

## SCHEDULE 1

Regulation 4

### 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) [<sup>F1</sup>the assisted person enters a plea of not guilty to one or more counts at the first hearing at which he or she enters a plea] 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, the assisted person did not so plead at [<sup>F2</sup>first hearing at which he or she entered a plea]; or
    - (bb) in respect of one or more counts which did not proceed, the prosecution did not, before or at the [<sup>F3</sup>first hearing at which the assisted person entered a plea], declare an intention of not proceeding with them; or
- (b) the case is listed for trial without a [<sup>F4</sup>hearing at which the assisted person enters a plea];

[<sup>F5</sup>“excluded hearing” means—

- (a) the first hearing at which the assisted person enters a plea;
- (b) any hearing which forms part of the main hearing, or
- (c) any hearing for which a fee is payable under a provision of this Schedule other than paragraph 12(2);]

“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;

<sup>F6</sup> ...

“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;

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

“standard appearance” means an appearance by the trial advocate or substitute advocate in any of the following hearings [<sup>F7</sup>unless it is an excluded hearing]—

- (a) <sup>F8</sup> ...
- (b) a pre-trial review;
- (ba) <sup>F9</sup> [<sup>F10</sup> ...
- (bb) a case management hearing;]
- (c) the hearing of a case listed for plea which is adjourned for trial;
- (d) any hearing (except a trial, [<sup>F11</sup>the first hearing at which the assisted person enters a plea] 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));
- (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));
- (h) <sup>F12</sup> ...
- (i) a preliminary hearing; or
- (j) a hearing, whether contested or not, relating to breach of bail, failure to surrender to bail or execution of a bench warrant,

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; <sup>F13</sup> ...

<sup>F6</sup> ...

[<sup>F14</sup>“unused material” means material disclosed pursuant to the prosecutors’ obligations in Part 1 of the Criminal Procedure and Investigations Act 1996, but does not include—

- (a) witness statements;
- (b) documentary and pictorial exhibits;
- (c) records of interviews with the assisted person; and
- (d) records of interviews with other defendants].

(2) For the purposes of this Schedule, the number of pages of prosecution evidence served on the court must be determined in accordance with sub-paragraphs (3) to (5).

(3) 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 <sup>F15</sup> ... served prosecution documents or which are included in any notice of additional evidence.

(4) Subject to sub-paragraph (5), a document served by the prosecution in electronic form is included in the number of pages of prosecution evidence.

- (5) A documentary or pictorial exhibit which—
- (a) has been served by the prosecution in electronic form; and
  - (b) has never existed in paper form,

is not included within the number of pages of prosecution evidence unless the appropriate officer decides that it would be appropriate to include it in the pages of prosecution evidence taking into account the nature of the document and any other relevant circumstances.

(6) In proceedings on indictment in the Crown Court initiated otherwise than by [<sup>F16</sup>sending] for trial, the appropriate officer must determine the number of pages of prosecution evidence in accordance with sub-paragraphs (2) to (5) or as nearly in accordance with those sub-paragraphs as possible as the nature of the case permits.

[<sup>F17</sup>(7) A reference in this Schedule to a “band” is to the band of the offence concerned set out in Table B in the AGFS Banding Document, as read in conjunction with Table A in that document.

(8) Where the band within which an offence described in Table B in the AGFS Banding Document falls depends on the facts of the case, the band within which the offence falls is to be determined by reference to Table A in that document.]

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|------------|---|
| <b>F1</b>  | Words in Sch. 1 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(6)(a)</b>                         |
| <b>F2</b>  | Words in Sch. 1 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(6)(b)</b>                         |
| <b>F3</b>  | Words in Sch. 1 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(6)(c)</b>                         |
| <b>F4</b>  | Words in Sch. 1 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(6)(d)</b>                         |
| <b>F5</b>  | Words in Sch. 1 para. 1(1) inserted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(11)(a)(i)</b>                        |
| <b>F6</b>  | Words in Sch. 1 para. 1(1) omitted (5.5.2015) by virtue of <a href="#">The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882)</a> , regs. 1, <b>2(16)(a)(i)</b> (with reg. 3)           |
| <b>F7</b>  | Words in Sch. 1 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(11)(a)(ii)(aa)</b>                |
| <b>F8</b>  | Words in Sch. 1 para. 1(1) omitted (1.4.2018) by virtue of <a href="#">The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220)</a> , regs. 1, <b>7(a)(i)</b> (with reg. 34)              |
| <b>F9</b>  | Words in Sch. 1 para. 1(1) omitted (1.4.2018) by virtue of <a href="#">The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220)</a> , regs. 1, <b>7(a)(ii)</b> (with reg. 34)             |
| <b>F10</b> | Words in Sch. 1 para. 1(1) inserted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(11)(a)(ii)(cc)</b>                   |
| <b>F11</b> | Words in Sch. 1 para. 1(1) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(11)(a)(ii)(dd)</b>                |
| <b>F12</b> | Words in Sch. 1 para. 1(1) omitted (1.4.2018) by virtue of <a href="#">The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220)</a> , regs. 1, <b>7(a)(iii)</b> (with reg. 34)            |
| <b>F13</b> | Word in Sch. 1 para. 1(1) omitted (5.5.2015) by virtue of <a href="#">The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/882)</a> , regs. 1, <b>2(16)(a)(ii)</b> (with reg. 3)           |
| <b>F14</b> | Words in Sch. 1 para. 1(1) inserted (17.9.2020) by <a href="#">The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903)</a> , regs. 1(2), <b>4(2)</b> (with reg. 7)                       |
| <b>F15</b> | Words in Sch. 1 para. 1(3) omitted (5.10.2015) by virtue of <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(7)(a)</b> (with reg. 10(1)) |
| <b>F16</b> | Word in Sch. 1 para. 1(6) substituted (5.10.2015) by <a href="#">The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678)</a> , regs. 1(2)(a), <b>5(7)(b)</b> (with reg. 10(1))        |
| <b>F17</b> | Sch. 1 para. 1(7)(8) substituted for Sch. 1 para. 1(7) (1.4.2018) by <a href="#">The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220)</a> , regs. 1, <b>7(b)</b> (with reg. 34)       |

## Application

- 2.—(1) Subject to sub-paragraphs (2) to (11), 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) [<sup>F18</sup>Sub-paragraph (3) applies] where, following a trial, an order is made for a new trial and the same trial advocate appears at both trials where—
- (a) the defendant is an assisted person at both trials; or
  - (b) the defendant is an assisted person at the new trial only; or
  - (c) the new trial is a cracked trial or guilty plea.
- (3) <sup>F19</sup>... In respect of a new trial, or if the trial advocate so elects, in respect of the first trial, the graduated fee payable to the trial advocate must be calculated in accordance with Part 2 or Part 3, as appropriate, except that the fee must be reduced by—
- (a) 30%, where the new trial started within one month of the conclusion of the first trial;
  - (b) 20%, where the new trial did not start within one month of the conclusion of the first trial;
  - (c) 40%, where the new trial becomes a cracked trial or guilty plea within one month of the conclusion of the first trial; or
  - (d) 25% where the new trial becomes a cracked trial or guilty plea more than one month after the conclusion of the first trial.
- <sup>F20</sup>(4) .....
- (5) [<sup>F21</sup>Sub-paragraph (6) applies] in the circumstances set out in sub-paragraph (2) but where a different trial advocate appears for the assisted person at each trial.
- (6) <sup>F22</sup>... In respect of each trial, the graduated fee payable to the trial advocate must be calculated in accordance with Part 2 or Part 3 as appropriate.
- <sup>F23</sup>(7) .....
- (8) Where following a case on indictment a Newton hearing takes place—
- (a) for the purposes of this Schedule the case is to be treated as having gone to trial;
  - (b) the length of the trial is to 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 do not apply; and
  - (d) no fee is payable under paragraph 15 in respect of the Newton hearing.
- <sup>F24</sup>(9) .....
- [<sup>F25</sup>(10) Where, at any time after proceedings are sent for trial to the Crown Court they are—
- (a) 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), or
  - (b) dismissed pursuant to paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal),
- the provisions of paragraph 22 apply.]

