendance at conferences, consultations and views at the scene of the alleged offence not covered by paragraph (a) or (b);
  - (ii) written advice on evidence, plea, appeal, case stated or other written work; and
  - (iii) attendance at applications and appearances (including bail applications and adjournments for sentence) not covered by paragraph (a) or (b).

### **Discontinuance or dismissal of sent or transferred proceedings**

18.—(1) This paragraph applies to proceedings which are—



- (a) sent for trial to the Crown Court under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences); or
- (b) transferred to the Crown Court under—
  - (i) section 4 of the Criminal Justice Act 1987 (transfer of serious fraud cases); or
  - (ii) section 53 of the Criminal Justice Act 1991 (transfer of certain cases involving children).

(2) Where proceedings referred to in sub-paragraph (1) are discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985 (discontinuance of proceedings after accused has been sent for trial) at any time before the prosecution serves its evidence in accordance with the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005<sup>(11)</sup> the advocate must be paid 50 percent of the Basic fee (B) for a guilty plea, as specified in the Table following paragraph 7 as appropriate to the offence for which the assisted person is charged and the category of advocate.

(3) Where proceedings referred to in sub-paragraph (1) are discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985 (discontinuance of proceedings after accused has been sent for trial) at any time after the prosecution serves its evidence in accordance with the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005, the advocate must be paid a graduated fee calculated in accordance with paragraph 6, as appropriate for representing an assisted person in a guilty plea.

(4) Where, at the plea and case management hearing or any other hearing after the prosecution serves its evidence,—

- (a) the prosecution offers no evidence and the assisted person is discharged; or
- (b) the assisted person is charged on an indictment which includes no offence that is triable only on indictment and the case is remitted to the magistrates' court in accordance with paragraph 10(3)(a) of Schedule 3 to the Crime and Disorder Act 1998 (procedure where no indictable-only offence remains),

the advocate instructed in the proceedings must be paid a graduated fee calculated in accordance with paragraph 6, as appropriate for representing an assisted person in a guilty plea.

(5) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal), section 6 of the Criminal Justice Act 1987 (applications for dismissal) or paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (applications for dismissal), the advocate must be remunerated for attendance at the hearing of the application for dismissal—

- (a) in respect of any day where the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the Table following paragraph 19 as appropriate to the category of advocate; or
- (b) in respect of any day where the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in that Table as appropriate to the category of advocate,

provided that a fee is not payable elsewhere under this Schedule in respect of any day of the hearing.

(6) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998, section 6 of the Criminal Justice Act 1987 or paragraph 5 of Schedule 6 to the Criminal Justice Act 1991, and—

- (a) the charge, or charges, are dismissed and the assisted person is discharged; or

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(11) S.I. 2005/902.

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- (b) the charge, or charges, of an offence triable only on indictment are dismissed and the case is remitted to the magistrates' court in accordance with paragraph 10(3)(a) of Schedule 3 to the Crime and Disorder Act 1998,

in respect of the first day of the hearing of the application to dismiss, the advocate instructed in the proceedings must be paid a graduated fee calculated in accordance with paragraph 6, as appropriate for representing an assisted person in a guilty plea.

(7) Where an advocate represents more than one assisted person in proceedings referred to in sub-paragraph (1), the advocate must be paid a fixed fee of 20 percent of —

- (a) the fee specified in sub-paragraph (2) where that sub-paragraph applies; or  
 (b) the Basic fee (B) specified in the Table following paragraph 7 where sub-paragraph (3), (4) or (5) applies, as appropriate for the circumstances set out in the relevant sub-paragraph,

in respect of each additional assisted person he represents.

### Noting brief fees

19. The fee payable to an advocate retained solely for the purpose of making a note of any hearing must be the daily fee set out in the table following this paragraph.

#### Fixed Fees

<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Fee for QC</i>	<i>Fee for leading junior</i>	<i>Fee for led junior or junior alone</i>
Standard appearance	9(2)	£200 per day	£150 per day	£100 per day
Paper plea and case management hearing	9(3)	£30 per case	£30 per case	£30 per case
Abuse of process hearing	10(1)(a)	Half day £300 Full day £575	Half day £225 Full day £400	Half day £150 Full day £275
Hearings relating to disclosure	10(1)(b) and (c)	Half day £300 Full day £575	Half day £225 Full day £400	Half day £150 Full day £275
Hearings relating to the admissibility of evidence	10(1)(d)	Half day £300 Full day £575	Half day £225 Full day £400	Half day £150 Full day £275
Hearings on withdrawal of a plea of guilty	10(1)(e)	Half day £300 Full day £575	Half day £225 Full day £400	Half day £150 Full day £275
Confiscation hearings	11	Half day £300 Full day £575	Half day £225 Full day £400	Half day £150 Full day £275
Deferred sentencing hearing	12(1)(a)	£375 per day	£275 per day	£200 per day
Sentencing hearing	12(1)(b)	£300 per day	£200 per day	£125 per day
Ineffective trial payment	13	£325 per day	£225 per day	£150 per day

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<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Fee for QC</i>	<i>Fee for leading junior</i>	<i>Fee for led junior or junior alone</i>
Special preparation	14	£85 per hour	£65 per hour	£45 per hour
Wasted preparation	15	£85 per hour	£65 per hour	£45 per hour
Conferences and views	16	£85 per hour	£65 per hour	£45 per hour
Appeals to the Crown Court against conviction	17(1)	£300 per day	£225 per day	£150 per day
Appeals to the Crown Court against sentence	17(1)	£250 per day	£175 per day	£125 per day
Proceedings relating to breach of an order of the Crown Court	17(1)	£250 per day	£175 per day	£125 per day
Committal for sentence	17(1)	£300 per day	£225 per day	£150 per day
Adjourned appeals, committals for sentence and breach hearings	17(2)	£200 per day	£150 per day	£100 per day
Bail applications, mentions and other applications in appeals, committals for sentence and breach hearings	17(3)	£200 per day	£150 per day	£100 per day
Second and subsequent days of an application to dismiss	18(6)	Half day £300 Full day £575	Half day £225 Full day £400	Half day £150 Full day £275
Noting brief	19			£125 per day

## PART 5

### Miscellaneous

#### Identity of instructed advocate

**20.**—(1) Where an instructed advocate is appointed before the plea and case management hearing, he must notify the Court in writing as soon as he is appointed and, where appropriate, he must confirm whether he is the leading instructed advocate or the led instructed advocate.

