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STATUTORY INSTRUMENTS

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**2013 No. 435**

**The Criminal Legal Aid (Remuneration) Regulations 2013**

**Staged payments in long Crown Court proceedings**

**20.**—(1) An instructed advocate may submit a claim to the appropriate officer for a staged payment of the instructed advocate's fees in relation to proceedings in the Crown Court.

(2) Where a claim is submitted in accordance with this regulation, a staged payment must be allowed where the appropriate officer is satisfied—

- (a) that the claim relates to fees for a period of preparation of 100 hours or more, for which the instructed advocate will, subject to final determination of the fees payable, be entitled to be paid in accordance with Schedule 1; and
- (b) that the period from <sup>F1</sup>... sending for trial <sup>F1</sup>... (or from the date of the section 16 determination, if later) to the conclusion of the Crown Court proceedings is likely to exceed 12 months, having regard, amongst other matters, to the number of defendants, the anticipated pleas and the weight and complexity of the case.

(3) In this regulation, “preparation” means—

- (a) reading the papers in the case;
- (b) contact with prosecutors;
- (c) written or oral advice on plea;
- (d) researching the law, preparation for examination of witnesses and preparation of oral submissions;
- (e) viewing exhibits or undisclosed material at police stations;
- (f) written advice on evidence;
- (g) preparation of written submissions, notices or other documents for use at the trial;
- (h) attendance at views at the scene of the alleged offence,

and is limited to preparation done before the trial, except in proceedings in which a preparatory hearing has been ordered under section 8 of the Criminal Justice Act 1987 (commencement of trial and arraignment), in which case it is limited to preparation done before the date on which the jury is sworn (or on which it became certain, by reason of pleas of guilty or otherwise, that the matter would not proceed to trial).

(4) The amount allowed for preparation falling within paragraph (3) must be determined by reference to the number of hours of preparation which it appears to the appropriate officer, without prejudice to the final determination of the fees payable, has been reasonably done, multiplied by the hourly rate for special preparation as set out in the table following paragraph 24 of Schedule 1, as appropriate to the category of advocate.

(5) A claim for staged payment of fees under this regulation must be made to the appropriate officer in such form and manner as the appropriate officer may direct, including such case plan as the appropriate officer may require for the purposes of paragraph (2)(a).

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**Changes to legislation:** There are currently no known outstanding effects for the *The Criminal Legal Aid (Remuneration) Regulations 2013, Section 20. (See end of Document for details)*

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(6) An instructed advocate may claim further staged payments in accordance with this regulation in respect of further periods of preparation exceeding 100 hours which were not included in an earlier claim.

(7) Regulations 28 to 30 do not apply to a payment under this regulation.

**F1** Words in reg. 20(2)(b) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(5)** (with reg. 10(1))

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, Section 20.