(11) For the purposes of this Schedule, a case on indictment which discontinues at or before [F26 the first hearing at which the assisted person enters a plea] otherwise than—

- (a) by reason of a plea of guilty being entered; or
- (b) in accordance with sub-paragraph (10),

must be treated as a guilty plea.

- F18** Words in Sch. 1 para. 2(2) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(2)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F19** Words in Sch. 1 para. 2(3) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(3)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F20** Sch. 1 para. 2(4) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(4)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F21** Words in Sch. 1 para. 2(5) substituted (30.9.2022) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(5)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F22** Words in Sch. 1 para. 2(6) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(6)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F23** Sch. 1 para. 2(7) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 1(7)** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F24** Sch. 1 para. 2(9) 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(11)(b)(i)** (with reg. 10(1))
- F25** Sch. 1 para. 2(10) substituted (5.10.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(11)(b)(ii)** (with reg. 10(1))
- F26** Words in Sch. 1 para. 2(11) substituted (5.10.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(8)(a)**

### [<sup>F27</sup>Bands of Offences]

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

- (a) every indictable offence falls within the [<sup>F28</sup>band of that offence set out in the AGFS Banding Document] and, subject to sub-paragraph (2), indictable offences not specifically so listed are deemed to fall within [<sup>F29</sup>band 17.1];
- (b) conspiracy to commit an indictable offence contrary to section 1 of the Criminal Law Act 1977 <sup>M1</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>M2</sup> (attempting to commit an offence) fall within the same [<sup>F30</sup>band] as the substantive offence to which they relate;
- (c) where the [<sup>F31</sup>AGFS Banding Document] specifies that the [<sup>F32</sup>band] within which an offence falls depends on whether the value [<sup>F33</sup>, amount or weight] involved exceeds a stated limit, the value [<sup>F33</sup>, amount or weight] must be presumed not to exceed that limit unless the advocate making the claim under regulation 4 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 [<sup>F34</sup>band] depends on the value [<sup>F35</sup>, amount or weight] involved, that value [<sup>F35</sup>, amount or weight] must be taken to be the total value [<sup>F35</sup>, amount or weight] involved in all those offences, but where two or more counts relate to the same property, the value [<sup>F35</sup>, amount or weight] of that property must be taken into account once only;
- (e) where an entry in the [<sup>F36</sup>AGFS Banding Document] specifies an offence as being contrary to a statutory provision, then subject to any express limitation in the entry that entry includes 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 [<sup>F37</sup>band] as the indictable offence to which it relates or within [<sup>F38</sup>band 5.3]; and
- [<sup>F39</sup>(g) where in a case on indictment a restriction order is made, the offence is to be treated as if it falls within band 1.3, regardless of the band within which the offence would fall within the AGFS Banding Document but for this paragraph.]

(2) Where an advocate in proceedings in the Crown Court is dissatisfied with the [<sup>F40</sup>banding within band 17.1] of an indictable offence not listed in the [<sup>F41</sup>AGFS Banding Document], the advocate may apply to the appropriate officer when lodging the claim for fees to [<sup>F42</sup>re-band] the offence.

#### (3) The appropriate officer must, in light of the objections made by the advocate—

- (a) confirm the [<sup>F43</sup>banding] of the offence within [<sup>F44</sup>band 17.1]; or
- (b) [<sup>F45</sup>re-band] the offence,

and must notify the advocate of the decision.

**F27** Sch. 1 para. 3 heading substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **8(2)** (with reg. 34)

**F28** Words in Sch. 1 para. 3(1)(a) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **8(3)(a)(i)** (with reg. 34)

- F29** Words in Sch. 1 para. 3(1)(a) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(a)(ii)** (with reg. 34)
- F30** Word in Sch. 1 para. 3(1)(b) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(b)** (with reg. 34)
- F31** Words in Sch. 1 para. 3(1)(c) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(c)(i)** (with reg. 34)
- F32** Word in Sch. 1 para. 3(1)(c) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(c)(ii)** (with reg. 34)
- F33** Words in Sch. 1 para. 3(1)(c) inserted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(c)(iii)** (with reg. 34)
- F34** Word in Sch. 1 para. 3(1)(d) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(d)(i)** (with reg. 34)
- F35** Words in Sch. 1 para. 3(1)(d) inserted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(d)(ii)** (with reg. 34)
- F36** Words in Sch. 1 para. 3(1)(e) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(e)** (with reg. 34)
- F37** Word in Sch. 1 para. 3(1)(f) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(f)(i)** (with reg. 34)
- F38** Words in Sch. 1 para. 3(1)(f) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(f)(ii)** (with reg. 34)
- F39** Sch. 1 para. 3(1)(g) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(3)(g)** (with reg. 34)
- F40** Words in Sch. 1 para. 3(2) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(4)(a)** (with reg. 34)
- F41** Words in Sch. 1 para. 3(2) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(4)(b)** (with reg. 34)
- F42** Word in Sch. 1 para. 3(2) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(4)(c)** (with reg. 34)
- F43** Word in Sch. 1 para. 3(3) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(5)(a)** (with reg. 34)
- F44** Words in Sch. 1 para. 3(3) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(5)(b)** (with reg. 34)
- F45** Word in Sch. 1 para. 3(3) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **8(5)(c)** (with reg. 34)

#### Marginal Citations

**M1** 1977 c. 45.

**M2** 1981 c. 47.

## PART 2

### Graduated Fees for Trial

#### Calculation of Graduated Fees

4. 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<sup>F46</sup>... must be calculated in accordance with the following formula—

$$GF = BF + (D \times DAF)$$

[<sup>F47</sup>Where—



**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

GF is the amount of the graduated fee;

BF is the basic fee specified as appropriate to the band of the offence for which the assisted person is tried and the category of trial advocate (see paragraph 5);

D is the number of days or parts of a day on which the advocate attends at court by which the trial exceeds 1 day;

DAF is the fee payable in respect of daily attendance at court for the number of days by which the trial exceeds 1 day, as appropriate to the band of the offence for which the assisted person is tried and the category of trial advocate (see paragraph 5A).]

- F46** Words in Sch. 1 para. 4 omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **9(a)** (with reg. 34)
- F47** Words in Sch. 1 para. 4 substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **9(b)** (with reg. 34)

#### <sup>F48</sup>Basic fees

**5.** For the purposes of paragraph 4, in relation to the offence concerned, the basic fee is the amount set out in the table following this paragraph which corresponds with the band within which that offence falls (as set out in column (1) of the table) and the category of the advocate concerned (as set out in columns (2) to (4) of the table).

<sup>F49</sup> (1) offence	Band	of	Amount of basic fee per category of trial advocate
			(2) Junior Alone or Led Junior (3) Leading Junior (4) Queen's Counsel
1.1			£9,873 £14,812 £19,746
1.2			£4,939 £7,412 £9,879
1.3			£2,961 £4,445 £5,923
1.4			£2,467 £3,703 £4,934
2.1			£9,873 £14,812 £19,746
2.2			£2,961 £4,445 £5,923
3.1			£4,065 £6,101 £8,131
3.2			£2,323 £3,485 £4,646
3.3			£1,380 £2,070 £2,760
3.4			£978 £1,466 £1,955
3.5			£863 £1,294 £1,725
4.1			£2,323 £3,485 £4,646
4.2			£1,800 £2,703 £3,600
4.3			£1,742 £2,616 £3,485
5.1			£2,185 £3,278 £4,370
5.2			£1,627 £2,444 £3,255
5.3			£1,162 £1,742 £2,323
6.1			£9,758 £14,640 £19,516



**Changes to legislation:** There are currently no known outstanding effects for the *The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1*. (See end of Document for details)