(2) Where the representation order provides for a single advocate and no instructed advocate has been notified to the Court in accordance with sub-paragraph (1)—

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(a) the barrister or solicitor advocate who attends the plea and case management hearing will be deemed to be the instructed advocate; and

(b) the Court will make a written record of this fact.

(3) Where the representation order provides for a single advocate and no barrister or solicitor advocate attends the plea and case management hearing—

(a) the barrister or solicitor advocate who attends the next hearing in the case will be deemed to be the instructed advocate; and

(b) the Court will make a written record of this fact.

(4) Where the representation order provides for more than one advocate, and no leading instructed advocate has been notified to the Court in accordance with sub-paragraph (1), the leading advocate who attends—

(a) the plea and case management hearing; or

(b) where no leading advocate attends the plea and case management hearing, the next hearing in the case attended by a leading advocate

will be deemed to be the leading instructed advocate, and the Court will make a written record of this fact.

(5) Where the representation order provides for more than one advocate, and no led instructed advocate has been notified to the Court in accordance with sub-paragraph (1), the led advocate who attends—

(a) the plea and case management hearing; or

(b) where no led advocate attends the plea and case management hearing, the next hearing in the case attended by a led advocate

will be deemed to be the led instructed advocate, the Court will make a written record of this fact.

(6) Where a representation order is amended after the plea and case management hearing to provide for more than one advocate—

(a) the additional instructed advocate must notify the Court in writing of his appointment within 7 days of the date on which the representation order is amended; and

(b) each instructed advocate must notify the Court whether he is the leading instructed advocate or the led instructed advocate.

(7) Where no additional instructed advocate has been notified to the Court in accordance with sub-paragraph (6)(a), the advocate who attends the next hearing in the case will be deemed to be an instructed advocate and the Court will record in writing whether he is the leading instructed advocate or the led instructed advocate, as appropriate to the circumstances of the case.

(8) The Court will attach—

(a) any notice received under sub-paragraph (1) or sub-paragraph (6); and

(b) any record made by it under sub-paragraph (2), (3), (4), (5) or (7)

to the representation order.

(9) An instructed advocate must remain as instructed advocate at all times, except where—

(a) a date for trial is fixed at or before the plea and case management hearing and the instructed advocate is unable to conduct the trial due to his other pre-existing commitments;

(b) he is dismissed by the assisted person or the litigator; or

(c) he is required to withdraw because of his professional code of conduct.

(10) Where, in accordance with sub-paragraph (9), an instructed advocate withdraws, he must—

(a) immediately notify the court of his withdrawal—

- (i) in writing; or
  - (ii) where the withdrawal takes place at a plea and case management hearing, orally; and
- (b) within 7 days of the date of his withdrawal, notify the court in writing of the identity of a replacement instructed advocate, who must fulfil all the functions of an instructed advocate in accordance with this Order.
- (11) This paragraph does not apply to a claim for fees under paragraph 27, 28 or 29.

#### **Payment of fees to instructed advocate**

**21.**—(1) In accordance with article 23 the appropriate officer must notify each instructed advocate of the total fees payable and authorise payment to him accordingly.

(2) Payment of the fees in accordance with sub-paragraph (1) must be made to each instructed advocate.

(3) Where the representation order provides for a single advocate, the instructed advocate is responsible for arranging payment of fees to the trial advocate and any substitute advocate who has undertaken work on the case.

(4) Where there are two instructed advocates for an assisted person, payment must be made to each instructed advocate individually, and—

- (a) the leading instructed advocate is responsible for arranging payment of fees to the trial advocate and any substitute advocate who have undertaken work on the case of a type for which a leading advocate is responsible; and
- (b) the led instructed advocate is responsible for arranging payment of fees to the trial advocate and any substitute advocate who have undertaken work on the case of a type for which a led advocate is responsible.

(5) This paragraph does not apply to a claim for fees under paragraph 27, 28 or 29.

#### **Additional charges and additional cases**

**22.**—(1) Where an assisted person is charged with more than one offence on one indictment, the graduated fee payable to the trial advocate under this Schedule will be based on whichever of those offences the trial advocate selects.

(2) Where two or more cases to which this Schedule applies involving the same trial advocate are heard concurrently (whether involving the same or different assisted persons)—

- (a) the trial advocate must select one case (“the principal case”), which must be treated for the purposes of remuneration in accordance with this Schedule;
- (b) in respect of the main hearing in each of the other cases the trial advocate must be paid a fixed fee of 20 per cent of—
  - (i) the basic fee (B) specified in the Table following paragraph 5 or paragraph 7, as appropriate, for the principal case, where that is a case falling within paragraph 2(1)(a), or
  - (ii) the fixed fee for the principal case, where that is a case falling within paragraph 2(1)(b).

(3) Where a trial advocate or substitute advocate appears at a hearing specified in paragraph 9, 10, 11, 12 or 13, forming part of two or more cases involving different assisted persons, he must be paid—

- (a) in respect of the first such case, the fixed fee for that hearing specified in the Table following paragraph 19; and

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(b) in respect of each of the other cases, 20 per cent of that fee.

(4) Subject to sub-paragraphs (1) to (3), where a trial advocate or substitute advocate appears at a hearing forming part of two or more cases, he must be paid the fixed fee for that hearing specified in the Table following paragraph 19 in respect of one such case, without any increase in respect of the other cases.

(5) Where a trial advocate selects—

(a) one offence, in preference to another offence, under sub-paragraph (1); or

(b) one case as the principal case, in preference to another case, under sub-paragraph (2),

that selection does not affect his right to claim any of the fees set out in the Table following paragraph 19 to which he would otherwise have been entitled.

### Multiple advocates

23.—(1) Where a representation order provides for three advocates in a case the provisions of this Schedule will apply, and the fees payable to the led juniors in accordance with Part 2 or Part 3 will be payable to each led junior who is instructed in the case.

(2) Where—

(a) the assisted person is represented by a single trial advocate; and

(b) another person charged on the same indictment with an offence falling within the same class is represented by two trial advocates,

the single trial advocate must be paid the same fee as if he were appearing as junior to another trial advocate.

(3) Sub-paragraph (2) does not apply where the charge which the single trial advocate is instructed to defend (or, where there is more than one such charge, the charge forming the basis of remuneration in accordance with paragraph 21(1)) is for an offence falling within Class A.

### Non-local appearances

24. Where an advocate is instructed to appear in a court which is not within 40 kilometres of his office or chambers, the appropriate officer may allow an amount for travelling and other expenses incidental to that appearance, provided that the amount must not be greater than the amount, if any, which would be payable to a trial advocate from the nearest local Bar or the nearest advocate's office (whichever is the nearer) unless the advocate instructed to appear has obtained prior approval under CDS Regulations for the incurring of such expenses or can justify his attendance having regard to all the relevant circumstances of the case.

### Trials lasting over 40 days

25. Where a trial exceeds 40 days, but is not a Very High Cost Case which is the subject of an individual contract for the provision of funded services, the trial advocate must be paid a fee as set out in the Table following this paragraph, as appropriate to the category of trial advocate and the class of offence, for each day by which the trial exceeds 40 days.

#### Daily rates payable where a trial lasts over 40 days

<i>Class of Offence</i>	<i>Daily rate payable for days 41 to 50</i>	<i>Daily rate payable for days 51 and over</i>
<b>QC</b>		
A	£635	£680

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<i>Class of Offence</i>	<i>Daily rate payable for days 41 to 50</i>	<i>Daily rate payable for days 51 and over</i>
B	£447	£479
C	£447	£479
D	£447	£479
E	£447	£479
F	£447	£479
G	£447	£479
H	£447	£479
I	£447	£479
J	£447	£479
K	£447	£479
<b>Leading Junior</b>		
A	£544	£583
B	£383	£411
C	£383	£411
D	£383	£411
E	£383	£411
F	£383	£411
G	£383	£411
H	£383	£411
I	£383	£411
J	£383	£411
K	£383	£411
<b>Led Junior</b>		
A	£363	£389
B	£256	£274
C	£256	£274
D	£256	£274
E	£256	£274
F	£256	£274
G	£256	£274
H	£256	£274
I	£256	£274
J	£256	£274
K	£256	£274

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<i>Class of Offence</i>	<i>Daily rate payable for days 41 to 50</i>	<i>Daily rate payable for days 51 and over</i>
<b>Junior acting alone</b>		
A	£435	£467
B	£286	£306
C	£286	£306
D	£307	£329
E	£260	£279
F	£260	£279
G	£307	£329
H	£286	£306
I	£286	£306
J	£307	£329
K	£307	£329

#### **Assisted person unfit to plead or stand trial**

**26.** Where in any case a hearing is held to determine the question of whether the assisted person is unfit to plead or to stand trial (a “fitness hearing”)—

- (a) if a trial on indictment is held, or continues, at any time thereafter, the length of the fitness hearing is included in determining the length of the trial for the calculation of the graduated fee in accordance with Part 2 or Part 3;
- (b) if a trial on indictment is not held, or does not continue, thereafter by reason of the assisted person being found unfit to plead or to stand trial, the trial advocate must be paid—
  - (i) a graduated fee calculated in accordance with paragraph 4 as appropriate to the combined length of—
    - (aa) the fitness hearing; and
    - (bb) any hearing under section 4A of the Criminal Procedure (Insanity) Act 1964<sup>(12)</sup> (finding that the accused did the act or made the omission charged against him); or
  - (ii) a graduated fee calculated in accordance with paragraph 6 as appropriate for representing an assisted person in a cracked trial, whichever the trial advocate elects; and
- (c) if at any time the assisted person pleads guilty to the indictable offence, the trial advocate must be paid either—
  - (i) a graduated fee calculated in accordance with paragraph 4 as appropriate to the length of the fitness hearing; or
  - (ii) a graduated fee calculated in accordance with paragraph 6 as appropriate for representing an assisted person in a guilty plea, whichever the trial advocate elects.

<sup>(12)</sup> 1964 c.84, as amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c.25) and the Domestic Violence, Crime and Victims Act 2004 (c.28).



**Cross examination of witness**

27.—(1) Where in any case on indictment an advocate is retained solely for the purpose of cross-examining a witness under section 38 of the Youth Justice and Criminal Evidence Act 1999(13) (defence representation for purposes of cross-examination), he must be paid a graduated fee calculated in accordance with paragraph 4.

(2) For the purposes of this paragraph the daily attendance fee (D) is as set out in the Table following paragraph 5 as appropriate to the number of days of attendance at court by the advocate.

**Provision of written or oral advice**

28.—(1) Where in any case on indictment an advocate is assigned under a representation order solely for the purpose of providing written or oral advice, he will be paid for the reasonable number of hours of preparation for that advice using the rates of hourly fees for special preparation set out in the table following paragraph 19 as appropriate to the category of trial advocate.

(2) An advocate claiming a fee for advice under this paragraph may apply to the appropriate officer to redetermine the fee under article 29 and he must supply such information and documents as may be required by the appropriate officer as proof of the number of hours of preparation.

**Mitigation of sentence**

29.—(1) Where in any case on indictment an advocate is assigned under a representation order to appear at a sentencing hearing solely for the purpose of applying to the court to mitigate the assisted person's sentence, he must be paid in respect of that appearance the fee payable under paragraph 12 together with a fee calculated from the reasonable number of hours of preparation for that appearance using the rates of hourly fees for special preparation set out in the table following paragraph 19 as appropriate to the category of trial advocate.

(2) An advocate claiming an hourly preparation fee under this paragraph may apply to the appropriate officer to redetermine such hourly fee under article 29 and he must supply such information and documents as may be required by the appropriate officer as proof of the number of hours of preparation.

**PART 6****Table of Offences**

<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
<b>Class A: Homicide and related grave offences</b>		
Murder	Common law	
Manslaughter	Common law	
Soliciting to commit murder	Offences against the Person Act 1861	1861 c. 100 s.4
Child destruction	Infant Life (Preservation) Act 1929	1929 c. 34 s.1(1)
Infanticide	Infanticide Act 1938 s.1(1)	1938 c. 36

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(13) 1999 c.23.