<i>F<sup>49</sup>(1)</i>	<i>Band of</i>	<i>Amount of basic fee per category of trial advocate</i>		
<i>offence</i>		<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
6.2		£8,855	£13,283	£17,710
6.3		£3,283	£4,928	£6,567
6.4		£1,162	£1,742	£2,323
6.5		£932	£1,397	£1,863
7.1		£1,627	£2,444	£3,255
7.2		£932	£1,397	£1,863
7.3		£874	£1,311	£1,748
8.1		£1,392	£2,087	£2,783
9.1		£6,739	£10,109	£13,478
9.2		£4,646	£6,969	£9,292
9.3		£3,485	£5,227	£6,969
9.4		£3,048	£4,571	£6,095
9.5		£1,857	£2,789	£3,715
9.6		£1,392	£2,087	£2,783
9.7		£932	£1,397	£1,863
10.1		£2,553	£3,830	£5,106
11.1		£1,610	£2,415	£3,220
11.2		£920	£1,380	£1,840
12.1		£2,438	£3,657	£4,876
12.2		£1,512	£2,271	£3,025
12.3		£1,047	£1,570	£2,093
13.1		£2,070	£3,105	£4,140
14.1		£2,674	£4,014	£5,348
15.1		£1,857	£2,789	£3,715
15.2		£1,610	£2,415	£3,220
15.3		£978	£1,466	£1,955
16.1		£2,553	£3,830	£5,106
16.2		£1,857	£2,789	£3,715
16.3		£1,162	£1,742	£2,323
17.1		£834	£1,254	£1,668]

**F48** Sch. 1 paras. 5, 5A substituted for Sch. 1 para. 5 (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **10** (with reg. 34)

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

**F49** Sch. 1 para. 5 table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 2** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

### Daily attendance fees

**5A.** For the purposes of paragraph 4, in relation to the offence concerned, the daily attendance fee is the amount set out in the table following this paragraph which corresponds with the band within which that offence falls (as set out in column (1) of the table) and the category of the advocate concerned (as set out in columns (2) to (4) of the table).

<i>F<sup>50</sup></i> (1) offence	Band of	Amount of daily attendance fee per category of trial advocate		
		(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen's Counsel
1.1		£667	£1,001	£1,334
1.2		£667	£1,001	£1,334
1.3		£667	£1,001	£1,334
1.4		£667	£1,001	£1,334
2.1		£667	£1,001	£1,334
2.2		£667	£1,001	£1,334
3.1		£581	£874	£1,162
3.2		£581	£874	£1,162
3.3		£581	£874	£1,162
3.4		£581	£874	£1,162
3.5		£460	£690	£920
4.1		£610	£914	£1,219
4.2		£581	£874	£1,162
4.3		£552	£828	£1,104
5.1		£610	£914	£1,219
5.2		£581	£874	£1,162
5.3		£552	£828	£1,104
6.1		£610	£914	£1,219
6.2		£581	£874	£1,162
6.3		£466	£702	£932
6.4		£460	£690	£920
6.5		£460	£690	£920
7.1		£581	£874	£1,162

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

<i>F<sup>50</sup>(1)</i>	<i>Band of</i>	<i>Amount of daily attendance fee per category of trial advocate</i>		
<i>offence</i>		<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
7.2		£523	£788	£1,047
7.3		£466	£702	£932
8.1		£581	£874	£1,162
9.1		£610	£914	£1,219
9.2		£610	£914	£1,219
9.3		£523	£788	£1,047
9.4		£523	£788	£1,047
9.5		£523	£788	£1,047
9.6		£466	£702	£932
9.7		£460	£690	£920
10.1		£610	£914	£1,219
11.1		£523	£788	£1,047
11.2		£460	£690	£920
12.1		£581	£874	£1,162
12.2		£581	£874	£1,162
12.3		£581	£874	£1,162
13.1		£581	£874	£1,162
14.1		£638	£960	£1,277
15.1		£581	£874	£1,162
15.2		£466	£702	£932
15.3		£460	£690	£920
16.1		£638	£960	£1,277
16.2		£581	£874	£1,162
16.3		£581	£874	£1,162
17.1		£460	£690	£920]]

- F48** Sch. 1 paras. 5, 5A substituted for Sch. 1 para. 5 (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **10** (with reg. 34)
- F50** Sch. 1 para. 5A table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 3** (with reg. 3) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

## PART 3

### Graduated Fees for Guilty Pleas and Cracked Trials

#### Scope of Part 3

<sup>F51</sup>6. ....

**F51** Sch. 1 para. 6 omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), [Sch. 1 para. 4](#) (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), [2\(1\)](#)) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, [Sch.](#))

#### [<sup>F52</sup>Calculation of fees in guilty pleas and cracked trials

7. The amount of the fee for a single trial advocate representing one assisted person where the case is—

- (a) a guilty plea, is the fee specified in Table A following this paragraph;
- (b) a cracked trial, is the fee specified in Table A1 following this paragraph,

as appropriate to the offence with which the assisted person is charged, and the category of the trial advocate.]

#### [<sup>F53</sup>[<sup>F54</sup>Table A

##### Fee for a guilty plea

(1) Band of offence	Amount of basic fee per category of trial advocate		
	(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen's Counsel
1.1	£4,939	£7,406	£9,873
1.2	£2,473	£3,703	£4,939
1.3	£1,484	£2,220	£2,961
1.4	£1,236	£1,852	£2,467
2.1	£4,939	£7,406	£9,873
2.2	£1,484	£2,220	£2,961
3.1	£2,036	£3,048	£4,065
3.2	£1,162	£1,742	£2,323
3.3	£690	£1,035	£1,380
3.4	£489	£736	£978
3.5	£431	£650	£863
4.1	£1,162	£1,742	£2,323
4.2	£903	£1,351	£1,800

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

(1) Band of offence	Amount of basic fee per category of trial advocate		
	(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen's Counsel
4.3	£874	£1,305	£1,742
5.1	£1,093	£1,639	£2,185
5.2	£817	£1,219	£1,627
5.3	£581	£874	£1,162
6.1	£4,882	£7,320	£9,758
6.2	£4,428	£6,641	£8,855
6.3	£1,645	£2,461	£3,283
6.4	£581	£874	£1,162
6.5	£466	£702	£932
7.1	£817	£1,219	£1,627
7.2	£466	£702	£932
7.3	£437	£656	£874
8.1	£696	£1,047	£1,392
9.1	£3,370	£5,054	£6,739
9.2	£2,323	£3,485	£4,646
9.3	£1,742	£2,616	£3,485
9.4	£1,524	£2,289	£3,048
9.5	£932	£1,392	£1,857
9.6	£696	£1,047	£1,392
9.7	£466	£702	£932
10.1	£1,277	£1,915	£2,553
11.1	£805	£1,208	£1,610
11.2	£460	£690	£920
12.1	£1,219	£1,829	£2,438
12.2	£759	£1,133	£1,512
12.3	£523	£788	£1,047
13.1	£1,035	£1,553	£2,070
14.1	£1,340	£2,007	£2,674
15.1	£932	£1,392	£1,857
15.2	£805	£1,208	£1,610
15.3	£489	£736	£978
16.1	£1,277	£1,915	£2,553
16.2	£932	£1,392	£1,857

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

(1) Band of offence	Amount of basic fee per category of trial advocate		
	(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen's Counsel
16.3	£581	£874	£1,162
17.1	£420	£627	£834]

[<sup>F55</sup>Table A1

**Fee for a cracked trial**

(1) Band of offence	Amount of fee for a cracked trial per category of trial advocate		
	(2) Junior Alone or Led Junior	(3) Leading Junior	(4) Queen's Counsel
1.1	£9,873	£14,812	£19,746
1.2	£4,939	£7,412	£9,879
1.3	£2,961	£4,445	£5,923
1.4	£2,467	£3,703	£4,934
2.1	£9,873	£14,812	£19,746
2.2	£2,961	£4,445	£5,923
3.1	£4,065	£6,101	£8,131
3.2	£2,323	£3,485	£4,646
3.3	£1,380	£2,070	£2,760
3.4	£978	£1,466	£1,955
3.5	£863	£1,294	£1,725
4.1	£2,323	£3,485	£4,646
4.2	£1,800	£2,703	£3,600
4.3	£1,742	£2,616	£3,485
5.1	£2,185	£3,278	£4,370
5.2	£1,627	£2,444	£3,255
5.3	£1,162	£1,742	£2,323
6.1	£9,758	£14,640	£19,516
6.2	£8,855	£13,283	£17,710
6.3	£3,283	£4,928	£6,567
6.4	£1,162	£1,742	£2,323
6.5	£932	£1,397	£1,863
7.1	£1,627	£2,444	£3,255
7.2	£932	£1,397	£1,863
7.3	£874	£1,311	£1,748