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<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Causing explosion likely to endanger life or property	Explosive Substances Act 1883 s.2	1883 c. 3
Attempt to cause explosion, making or keeping explosive etc.	Explosive Substances Act 1883 s.3	as above
<b>Class B: Offences involving serious violence or damage, and serious drugs offences</b>		
Endangering the safety of an aircraft	Aviation Security Act 1982 s. 2(1)(b)	1982 c. 36
Racially-aggravated arson (not endangering life)	Crime and Disorder Act 1998 s. 30(1)	1998 c. 37
Kidnapping	Common law	
False imprisonment	Common law	
Aggravated criminal damage	Criminal Damage Act 1971 s.1(2)	1971 c. 48
Aggravated arson	Criminal Damage Act 1971 s.1(2), (3)	as above
Arson (where value exceeds £30,000)	Criminal Damage Act 1971 s.1(3)	as above
Possession of firearm with intent to endanger life	Firearms Act 1968 s.16	1968 c. 27
Use of firearm to resist arrest	Firearms Act 1968 s.17	as above
Possession of firearm with criminal intent	Firearms Act 1968 s.18	as above
Possession or acquisition of certain prohibited weapons etc.	Firearms Act 1968 s.5	as above
Aggravated burglary	Theft Act 1968 s.10	1968 c. 60
Armed robbery	Theft Act 1968 s.8(1)	as above
Assault with weapon with intent to rob	Theft Act 1968 s.8(2)	as above
Blackmail	Theft Act 1968 s.21	as above
Riot	Public Order Act 1986 s.1	1986 c. 64
Violent disorder	Public Order Act 1986 s.2	as above
Contamination of goods with intent	Public Order Act 1986 s.38	as above
Causing death by dangerous driving	Road Traffic Act 1988 s.1	1988 c. 52
Causing death by careless driving while under the influence of drink or drugs	Road Traffic Act 1988 s.3A	as above
Aggravated vehicle taking resulting in death	Theft Act 1968 s.12A	1968 c. 60
Causing danger to road users	Road Traffic Act 1988 s.22A	1988 c. 52
Attempting to choke, suffocate, strangle etc.	Offences against the Person Act 1861 s.21	1861 c. 100
Causing miscarriage by poison, instrument	Offences against the Person Act 1861 s.58	as above

<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Making threats to kill	Offences against the Person Act 1861 s.16	as above
Wounding or grievous bodily harm with intent to cause grievous bodily harm etc.	Offences against the Person Act 1861 s.18	as above
Endangering the safety of railway passengers	Offences against the Person Act 1861 ss.32, 33, 34	as above
Impeding persons endeavouring to escape wrecks	Offences against the Person Act 1861 s.17	as above
Administering chloroform, laudanum etc.	Offences against the Person Act 1861 s.22	as above
Administering poison etc. so as to endanger life	Offences against the Person Act 1861 s.23	as above
Cruelty to persons under 16	Children and Young Persons Act 1933 s.1	1933 c. 12
Aiding and abetting suicide	Suicide Act 1961 s.2	1961 c. 60
Prison mutiny	Prison Security Act 1992 s.1	1992 c. 25
Assaulting prison officer whilst possessing firearm etc.	Criminal Justice Act 1991 s.90	1991 c. 53
Producing or supplying a Class A or B drug	Misuse of Drugs Act 1971 s.4	1971 c. 38
Possession of a Class A or B drug with intent to supply	Misuse of Drugs Act 1971 s.5(3)	as above
Manufacture and supply of scheduled substances	Criminal Justice (International Co-operation) Act 1990 s.12	1990 c. 5
Fraudulent evasion of controls on Class A and B drugs	Customs and Excise Management Act 1979 s.170(2)(b), (c)	1979 c. 2
Illegal importation of Class A and B drugs	Customs and Excise Management Act 1979 s.50	as above
Offences in relation to proceeds of drug trafficking	Drug Trafficking Act 1994 ss.49, 50 and 51	1994 c. 37
Offences in relation to money laundering investigations	Drug Trafficking Act 1994 ss.52 and 53	as above
Practitioner contravening drug supply regulations	Misuse of Drugs Act 1971 ss.12 and 13	1971 c. 38
Cultivation of cannabis plant	Misuse of Drugs Act 1971 s.6	as above
Occupier knowingly permitting drugs offences etc.	Misuse of Drugs Act 1971 s.8	as above
Activities relating to opium	Misuse of Drugs Act 1971 s.9	as above
Drug trafficking offences at sea	Criminal Justice (International Co-operation) Act 1990 s.18	1990 c. 5

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<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Firing on Revenue vessel	Customs and Excise Management Act 1979 s.85	1979 c. 2
Making or possession of explosive in suspicious circumstances	Explosive Substances Act 1883 s.4(1)	1883 c. 3
Causing bodily injury by explosives	Offences against the Person Act 1861 s.28	1861 c. 100
Using explosive or corrosives with intent to cause grievous bodily harm	Offences against the Person Act 1861 s.29	as above
Hostage taking	Taking of Hostages Act 1982 s.1	1982 c. 28
Offences against international protection of nuclear material	Nuclear Material (Offences) Act 1983 s.2	1983 c. 18
Placing explosives with intent to cause bodily injury	Offences against the Person Act 1861 s.30	1861 c. 100
Membership of proscribed organisations	Terrorism Act 2000 s.11	2000 c. 11
Support or meeting of proscribed organisations	Terrorism Act 2000 s.12	as above
Uniform of proscribed organisations	Terrorism Act 2000 s.13	as above
Fund-raising for terrorism	Terrorism Act 2000 s.15	as above
Other offences involving money or property to be used for terrorism	Terrorism Act 2000 ss.16-18	as above
Disclosure prejudicing, or interference of material relevant to, investigation of terrorism	Terrorism Act 2000 s.39	as above
Weapons training	Terrorism Act 2000 s.54	as above
Directing terrorist organisation	Terrorism Act 2000 s.56	as above
Possession of articles for terrorist purposes	Terrorism Act 2000 s.57	as above
Unlawful collection of information for terrorist purposes	Terrorism Act 2000 s.58	as above
Incitement of terrorism overseas	Terrorism Act 2000 s.59	as above
Concealing criminal property	Proceeds of Crime Act 2002 s.327	2002 c.29
Involvement in arrangements facilitating the acquisition, retention, use or control of criminal property	Proceeds of Crime Act 2002 s.328	As above
Acquisition, use or possession of criminal property	Proceeds of Crime Act 2002 s.329	As above
Failure to disclose knowledge or suspicion of money laundering: regulated sector	Proceeds of Crime Act 2002 s.330	As above