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

<i>(1) Band of offence</i>	<i>Amount of fee for a cracked trial per category of trial advocate</i>		
	<i>(2) Junior Alone or Led Junior</i>	<i>(3) Leading Junior</i>	<i>(4) Queen's Counsel</i>
8.1	£1,392	£2,087	£2,783
9.1	£6,739	£10,109	£13,478
9.2	£4,646	£6,969	£9,292
9.3	£3,485	£5,227	£6,969
9.4	£3,048	£4,571	£6,095
9.5	£1,857	£2,789	£3,715
9.6	£1,392	£2,087	£2,783
9.7	£932	£1,397	£1,863
10.1	£2,553	£3,830	£5,106
11.1	£1,610	£2,415	£3,220
11.2	£920	£1,380	£1,840
12.1	£2,438	£3,657	£4,876
12.2	£1,512	£2,271	£3,025
12.3	£1,047	£1,570	£2,093
13.1	£2,070	£3,105	£4,140
14.1	£2,674	£4,014	£5,348
15.1	£1,857	£2,789	£3,715
15.2	£1,610	£2,415	£3,220
15.3	£978	£1,466	£1,955
16.1	£2,553	£3,830	£5,106
16.2	£1,857	£2,789	£3,715
16.3	£1,162	£1,742	£2,323
17.1	£834	£1,254	£1,668]

Table B

F56 ..... ]

- F52** Sch. 1 para. 7 substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(3)** (with reg. 7)
- F53** Sch. 1 para. 8 Tables follow Sch. 1 para. 7 (17.9.2020) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(4)(5)** (with reg. 7)
- F54** Sch. 1 para. 7 Table A substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 5** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)



**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

- F55** Sch. 1 para. 7 Table A1 substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 5** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)
- F56** Sch. 1 para. 7 Table B omitted (17.9.2020) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(7)** (with reg. 7)

### Basic fees for guilty pleas and cracked trials

**F57** 8. ....

- F57** Sch. 1 para. 8 (except for the Tables, which now follow reg. 7) omitted (17.9.2020) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(4)** (with reg. 7)

## **F58** PART 4

### Fixed Fee for Guilty Pleas and Cracked Trials

- F58** Sch. 1 Pt. 4 omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 6** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

### Scope of Part 4

9. ....

### Fixed fee for guilty pleas or cracked trials

10. ....

## PART 5

### Fixed Fees

### General provisions

11.—<sup>F59</sup>(1) .....

(2) Except as provided under this Part, all work undertaken by an advocate in a case to which Part 3 applies is included within the basic fee <sup>F60</sup>... specified in the table following paragraph 5, or [<sup>F61</sup>the basic fee specified in the tables] following [<sup>F62</sup>paragraph 7], 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.

- F59** Sch. 1 para. 11(1) omitted (30.9.2022) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848), reg. 1(1), **Sch. 1 para. 7** (with reg. 3) (as amended (31.10.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1035), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1267), regs. 1(1), 3, **Sch.**)
- F60** Word in Sch. 1 para. 11(2) omitted (1.4.2018) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **15(a)** (with reg. 34)
- F61** Words in Sch. 1 para. 11(2) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **15(b)** (with reg. 34)
- F62** Words in Sch. 1 para. 11(2) substituted (17.9.2020) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903), regs. 1(2), **4(8)** (with reg. 7)

## Fees for <sup>F63</sup>...standard appearances

**12.—**<sup>F64</sup>(1) .....

(2) The fee payable in respect of an appearance by the trial advocate or substitute advocate at a <sup>F65</sup>...standard appearance <sup>F66</sup>... is specified in the table following paragraph 24 as appropriate to the category of trial advocate or substitute advocate.

<sup>F67</sup>(3) .....

(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.

- F63** Words in Sch. 1 para. 12 heading 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(11)(c)(i)**
- F64** Sch. 1 para. 12(1) omitted (1.4.2018) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **16(a)** (with reg. 34)
- F65** Words in Sch. 1 para. 12(2) 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(11)(c)(iii)**
- F66** Words in Sch. 1 para. 12(2) omitted (1.4.2018) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **16(b)** (with reg. 34)
- F67** Sch. 1 para. 12(3) 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(11)(c)(iv)** (with reg. 10(2))

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

**13.—**(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>M3</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; <sup>F68</sup>...

[<sup>F69</sup>(da) a ground rules hearing ordered in a case in which a special measures direction provides for a recording to be admitted under section 28 (video recorded cross-examination or re-

examination) of the Youth Justice and Criminal Evidence Act 1999, and for this purpose “special measures direction” has the meaning given in section 33(1) (interpretation etc. of Chapter 1) of that Act; 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 24 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 24 as appropriate to the category of trial advocate or substitute advocate.

- F68** Word in Sch. 1 para. 13(1)(d) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **17(a)** (with reg. 34)
- F69** Sch. 1 para. 13(1)(da) inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **17(b)** (with reg. 34)

#### Marginal Citations

**M3** 1965 c 69.

#### [<sup>F70</sup>Fee for video recorded cross-examination or re-examination

**13A.**—(1) The fee payable to the trial advocate per case to which paragraph (2) applies in respect of all cross-examination to which paragraph (3) applies is [<sup>F71</sup>£1000].

(2) This paragraph applies to any case where a special measures direction provides for a video recording to be admitted under section 28 (video recorded cross-examination) of the 1999 Act.

- (3) This sub-paragraph applies to a cross-examination —
  - (a) which is recorded by means of video recording; and
  - (b) where such a recording is admissible, so far as it relates to any such cross-examination, as evidence of the witness under cross-examination, by virtue of a special measures direction.

(4) In this paragraph—

“the 1999 Act” is the Youth Justice and Criminal Evidence Act 1999;

“cross-examination” includes re-examination; and

“special measures direction” has the meaning given in section 33(1) (interpretation etc of Chapter 1) of the 1999 Act.”]

- F70** Sch. 1 para. 13A inserted (1.2.2023) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2023 \(S.I. 2023/97\)](#), regs. 1(1), **2(7)** (with reg. 3)

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

**F71** Sum in Sch. 1 para. 13A(1) substituted (16.11.2023) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1140\)](#), regs. 1(1), **2(2)** (with reg. 3)

**Fees for confiscation hearings**

- 14.—**(1) This paragraph applies to—
- (a) a hearing under Part 2 of the Proceeds of Crime Act 2002 <sup>M4</sup> (confiscation: England and Wales);
  - (b) a hearing under section 2 of the Drug Trafficking Act 1994 <sup>M5</sup> (confiscation orders); and
  - (c) a hearing under section 71 of the Criminal Justice Act 1988 <sup>M6</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 in respect of such a hearing—
- (a) where the number of pages of evidence is fewer than 51, for attendance—
    - (i) in respect of any day when the hearing begins before and ends after the luncheon adjournment, at the daily rate set out in the first section of the table following this sub-paragraph; or
    - (ii) in respect of any day when the hearing begins and ends before the luncheon adjournment, or begins after the luncheon adjournment, at the half-daily rate set out in the first section of that table,as appropriate to the category of trial advocate or substitute advocate;
  - (b) where the number of pages of evidence is between 51 and 1000—
    - (i) at the rates for the relevant number of pages set out in the second section of the table following this sub-paragraph; and
    - (ii) where the hearing lasts for more than one day, for attendance on subsequent days or half-days at the daily rate or half-daily rate set out in the first section of that table,as appropriate to the category of trial advocate or substitute advocate; or
  - (c) where the number of pages of evidence exceeds 1000—
    - (i) at the rates for 751 to 1000 pages set out in the second section of the table following this sub-paragraph;
    - (ii) with such fee as the appropriate officer considers reasonable for preparation in respect of the pages in excess of 1000, at the hourly rates for preparation set out in the third section of that table; and
    - (iii) where the hearing lasts for more than one day, for attendance on subsequent days or half-days at the daily rate or half-daily rate set out in the first section of that table,as appropriate to the category of trial advocate or substitute advocate.