<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Failure to disclose knowledge or suspicion of money laundering: nominated officers in the regulated sector	Proceeds of Crime Act 2002 s.331	As above
Failure to disclose knowledge or suspicion of money laundering: other nominated officers	Proceeds of Crime Act 2002 s.332	As above
Tipping off	Proceeds of Crime Act 2002 s.333	As above
Disclosure under sections 330, 331, 332 or 333 of the Proceeds of Crime Act 2002 otherwise than in the form and manner prescribed	Proceeds of Crime Act 2002 s.339(1A)	As above
Causing or allowing the death of a child	Domestic Violence, Crime and Victims Act 2004 s.5	<a href="#">2004 c.28</a>
<b>Class C: Lesser offences involving violence or damage, and less serious drugs offences</b>		
Racially-aggravated assault	Crime and Disorder Act 1998 s. 29(1)	<a href="#">1998 c.37</a>
Racially-aggravated criminal damage	Crime and Disorder Act 1998 s. 30(1)	<a href="#">1998 c.37</a>
Robbery (other than armed robbery)	Theft Act 1968 s.8(1)	<a href="#">1968 c. 60</a>
Unlawful wounding	Offences against the Person Act 1861 s.20	<a href="#">1861 c. 100</a>
Assault occasioning actual bodily harm	Offences against the Person Act 1861 s.47	as above
Concealment of birth	Offences against the Person Act 1861 s.60	as above
Abandonment of children under two	Offences against the Person Act 1861 s.27	as above
Arson (other than aggravated arson) where value does not exceed £30,000	Criminal Damage Act 1971 s.1(3)	<a href="#">1971 c. 48</a>
Criminal damage (other than aggravated criminal damage)	Criminal Damage Act 1971 s.1(1)	as above
Possession of firearm without certificate	Firearms Act 1968 s.1	<a href="#">1968 c. 27</a>
Carrying loaded firearm in public place	Firearms Act 1968 s.19	as above
Trespassing with a firearm	Firearms Act 1968 s.20	as above
Shortening of shotgun or possession of shortened shotgun	Firearms Act 1968 s.4	as above
Shortening of smooth bore gun	Firearms Amendment Act 1988 s.6(1)	<a href="#">1988 c. 45</a>
Possession or acquisition of shotgun without certificate	Firearms Act 1968 s.2	<a href="#">1968 c. 27</a>

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<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Possession of firearms by person convicted of crime	Firearms Act 1968 s.21(4)	as above
Acquisition by or supply of firearms to person denied them	Firearms Act 1968 s.21(5)	as above
Dealing in firearms	Firearms Act 1968 s.3	as above
Failure to comply with certificate when transferring firearm	Firearms Act 1968 s.42	as above
Permitting an escape	Common law	
Rescue	Common law	
Escaping from lawful custody without force	Common law	
Breach of prison	Common law	
Harbouring escaped prisoners	Criminal Justice Act 1961 s.22	1961 c. 39
Assisting prisoners to escape	Prison Act 1952 s.39	1952 c. 52
Fraudulent evasion of agricultural levy	Customs and Excise Management Act 1979 s.68A(1) and (2)	1979 c. 2
Offender armed or disguised	Customs and Excise Management Act 1979 s.86	as above
Making threats to destroy or damage property	Criminal Damage Act 1971 s.2	1971 c. 48
Possessing anything with intent to destroy or damage property	Criminal Damage Act 1971 s.3	as above
Child abduction by connected person	Child Abduction Act 1984 s.1	1984 c. 37
Child abduction by other person	Child Abduction Act 1984 s.2	as above
Bomb hoax	Criminal Law Act 1977 s.51	1977 c. 45
Producing or supplying Class C drug	Misuse of Drugs Act 1971 s.4	1971 c. 38
Possession of a Class C drug with intent to supply	Misuse of Drugs Act 1971 s.5(3)	as above
Fraudulent evasion of controls on Class C drugs	Customs and Excise Management Act 1979 s.170(2)(b), (c)	1979 c. 2
Illegal importation of Class C drugs	Customs and Excise Management Act 1979 s.50	as above
Possession of Class A drug	Misuse of Drugs Act 1971 s.5(2)	1971 c. 38
Failure to disclose knowledge or suspicion of money laundering	Drug Trafficking Offences Act 1986 s.26B	1986 c. 32
Tipping-off in relation to money laundering investigations	Drug Trafficking Offences Act 1986 s.26C	as above
Assaults on officers saving wrecks	Offences against the Person Act 1861 s.37	1861 c. 100

<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Attempting to injure or alarm the Sovereign	Treason Act 1842 s.2	1842 c. 51
Assisting illegal entry or harbouring persons	Immigration Act 1971 s.25	1971 c. 77
Administering poison with intent to injure etc.	Offences against the Person Act 1861 s.24	1861 c. 100
Neglecting to provide food for or assaulting servants etc.	Offences against the Person Act 1861 s.26	as above
Setting spring guns with intent to inflict grievous bodily harm	Offences against the Person Act 1861 s.31	as above
Supplying instrument etc. to cause miscarriage	Offences against the Person Act 1861 s.59	as above
Failure to disclose information about terrorism	Terrorism Act 2000 s.19	2000 c. 11
Circumcision of females	Prohibition of Female Circumcision Act 1985 s.1	1985 c. 38
Breaking or injuring submarine telegraph cables	Submarine Telegraph Act 1885 s.3	1885 c. 49
Failing to keep dogs under proper control resulting in injury	Dangerous Dogs Act 1991 s.3	1991 c. 65
Making gunpowder etc. to commit offences	Offences against the Person Act 1861 s.64	1861 c. 100
Stirring up racial hatred	Public Order Act 1986 ss.18-23	1986 c. 64
<b>Class D: Sexual offences and offences against children</b>		
Administering drugs to obtain intercourse	Sexual Offences Act 1956 s.4	1956 c.69
Procurement of a defective	Sexual Offences Act 1956 s.9	as above
Incest other than by man with a girl under 13	Sexual Offences Act 1956 ss.10 and 11	as above
Gross indecency between male of 21 or over and male under 16	Sexual Offences Act 1956 s.13	as above
Indecent assault on a woman	Sexual Offences Act 1956 s.14	as above
Indecent assault on a man	Sexual Offences Act 1956 s.15	as above
Abuse of position of trust	Sexual Offences (Amendment) Act 2000 s.3	2000 c. 44
Man living on earnings of prostitution	Sexual Offences Act 1956 s.30	1956 c.69
Woman exercising control over prostitute	Sexual Offences Act 1956 s.31	as above
Living on earnings of male prostitution	Sexual Offences Act 1967 s.5	1967 c. 60

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<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Incitement to commit incest	Criminal Law Act 1977 s.54	1977 c. 45
Ill-treatment of persons of unsound mind	Mental Health Act 1983 s.127	1983 c. 20
Abduction of unmarried girl under 18 from parent	Sexual Offences Act 1956 s.19	1956 c. 69
Abduction of defective from parent	Sexual Offences Act 1956 s.21	as above
Procuration of girl under 21	Sexual Offences Act 1956 s.23	as above
Permitting defective to use premises for intercourse	Sexual Offences Act 1956 s.27	as above
Causing or encouraging prostitution of defective	Sexual Offences Act 1956 s.29	as above
Sexual assault	Sexual Offences Act 2003 s.3	2003 c. 42
Causing sexual activity without penetration	Sexual Offences Act 2003 s. 4	As above
Engaging in sexual activity in the presence of a child	Sexual Offences Act 2003 s. 11	As above
Causing a child to watch a sexual act	Sexual Offences Act 2003 s. 12	As above
Child sex offence committed by person under 18	Sexual Offences Act 2003 s. 13	As above
Meeting child following sexual grooming	Sexual Offences Act 2003 s. 15	As above
Abuse of trust: sexual activity with a child	Sexual Offences Act 2003 s. 16	As above
Abuse of position of trust: causing a child to engage in sexual activity	Sexual Offences Act 2003 s. 17	As above
Abuse of trust: sexual activity in the presence of a child	Sexual Offences Act 2003 s. 18	As above
Abuse of position of trust: causing a child to watch sexual activity	Sexual Offences Act 2003 s. 19	As above
Engaging in sexual activity in the presence of a person with a mental disorder	Sexual Offences Act 2003 s. 32	As above
Causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003 s. 33	As above
Engaging in sexual activity in the presence of a person with a mental disorder	Sexual Offences Act 2003 s. 36	As above
Causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003 s. 37	As above



<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Care workers: sexual activity in presence of a person with a mental disorder	Sexual Offences Act 2003 s. 40	As above
Care workers: causing a person with a mental disorder to watch a sexual act	Sexual Offences Act 2003 s. 41	As above
Causing or inciting prostitution for gain	Sexual Offences Act 2003 s. 52	As above
Controlling prostitution for gain	Sexual Offences Act 2003 s. 53	As above
Administering a substance with intent	Sexual Offences Act 2003 s. 61	As above
Committing offence with intent to commit sexual offence	Sexual Offences Act 2003 s. 62	As above
Trespass with intent to commit sexual offence	Sexual Offences Act 2003 s. 63	As above
Sex with adult relative	Sexual Offences Act 2003 s. 64, 65	As above
Exposure	Sexual Offences Act 2003 s. 66	As above
Voyeurism	Sexual Offences Act 2003 s. 67	As above
Intercourse with an animal	Sexual Offences Act 2003 s. 69	As above
Sexual penetration of a corpse	Sexual Offences Act 2003 s. 70	As above
<b>Class E: Burglary etc</b>		
Burglary (domestic)	Theft Act 1968 s.9(3)(a)	1968 c. 60
Going equipped to steal	Theft Act 1968 s.25	as above
Burglary (non-domestic)	Theft Act 1968 s.9(3)(b)	as above
<b>Classes F, G and K: Other offences of dishonesty</b>		
<i>The following offences are always in class F</i>		
Destruction of registers of births etc.	Forgery Act 1861 s.36	1861 c. 98
Making false entries in copies of registers sent to register	Forgery Act 1861 s.37	as above
Possession (with intention) of false identity documents	Identity Cards Act 2006 s.25(1)	2006 c.15
Possession (with intention) of apparatus or material for making false identity documents	Identity Cards Act 2006 s.25(3)	As above
Possession (without reasonable excuse) of false identity documents or apparatus or material for making false identity documents	Identity Cards Act 2006 s.25(5)	As above
<i>The following offences are always in class G</i>		
Undischarged bankrupt being concerned in a company	Insolvency Act 1986 s. 360	1986 c.45

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<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Counterfeiting notes and coins	Forgery and Counterfeiting Act 1981 s.14	1981 c. 45
Passing counterfeit notes and coins	Forgery and Counterfeiting Act 1981 s.15	as above
Offences involving custody or control of counterfeit notes and coins	Forgery and Counterfeiting Act 1981 s.16	as above
Making, custody or control of counterfeiting materials etc.	Forgery and Counterfeiting Act 1981 s.175	as above
Illegal importation: counterfeit notes or coins	Customs and Excise Management Act 1979 s.50	1979 c. 2
Fraudulent evasion: counterfeit notes or coins	Customs and Excise Management Act 1979 s.170(2)(b), (c)	as above
<i>The following offences are in class G if the value involved exceeds £30,000, class K if the value exceeds £100,000 and in class F otherwise</i>		
VAT offences	Value Added Tax Act 1994 s. 72(1-8)	1994 c.23
Fraudulent evasion of duty	Customs and Excise Management Act 1979 s. 170(1)(b)	1979 c. 2
Theft	Theft Act 1968 s.1	1968 c. 60
Removal of articles from places open to the public	Theft Act 1968 s.11	as above
Abstraction of electricity	Theft Act 1968 s.13	as above
Obtaining property by deception	Theft Act 1968 s.15	as above
Obtaining pecuniary advantage by deception	Theft Act 1968 s.16	as above
False accounting	Theft Act 1968 s.17	as above
Handling stolen goods	Theft Act 1968 s.22	as above
Obtaining services by deception	Theft Act 1978 s.1	1978 c. 31
Evasion of liability by deception	Theft Act 1978 s.2	as above
Illegal importation: not elsewhere specified	Customs and Excise Management Act 1979 s.50	1979 c. 2
Counterfeiting Customs documents	Customs and Excise Management Act 1979 s.168	as above
Fraudulent evasion: not elsewhere specified	Customs and Excise Management Act 1979 s.170(2)(b), (c)	as above
Forgery	Forgery and Counterfeiting Act 1981 s.1	1981 c. 45
Copying false instrument with intent	Forgery and Counterfeiting Act 1981 s.2	as above