**[F72] Fees for confiscation hearings**

	<i>Fee for QC</i>	<i>Fee for Leading Junior</i>	<i>Fee for Junior Alone</i>	<i>Fee for Junior Led Junior</i>
1. Daily and half daily rates				
Half daily rate	£302	£227	£151	£151
Daily rate	£577	£401	£276	£276

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

	<i>Fee for QC</i>	<i>Fee for Leading Junior</i>	<i>Fee for Junior Alone</i>	<i>Fee for Led Junior</i>
2. Pages of evidence				
51-250	£753	£628	£503	£376
251-500	£1,130	£942	£753	£565
501-750	£1,508	£1,256	£1,005	£753
751-1000	£2,260	£1,884	£1,508	£1,130
3. Preparation hourly rates	£85.95	£65.04	£45.30	£45.30]

(3) In sub-paragraph (2) “evidence” means—

- (a) the statement of information served under section 16 of the Proceeds of Crime Act 2002 and relied on by the prosecution for the purposes of a hearing under Part 2 of that Act, or a similar statement served and so relied on for the purposes of a hearing under section 2 of the Drug Trafficking Act 1994 or under section 71 of the Criminal Justice Act 1988 and, in each case, any attached annexes and exhibits;
- (b) any other document which—
  - (i) is served as a statement or an exhibit for the purposes of the trial;
  - (ii) is specifically referred to in, but not served with, a statement mentioned in paragraph (a); and
  - (iii) the prosecution state that they intend to rely on in the hearing; and
- (c) any written report of an expert obtained with the prior authority of the Lord Chancellor under regulation 13 or allowed by the appropriate officer under these Regulations, and any attached annexes and exhibits, other than documents contained in such annexes or exhibits which have also been served under paragraph (a) or (b) or which consist of financial records or similar data.

**F72** Sch. 1 para. 14(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 8** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

#### Marginal Citations

**M4** 2002 c. 29.

**M5** 1994 c. 37.

**M6** 1988 c. 33.

#### Fees for sentencing hearings

[<sup>F73</sup>**15.**—(1) Subject to sub-paragraphs (2) to (4), the fee payable to an advocate for appearing at a sentencing hearing is the fixed sentencing hearing fee.

(2) Where sentence has been deferred under [<sup>F74</sup>Chapter 1 of Part 2 of the Sentencing Code (deferment of sentence)], the fee payable to an advocate for appearing at a sentencing hearing is the

fee for a deferred sentencing hearing for the category of the advocate concerned which is set out in the fixed fees table.

(3) Subject to sub-paragraph (4), where a hospital direction, a hospital order or a restriction order is in force in respect of an assisted person in a sentencing hearing, the fee payable to an advocate for appearing at the sentencing hearing is a fee (the “DAF equivalent fee”) which is equal to the daily attendance fee under paragraph 5A which relates to the category of the advocate concerned and the band within which the offence for which the assisted person is to be sentenced falls.

(4) Where the sentencing hearing takes place on a day, or at a time, in respect of which an advocate receives, or is to receive, a banded fee—

- (a) no fixed sentencing hearing fee is payable to the advocate for appearing at the sentencing hearing under sub-paragraph (1);
- (b) no DAF equivalent fee is payable to the advocate for appearing at the sentencing hearing under sub-paragraph (3).

(5) In this paragraph—

“banded fee” means a basic fee under paragraph 5, a daily attendance fee under paragraph 5A or a basic fee (in respect of a guilty plea or a cracked trial) under [F75 paragraph 7];

“fixed fees table” means the table following paragraph 24;

“fixed sentencing hearing fee” means the fee for a sentencing hearing for the category of the advocate concerned which is set out in fixed fees table;

“hospital direction” has the meaning given in section 45A (power of higher courts to direct hospital admission) of the Mental Health Act 1983;

“hospital order” has the meaning given in section 37 (powers of courts to order hospital admission or guardianship) of the Mental Health Act 1983;

“sentencing hearing” means a sentencing hearing following a case on indictment to which this Schedule applies.]

- F73** Sch. 1 para. 15 substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **18** (with reg. 34)
- F74** Words in Sch. 1 para. 15(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 414** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F75** Words in Sch. 1 para. 15(5) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(9)** (with reg. 7)

## Fees for ineffective trials

**16.** The fee set out in the table following paragraph 24 as appropriate to the category of trial advocate is 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

**17.—(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 <sup>F76</sup>... [ <sup>F77</sup>very unusual or] novel point of law [ <sup>F78</sup>or factual issue] [ <sup>F79</sup>; or]

- [ <sup>F80</sup>(b) the number of pages of prosecution evidence, as defined and determined in accordance with paragraph 1(2) to (5), exceeds—

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

- [<sup>F81</sup>(ai) in cases falling within bands 2.1 and 2.2 (terrorism offences), 750;
- (bi) in cases falling within bands 3.1 to 3.5 (serious violence), 700;
- (ci) in cases falling within bands 4.1. to 4.3 (sexual offences, children), 750;
- (di) in cases falling within bands 5.1 to 5.3 (sexual offences, adult), 650;]
- (i) in cases falling within bands 6.1 to 6.5 (dishonesty offences, including proceeds of crime and money laundering), 30,000;
- [<sup>F82</sup>(ia) in cases falling within bands 7.1 to 7.3 (property damage offences), 550;
- (ib) in cases falling within band 8.1 (offences against the public interest, unless standard), 600;]
- (ii) in cases falling within bands 9.1 to 9.7 (drugs offences), 15,000; or
- [<sup>F83</sup>(iia) in cases falling within band 10.1 (driving offences), 800;
- (iib) in cases falling within bands 11.1 and 11.2 (burglary and robbery), 350;
- (iic) in cases falling within bands 12.1 to 12.3 (firearms offences), 750;
- (iid) in cases falling within band 13.1 (other offences against the person), 750;
- (iie) in cases falling within band 14.1 (exploitation/human trafficking offences), 350;
- (iif) in cases falling within bands 15.1 to 15.3 (public order offences), 150;
- (iig) in cases falling within bands 16.1 to 16.3 (regulatory offences), 300;
- (iih) in cases falling within band 17.1 (standard cases), 100;]
- (iii) in all other cases, 10,000,

and the appropriate officer considers it reasonable to make a payment in excess of the graduated fee payable under this Schedule.]

<sup>F84</sup>(c) .....

(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; <sup>F85</sup>...

<sup>F86</sup>(c) .....

and in each case using the hourly fee rates set out in the table following paragraph 24 as appropriate to the category of trial advocate.

(4) Any claim for a special preparation fee under this paragraph must be made by [<sup>F87</sup>a trial] advocate, whether or not [<sup>F88</sup>the trial] advocate did the work claimed for.

(5) [<sup>F89</sup>A trial] 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.

[<sup>F90</sup>(7) In sub-paragraphs (4) and (5), where the main hearing is a trial, “trial advocate” means the advocate who—



- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial<sup>[F91]</sup>, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.]