<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Using a false instrument	Forgery and Counterfeiting Act 1981 s.3	as above
Using a copy of a false instrument	Forgery and Counterfeiting Act 1981 s.4	as above
Custody or control of false instruments etc.	Forgery and Counterfeiting Act 1981 s.5	as above
Offences in relation to dies or stamps	Stamp Duties Management Act 1891 s.13	1891 c. 38
Counterfeiting of dies or marks	Hallmarking Act 1973 s.6	1973 c. 43
Fraud by false representation	Fraud Act 2006 s.2	2006 c.35
Fraud by failing to disclose information	Fraud Act 2006 s.3	As above
Fraud by abuse of position	Fraud Act 2006 s.4	As above
Possession etc of articles for use in frauds	Fraud Act 2006 s.6	As above
Making or supplying articles for use in frauds	Fraud Act 2006 s.7	As above
Participating in fraudulent business carried on by sole trader etc.	Fraud Act 2006 s.9	As above
Obtaining services dishonestly	Fraud Act 2006 s.11	As above
<b>Class H: miscellaneous other offences</b>		
Breach of anti-social behaviour order	Crime and Disorder Act 1998 s. 1(10)	1998 c. 37
Breach of sex offender order	Crime and Disorder Act 1998 s. 2(8)	As above
Racially-aggravated public order offence	Crime and Disorder Act 1998 s. 31(1)	As above
Racially aggravated harassment/ putting another in fear of violence	Crime and Disorder Act 1998 s. 32(1)	As above
Having an article with a blade or point in a public place	Criminal Justice Act 1988 s. 139	1988 c. 33
Breach of harassment injunction	Protection from Harassment Act 1997 s. 3(6)	1997 c. 40
Putting people in fear of violence	Protection from Harassment Act 1997 s. 4(1)	As above
Breach of restraining order	Protection from Harassment Act 1997 s. 5(5)	As above
Being drunk on an aircraft	Air Navigation Order 2005, article 75	S.I. 2005/1970
Possession of offensive weapon	Prevention of Crime Act 1953 s.1	1953 c. 14
Affray	Public Order Act 1986 s.3	1986 c. 64
Assault with intent to resist arrest	Offences against the Person Act 1861 s.38	1861 c. 100

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<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Unlawful eviction and harassment of occupier	Protection from Eviction Act 1977 s.1	1977 c. 43
Obscene articles intended for publication for gain	Obscene Publications Act 1964 s.1	1964 c. 74
Gross indecency between males (other than where one is 21 or over and the other is under 16)	Sexual Offences Act 1956 s.13	1956 c. 69
Solicitation for immoral purposes	Sexual Offences Act 1956 s.32	as above
Buggery of males of 16 or over otherwise than in private	Sexual Offences Act 1956 s.12	as above
Acts outraging public decency	Common law	
Offences of publication of obscene matter	Obscene Publications Act 1959 s.2	1959 c. 66
Keeping a disorderly house	Common law; Disorderly Houses Act 1751 s.8	1751 c. 36
Indecent display	Indecent Displays (Control) Act 1981 s.1	1981 c. 42
Presentation of obscene performance	Theatres Act 1968 s.2	1968 c. 54
Procurement of intercourse by threats etc.	Sexual Offences Act 1956 s.2	1956 c. 69
Causing prostitution of women	Sexual Offences Act 1956 s.22	as above
Detention of woman in brothel or other premises	Sexual Offences Act 1956 s.24	as above
Procurement of a woman by false pretences	Sexual Offences Act 1956 s.3	as above
Procuring others to commit homosexual acts	Sexual Offences Act 1967 s.4	1967 c. 60
Trade description offences (9 offences)	Trade Descriptions Act 1968 ss.1, 8, 9, 12, 13, 14	1968 c. 29
Misconduct endangering ship or persons on board ship	Merchant Shipping Act 1970 s.27	1970 c. 36
Obstructing engine or carriage on railway	Malicious Damage Act 1861 s.36	1861 c. 97
Offences relating to the safe custody of controlled drugs	Misuse of Drugs Act 1971 s.11	1971 c. 38
Possession of Class B or C drug	Misuse of Drugs Act 1971 s.5(2)	as above
Wanton or furious driving	Offences against the Person Act 1861 s.35	1861 c. 100
Dangerous driving	Road Traffic Act 1988 s.2	1988 c. 52

<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Forgery and misuse of driving documents	Public Passenger Vehicles Act 1981 s.65	1981 c. 14
Forgery of driving documents	Road Traffic Act 1960 s.233	1960 c. 16
Forgery etc. of licences and other documents	Road Traffic Act 1988 s.173	1988 c. 52
Mishandling or falsifying parking documents etc.	Road Traffic Regulation Act 1984 s.115	1984 c. 27
Aggravated vehicle taking	Theft Act 1968 s.12A	1968 c. 60
Forgery, alteration, fraud of licences etc.	Vehicle Excise and Registration Act 1994 s.44	1994 c.22
Making off without payment	Theft Act 1978 s.3	1978 c. 31
Agreeing to indemnify sureties	Bail Act 1976 s.9(1)	1976 c. 63
Sending prohibited articles by post	Post Office Act 1953 s.11	1953 c. 36
Impersonating Customs officer	Customs and Excise Management Act 1979 s.13	1979 c. 2
Obstructing Customs officer	Customs and Excise Management Act 1979 s.16	as above
<b>Class I: Offences against public justice and similar offences</b>		
Conspiring to commit offences outside the United Kingdom	Criminal Justice (Terrorism and Conspiracy) Act 1998 s. 5	1998 c.40
Perverting the course of public justice	Common law	
Perjuries (7 offences)	Perjury Act 1911 ss.1-7(2)	1911 c. 6
Corrupt transactions with agents	Prevention of Corruption Act 1906 s.1	1906 c. 34
Corruption in public office	Public Bodies Corrupt Practices Act 1889 s.1	1889 c. 69
Embracery	Common law	
Fabrication of evidence with intent to mislead a tribunal	Common law	
Personation of jurors	Common law	
Concealing an arrestable offence	Criminal Law Act 1967 s.5	1967 c. 58
Assisting offenders	Criminal Law Act 1967 s.4(1)	as above
False evidence before European Court	European Communities Act 1972 s.11	1972 c. 68
Personating for purposes of bail etc.	Forgery Act 1861 s.34	1861 c. 98
Intimidating a witness, juror etc.	Criminal Justice and Public Order Act 1994 s.51(1)	1994 c. 33
Harming, threatening to harm a witness, juror etc.	Criminal Justice and Public Order Act 1994 s.51(2)	as above
Prejudicing a drug trafficking investigation	Drug Trafficking Act 1994 s.58(1)	1994 c. 37

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<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Giving false statements to procure cremation	Cremation Act 1902 s.8(2)	1902 c. 8
False statement tendered under section 9 of the Criminal Justice Act 1967	Criminal Justice Act 1967 s.89	1967 c. 80
Making a false statement to obtain interim possession order	Criminal Justice and Public Order Act 1994 s.75(1)	1994 c. 33
Making false statement to resist making of interim possession order	Criminal Justice and Public Order Act 1994 s.75(2)	as above
False statement tendered under section 5B of the Magistrates' Courts Act 1980	Magistrates' Courts Act 1980 s.106	1980 c. 43
Making false statement to authorised officer	Trade Descriptions Act 1968 s.29(2)	1968 c. 29
<b>Class J: Serious Sexual Offences</b>		
Rape	Sexual Offences Act 1956 s.1(1)	1956 c. 69
Sexual intercourse with girl under 13	Sexual Offences Act 1956 s.5	as above
Sexual intercourse with girl under 16	Sexual Offences Act 1956 s.6	as above
Sexual intercourse with defective	Sexual Offences Act 1956 s.7	as above
Incest by man with a girl under 13	Sexual Offences Act 1956 s. 10	as above
Buggery of person under 16	Sexual Offences Act 1956 s.12	as above
Indecency with children under 14	Indecency with Children Act 1960 s.1(1)	1960 c. 33
Taking, having etc. indecent photographs of children	Protection of Children Act 1978 s.1	1978 c. 37
Assault with intent to commit buggery	Sexual Offences Act 1956 s.16	1956 c. 69
Abduction of woman by force	Sexual Offences Act 1956 s.17	as above
Permitting girl under 13 to use premises for sexual intercourse	Sexual Offences Act 1956 s.25	as above
Allowing or procuring child under 16 to go abroad to perform	Children and Young Persons Act 1933 ss.25, 26	1933 c. 12
Sexual intercourse with patients	Mental Health Act 1959 s.128	1959 c. 72
Abduction of unmarried girl under 16 from parent	Sexual Offences Act 1956 s.20	1956 c.69
Permitting girl under 16 to use premises for intercourse	Sexual Offences Act 1956 s.26	as above
Causing or encouraging prostitution of girl under 16	Sexual Offences Act 1956 s.28	as above
Rape	Sexual Offences Act 2003 s. 1	2003 c. 42
Assault by penetration	Sexual Offences Act 2003 s. 2	As above

<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Causing sexual activity with penetration	Sexual Offences Act 2003 s. 4	As above
Rape of child under 13	Sexual Offences Act 2003 s. 5	As above
Assault of child under 13 by penetration	Sexual Offences Act 2003 s. 6	As above
Sexual assault of child under 13	Sexual Offences Act 2003 s. 7	As above
Causing a child under 13 to engage in sexual activity	Sexual Offences Act 2003 s. 8	As above
Sexual activity with a child	Sexual Offences Act 2003 s. 9	As above
Causing a child to engage in sexual activity	Sexual Offences Act 2003 s. 10	As above
Arranging child sex offence	Sexual Offences Act 2003 s. 14	As above
Sexual activity with a child family member, with penetration	Sexual Offences Act 2003 s. 25	As above
Inciting a child family member to engage in sexual activity	Sexual Offences Act 2003 s. 26	As above
Sexual activity with a person with a mental disorder	Sexual Offences Act 2003 s. 30	As above
Causing or inciting a person with a mental disorder to engage in sexual activity	Sexual Offences Act 2003 s. 31	As above
Offering inducement to procure sexual activity with a person with a mental disorder	Sexual Offences Act 2003 s. 34	As above
Inducing person with mental disorder to engage in sexual activity	Sexual Offences Act 2003 s. 35	As above
Care workers: sexual activity with a person with a mental disorder	Sexual Offences Act 2003 s. 38	As above
Care workers: inciting person with mental disorder to engage in sexual act	Sexual Offences Act 2003 s. 39	As above
Paying for sexual services of a child	Sexual Offences Act 2003 s. 47	As above
Causing or inciting child prostitution or pornography	Sexual Offences Act 2003 s. 48	As above
Controlling a child prostitute	Sexual Offences Act 2003 s. 49	As above
Facilitating child prostitution	Sexual Offences Act 2003 s. 50	As above
Trafficking into UK for sexual exploitation	Sexual Offences Act 2003 s. 57	As above
Trafficking within UK for sexual exploitation	Sexual Offences Act 2003 s. 58	As above

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<i>Offence</i>	<i>Contrary to</i>	<i>Year and chapter</i>
Trafficking out of UK for sexual exploitation	Sexual Offences Act 2003 s. 59	As above

**Class K: Other offences of dishonesty (high value)**

*Class K offences are listed under Class F and G.*