- F76** Words in Sch. 1 para. 17(1)(a) omitted (1.4.2018) by virtue of *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018* (S.I. 2018/220), regs. 1, **19(a)(i)** (with reg. 34)
- F77** Words in Sch. 1 para. 17(1)(a) inserted (31.12.2018) by *The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2018* (S.I. 2018/1323), regs. 1, **12(a)** (with reg. 17)
- F78** Words in Sch. 1 para. 17(1)(a) inserted (31.12.2018) by *The Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2018* (S.I. 2018/1323), regs. 1, **12(b)** (with reg. 17)
- F79** Word in Sch. 1 para. 17(1)(a) substituted (1.4.2018) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018* (S.I. 2018/220), regs. 1, **19(a)(ii)** (with reg. 34)
- F80** Sch. 1 para. 17(1)(b) substituted (1.4.2018) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018* (S.I. 2018/220), regs. 1, **19(b)** (with reg. 34)
- F81** Sch. 1 para. 17(1)(b)(ai)-(di) inserted (17.9.2020) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020* (S.I. 2020/903), regs. 1(2), **4(10)(a)** (with reg. 7)
- F82** Sch. 1 para. 17(1)(b)(ia)(ib) inserted (17.9.2020) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020* (S.I. 2020/903), regs. 1(2), **4(10)(b)** (with reg. 7)
- F83** Sch. 1 para. 17(1)(b)(iia)-(iih) inserted (17.9.2020) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020* (S.I. 2020/903), regs. 1(2), **4(10)(c)** (with reg. 7)
- F84** Sch. 1 para. 17(1)(c) omitted (1.4.2018) by virtue of *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018* (S.I. 2018/220), regs. 1, **19(c)** (with reg. 34)
- F85** Word in Sch. 1 para. 17(3)(b) omitted (1.4.2018) by virtue of *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018* (S.I. 2018/220), regs. 1, **19(d)** (with reg. 34)
- F86** Sch. 1 para. 17(3)(c) omitted (1.4.2018) by virtue of *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018* (S.I. 2018/220), regs. 1, **19(e)** (with reg. 34)
- F87** Words in Sch. 1 para. 17(4) substituted (5.5.2015) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015* (S.I. 2015/882), regs. 1, **2(3)(f)** (with reg. 3)
- F88** Words in Sch. 1 para. 17(4) substituted (5.5.2015) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015* (S.I. 2015/882), regs. 1, **2(6)(d)** (with reg. 3)
- F89** Words in Sch. 1 para. 17(5) substituted (5.5.2015) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015* (S.I. 2015/882), regs. 1, **2(4)(c)** (with reg. 3)
- F90** Sch. 1 para. 17(7) inserted (5.5.2015) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015* (S.I. 2015/882), regs. 1, **2(16)(b)** (with reg. 3)
- F91** Words in Sch. 1 para. 17(7)(b) inserted (1.2.2023) by *The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2023* (S.I. 2023/97), regs. 1(1), **2(8)** (with reg. 3)

#### <sup>[F92]</sup> Fees for consideration of unused material

**17A.—**(1) This paragraph applies in respect of any case on indictment in the Crown Court, in respect of which a graduated fee is payable under Part 2 or Part 3, other than a guilty plea.

(2) In any case to which this paragraph applies, a fee (“the basic consideration fee”) is payable to a trial advocate in respect of the consideration of unused material which corresponds to the category of the advocate concerned specified in the table following this sub-paragraph, whether or not such consideration has actually occurred.

<sup>[F93]</sup> Category of advocate	Fee
QC	£128.93
Leading Junior	£97.57

<sup>F93</sup> Category of advocate	Fee
Junior alone or Led Junior	£67.95]

- (3) This sub-paragraph applies where—
- (a) a trial advocate has undertaken the consideration of unused material; and
  - (b) the advocate has spent in excess of three hours undertaking that consideration.
- (4) In a case where sub-paragraph (3) applies—
- (a) a fee (“the additional fee”) is payable to the trial advocate in addition to the basic consideration fee; and
  - (b) the amount of the additional fee corresponds to the category of the advocate concerned specified in the table following paragraph 24.
- (5) The additional fee is payable only where the appropriate officer considers it reasonable to make such a payment.
- (6) A trial advocate claiming the additional fee must supply such information and documents as may be required by the appropriate officer in support of the claim.
- (7) In determining whether it is reasonable to pay the additional fee, the appropriate officer must take into account—
- (a) the reasonableness of the hours claimed in respect of the case taken as a whole; and
  - (b) the reasonableness of the hours claimed in respect of the consideration of the unused material.]

**F92** Sch. 1 para. 17A inserted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(11)** (with reg. 7)

**F93** Sch. 1 para. 17A(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 9** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**)

### Fees for wasted preparation

**18.—**(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 the trial advocate's professional code of conduct or to avoid embarrassment in the exercise of the trial advocate's 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 the trial advocate 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 hourly fee rates set out in the table following paragraph 24 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 [<sup>F94</sup>a trial] advocate, whether or not [<sup>F95</sup>the trial] advocate did the work claimed for.
- (5) [<sup>F96</sup>A trial] 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 the <sup>F97</sup>... advocate was prevented from representing the assisted person and of the number of hours of preparation.
- [<sup>F98</sup>(6) In sub-paragraphs (4) and (5), where the main hearing is a trial, “trial advocate” means an advocate who—
- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
  - (b) attends the first day of the trial][<sup>F99</sup>, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies.]

- F94** Words in Sch. 1 para. 18(4) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(3)(f)** (with reg. 3)
- F95** Words in Sch. 1 para. 18(4) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(6)(d)** (with reg. 3)
- F96** Words in Sch. 1 para. 18(5) substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(4)(c)** (with reg. 3)
- F97** Word in Sch. 1 para. 18(5) omitted (5.5.2015) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(c)(i)** (with reg. 3)
- F98** Sch. 1 para. 18(6) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(c)(ii)** (with reg. 3)
- F99** Words in Sch. 1 para. 18(6)(b) inserted (1.2.2023) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2023 \(S.I. 2023/97\)](#), regs. 1(1), **2(9)** (with reg. 3)

#### [<sup>F100</sup>Additional preparation fee

- 18A.—**(1) This paragraph applies in respect of any case on indictment in the Crown Court, in respect of which a graduated fee is payable under Part 2 or Part 3, other than a guilty plea.
- (2) In any case to which this paragraph applies, a fee of £62 is payable to a trial advocate in respect of preparation in addition to any other fee which is payable under this Schedule.]

- F100** Sch. 1 para. 18A inserted (16.5.2023) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 3\) Regulations 2023 \(S.I. 2023/542\)](#), regs. 1(b), **3(2)** (with reg. 4)

#### Fees for conferences and views

- 19.—**(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 <sup>F101</sup>... specified in the table following paragraph 5, or [<sup>F102</sup>the basic fee specified in the tables following][<sup>F103</sup>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 24 as appropriate to the category of trial advocate is 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 [<sup>F104</sup>the first hearing at which the assisted person entered a plea] 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 [<sup>F104</sup>the first hearing at which the assisted person entered a plea] 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 [<sup>F104</sup>the first hearing at which the assisted person entered a plea] 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.

**F101** Word in Sch. 1 para. 19(2) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **20(a)** (with reg. 34)

**F102** Words in Sch. 1 para. 19(2) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **20(b)** (with reg. 34)

**F103** Words in Sch. 1 para. 19(2) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(12)** (with reg. 7)

**F104** Words in Sch. 1 para. 19(3) substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(11)(d)**

## **[<sup>F105</sup>Fees for further case management hearings and plea and trial preparation hearings**

### **19A.—[**

<sup>F106</sup>(1)] The fee payable to a trial advocate for a further case management hearing or a plea and trial preparation hearing held at court is the fee which corresponds with a hearing of that description, and the category of the advocate concerned, which is set out in the table following paragraph 24.

[  
<sup>F107</sup>(2) But if a guilty plea is entered at a plea and trial preparation hearing, the fee payable to the advocate for that hearing is the amount set out in Table A following [<sup>F108</sup>paragraph 7] which corresponds with the band within which the offence falls and the category of the advocate concerned.]]

**F105** Sch. 1 para. 19A inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **21** (with reg. 34)

**F106** Sch 1 para. 19A renumbered as Sch. 1 para 19A(1) (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **13(2)** (with reg. 17)

**F107** Sch. 1 para. 19A(2) inserted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **13(3)** (with reg. 17)

**F108** Words in Sch. 1 para. 19A(2) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(13)** (with reg. 7)

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

**20.—**(1) Subject to sub-paragraphs [<sup>F109</sup>(4) to (7)] and paragraph 26 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 24.

(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 24.

(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 24.

(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 the appropriate officer may instead allow fees of such amounts as appear to the appropriate officer 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 the appropriate officer 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).
- [<sup>F110</sup>(6) Sub-paragraph (7) applies where the hearing—
- (a) is an appeal from a magistrates' court;
  - (b) is heard in the Crown Court; and
  - (c) lasts for more than one day.
- (7) Where this sub-paragraph applies, the fee payable to the advocate—
- (a) for the first day of the hearing, is the basic fee for band 17.1, set out in the table following paragraph 5, for the category of the advocate concerned;
  - (b) for the second day, and any subsequent days, of the hearing, is the daily attendance fee for band 17.1, set out in the table following paragraph 5A, for the category of the advocate concerned.]

**F109** Words in Sch. 1 para. 20(1) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **22(a)** (with reg. 34)

**F110** Sch. 1 para. 20(6)(7) inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **22(b)** (with reg. 34)

### Fees for contempt proceedings

**21.**—(1) Subject to sub-paragraph (2), remuneration for advocates in proceedings referred to in section 14(g) of the Act in the Crown Court must be at the rates specified in the table following this sub-paragraph.

<sup>F111</sup> Category of advocate	Payment rates (£ per day)
QC	£348
Leading Junior	£261
Junior alone or Led Junior	£175]



(2) Where an advocate and a litigator are instructed in proceedings referred to in section 14(g) of the Act, remuneration must be at the rates specified in the table following this sub-paragraph, as appropriate to the category of advocate.

<sup>F112</sup> Category of advocate	Payment rates (£ per day)
QC	£204
Leading Junior	£145
Junior alone or Led Junior	£116]

**F111** Sch. 1 para. 21(1) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 10** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

**F112** Sch. 1 para. 21(2) table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 11** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

### Discontinuance or dismissal of <sup>F113</sup>... proceedings

22.—<sup>F114</sup>(1) This paragraph applies to proceedings which are sent for trial to the Crown Court.]

(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>M7</sup> the advocate must be paid 50% of the basic fee <sup>F115</sup>... for a guilty plea, as specified in <sup>F116</sup>Table A] following <sup>F117</sup>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 <sup>F118</sup>fee calculated in accordance with paragraph 7(a)], as appropriate for representing an assisted person in a guilty plea.

<sup>F119</sup>(4) .....

(5) Where, at <sup>F120</sup>or before the first hearing at which the assisted person enters a plea]—

- (a) the prosecution offers no evidence and the assisted person is discharged; or
- (b) the case is remitted to the magistrates' court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998,

the advocate instructed in the proceedings must be paid a <sup>F121</sup>fee calculated in accordance with paragraph 7(a)], as appropriate for representing an assisted person in a guilty plea.



(6) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998<sup>F122</sup>... 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 24 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.

(7) Where an application for dismissal is made under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998<sup>F123</sup>... and—

- (a) the charge, or charges, are dismissed and the assisted person is discharged; or
- (b) the case is remitted to the magistrates' court in accordance with paragraph 10(3)(a), 13(2) or 15(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 [<sup>F124</sup>fee calculated in accordance with paragraph 7(a)], as appropriate for representing an assisted person in a guilty plea.

(8) 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% of—

- (a) the fee specified in sub-paragraph (2) where that sub-paragraph applies; or
- (b) the basic fee <sup>F125</sup>... specified in the [<sup>F126</sup>tables] following [<sup>F127</sup>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 the advocate represents.

**F113** Words in Sch. 1 para. 22 heading 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(9)(a)** (with reg. 10(1))

**F114** Sch. 1 para. 22(1) substituted (5.10.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(9)(b)** (with reg. 10(1))

**F115** Word in Sch. 1 para. 22(2) omitted (1.4.2018) by virtue of The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **23(a)(i)** (with reg. 34)

**F116** Words in Sch. 1 para. 22(2) substituted (1.4.2018) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 (S.I. 2018/220), regs. 1, **23(a)(ii)** (with reg. 34)

**F117** Words in Sch. 1 para. 22(2) substituted (17.9.2020) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903), regs. 1(2), **4(14)(a)** (with reg. 7)

**F118** Words in Sch. 1 para. 22(3) substituted (17.9.2020) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903), regs. 1(2), **4(14)(b)** (with reg. 7)

**F119** Sch. 1 para. 22(4) 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(11)(e)(i)**

**F120** Words in Sch. 1 para. 22(5) substituted (5.10.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(a), **5(11)(e)(ii)**

**F121** Words in Sch. 1 para. 22(5) substituted (17.9.2020) by The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903), regs. 1(2), **4(14)(c)** (with reg. 7)

**F122** Words in Sch. 1 para. 22(6) 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(11)(e)(iii)** (with reg. 10(1))

**F123** Words in Sch. 1 para. 22(7) 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(10)(a)** (with reg. 10(1))

- F124** Words in Sch. 1 para. 22(7) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(14)(d)** (with reg. 7)
- F125** Word in Sch. 1 para. 22(8)(b) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **23(b)(i)** (with reg. 34)
- F126** Word in Sch. 1 para. 22(8)(b) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **23(b)(ii)** (with reg. 34)
- F127** Words in Sch. 1 para. 22(8)(b) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(14)(e)** (with reg. 7)

#### Marginal Citations

- M7** [S.I. 2005/902](#) as amended by [S.I. 2012/1345](#).

#### Noting brief fees

**23.** 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 paragraph 24.

#### Fixed fees

**24.** The table following this paragraph sets out the fixed fees payable in relation to the category of work specified in the first column of the table.

#### [<sup>F128</sup>Fixed fees

Category of work	Paragraph providing for fee	Junior Alone or Led Junior	Leading Junior	Queen's Counsel
Standard Appearance	12(2)	£105 per day	£156 per day	£209 per day
Abuse of process hearing	13(1)(a) and (3)	£276 full day £151 half day	£401 full day £227 half day	£577 full day £302 half day
Hearings relating to disclosure	13(1)(b), (c) and (3)	£276 full day £151 half day	£401 full day £227 half day	£577 full day £302 half day
Hearings relating to the admissibility of evidence	13(1)(d) and (3)	£276 full day £151 half day	£401 full day £227 half day	£577 full day £302 half day
Ground rules hearings	13(1)(da) and (3)	£276 full day £151 half day	£401 full day £227 half day	£577 full day £302 half day
Hearings withdrawal of guilty plea	on 13(1)(e) and (3)	£276 full day £151 half day	£401 full day £227 half day	£577 full day £302 half day
Sentencing hearing	15	£145 per day	£221 per day	£291 per day
Deferred sentencing hearing	15(2)	£201 per day	£276 per day	£376 per day

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Junior Alone or Led Junior</i>	<i>Leading Junior</i>	<i>Queen's Counsel</i>
Ineffective trial hearing	16	£437 per day	£437 per day	£437 per day
Special preparation	17	£45.30 per hour	£65.04 per hour	£85.95 per hour
Consideration of unused material in excess of three hours	17A(3)	£45.30 per hour	£65.04 per hour	£85.95 per hour
Wasted preparation	18	£45.30 per hour	£65.04 per hour	£85.95 per hour
Conferences and views	19	£46.46 per hour	£69.69 per hour	£92.92 per hour
Further management hearing	case 19A	£116 per day	£175 per day	£232 per day
Plea and trial preparation hearing	19A	£145 per day	£221 per day	£291 per day
Appeals to the Crown Court against sentence	20	£288 per day	£429 per day	£573 per day
Appeals to the Crown Court against conviction	20	£380 per day	£570 per day	£760 per day
Proceedings relating to the breach of an order of the Crown Court	20(1)	£125 per day	£176 per day	£251 per day
Committal sentence for	20(1) and (2)	£175 per day	£261 per day	£348 per day
Adjourned appeals, committals for sentence and breach hearings	20(2)	£101 per day	£151 per day	£201 per day
Bail applications, mentions and other applications in appeal, committals for sentence and breach hearings	20(3)	£101 per day	£151 per day	£201 per day

Category of work	Paragraph providing for fee	Junior Alone or Led Junior	Leading Junior	Queen's Counsel
Second and subsequent days of an application to dismiss	22(6)	£276 full day £151 half day	£401 full day £227 half day	£577 full day £302 half day
Noting brief	23	£125 per day	£125 per day	£125 per day
Hearing mitigation of sentence	for 34 of	£125 per day	£201 per day	£302 per day]

**F128** Sch. 1 para. 24 table substituted (30.9.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 12** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)

## **[<sup>F129</sup>Warrant for arrest**

**24A.**—(1) This paragraph applies where—

- (a) the assisted person fails to attend a hearing;
- (b) at that hearing the court issues a warrant for the arrest of the assisted person under section 7(1) (liability to arrest for absconding or breaking conditions of bail) of the Bail Act 1976 (“the warrant”); and
- (c) the case does not proceed in the absence of the assisted person.

(2) Where in a case on indictment the warrant is not executed within three months of the date on which it was issued, the fee payable to the advocate is the fee for a guilty plea set out in Table A following [<sup>F130</sup>paragraph 7] which corresponds with the band within which the offence concerned falls and the category of the advocate concerned.

(3) Where the warrant is issued during the course of proceedings referred to in paragraph 20, the fee payable to the advocate is the fee which corresponds with the category of work, and the category of the advocate concerned, which is set out in the table following paragraph 24.

(4) Sub-paragraph (5) applies where—

- (a) a fee has been paid, or is payable, to the advocate in accordance with sub-paragraph (2);
- (b) the warrant is executed within 15 months of the date on which it was issued;
- (c) the case proceeds after the warrant has been executed; and
- (d) the advocate submits a claim for fees for the determination of the advocate’s overall remuneration in the case, in accordance with regulation 4.

(5) Where this sub-paragraph applies—

- (a) the appropriate officer must deduct the amount paid or payable in accordance with sub-paragraph (2) from the amount payable to the advocate on the final determination of fees in the case; and
- (b) if the fee paid or payable in accordance with sub-paragraph (2) is greater than the amount payable to the advocate on the final determination of fees in the case, the appropriate officer may recover the amount of the difference by way of repayment by the advocate.]

**F129** Sch. 1 para. 24A inserted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **25** (with reg. 34)

**F130** Words in Sch. 1 para. 24A(2) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(16)** (with reg. 7)

## PART 6

### Miscellaneous

#### Identity of instructed advocate

**25.**—(1) Where an instructed advocate is appointed before <sup>F131</sup>the first hearing at which the assisted person enters a plea], the instructed advocate must notify the Court in writing as soon as the appointment is made and, where appropriate, must confirm whether the instructed advocate is the leading instructed advocate or the led instructed advocate.

(2) Where the section 16 determination provides for representation by a single advocate and no instructed advocate has been notified to the Court in accordance with sub-paragraph (1)—

- (a) the barrister or solicitor advocate who attends <sup>F131</sup>the first hearing at which the assisted person enters a plea] is deemed to be the instructed advocate; and
- (b) the Court must make a written record of this fact.

(3) Where the section 16 determination provides for representation by a single advocate and no barrister or solicitor advocate attends <sup>F131</sup>the first hearing at which the assisted person enters a plea]—

- (a) the barrister or solicitor advocate who attends the next hearing in the case is deemed to be the instructed advocate; and
- (b) the Court must make a written record of this fact.

(4) Where the section 16 determination provides for representation by 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) <sup>F131</sup>the first hearing at which the assisted person enters a plea]; or
- (b) where no leading advocate attends <sup>F131</sup>the first hearing at which the assisted person enters a plea], the next hearing in the case attended by a leading advocate,

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

(5) Where the section 16 determination provides for representation by 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) <sup>F131</sup>the first hearing at which the assisted person enters a plea]; or
- (b) where no led advocate attends <sup>F131</sup>the first hearing at which the assisted person enters a plea], the next hearing in the case attended by a led advocate,

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

(6) Where a section 16 determination is amended after <sup>F131</sup>the first hearing at which the assisted person enters a plea] to provide for representation by more than one advocate—

(a) the additional instructed advocate must notify the Court in writing of the additional instructed advocate's appointment within 7 days of the date on which the section 16 determination is amended; and

(b) each instructed advocate must notify the Court whether that instructed advocate 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 is deemed to be an instructed advocate and the Court must record in writing whether that instructed advocate is the leading instructed advocate or the led instructed advocate, as appropriate to the circumstances of the case.

(8) Where—

(a) a case ceases to be a Very High Cost Case (in relation to fees claimed by advocates); and

(b) none of sub-paragraphs (1) to (7) applies,

the instructed advocate must notify the Court in writing of the instructed advocate's appointment within 7 days of the case ceasing to be a Very High Cost Case.

(9) The Court must attach—

(a) any notice received under sub-paragraph (1), (6) or (8); and

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

to the representation order.

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

(a) a date for trial is fixed at or before [<sup>F131</sup>the first hearing at which the assisted person enters a plea] and the instructed advocate is unable to conduct the trial due to the instructed advocate's other pre-existing commitments;

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

(c) the instructed advocate is required to withdraw because of his professional code of conduct.

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

(a) immediately notify the court of the withdrawal—

(i) in writing; or

(ii) where the withdrawal takes place at a [<sup>F132</sup>... hearing, orally; and

(b) within 7 days of the date of the 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 these Regulations.

(12) This paragraph does not apply to a claim for fees under paragraph 32, 33 or 34.

**F131** Words in Sch. 1 para. 25 substituted (5.10.2015) by [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **5(8)(a)**

**F132** Words in Sch. 1 para. 25(11)(a)(ii) 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(11)(g)**

## Payment of fees to instructed advocate

**26.—**(1) In accordance with regulation 23 the appropriate officer must notify each [<sup>F133</sup>trial] advocate of the total fees payable and authorise payment to the [<sup>F133</sup>trial] advocate accordingly.

(2) Payment of the fees in accordance with sub-paragraph (1) must be made to each [F133]trial] advocate.

(3) Where the section 16 determination provides for representation by a single advocate, the [F133]trial] advocate is responsible for arranging payment of fees to the [F134]instructed] advocate and any substitute advocate who has undertaken work on the case.

(4) Where there are two [F133]trial] advocates for an assisted person, payment must be made to each [F133]trial] advocate individually, and—

- (a) the leading [F133]trial] advocate is responsible for arranging payment of fees to the [F134]instructed] 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 [F133]trial] advocate is responsible for arranging payment of fees to the [F134]instructed] advocate and any substitute advocate who have undertaken work on the case of a type for which a led advocate is responsible.

[F135](4A) In this paragraph, where the main hearing is a trial, “trial advocate” means an advocate who—

- (a) is instructed pursuant to a section 16 determination to represent the assisted person at the trial, and
- (b) attends the first day of the trial [F136], and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3) of Schedule 1 applies].]

(5) This paragraph does not apply to a claim for fees under paragraph 32, 33 or 34.

**F133** Word in Sch. 1 para. 26 substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(5)(d)** (with reg. 3)

**F134** Word in Sch. 1 para. 26 substituted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(d)(i)** (with reg. 3)

**F135** Sch. 1 para. 26(4A) inserted (5.5.2015) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/882\)](#), regs. 1, **2(16)(d)(ii)** (with reg. 3)

**F136** Words in Sch. 1 para. 26(4A)(b) inserted (16.5.2023) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 3\) Regulations 2023 \(S.I. 2023/542\)](#), regs. 1(b), **3(3)** (with reg. 4)

### Additional charges and additional cases

**27.**—(1) Where an assisted person is charged with more than one offence on one indictment, the fee payable to the trial advocate under this Schedule must 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% of—

[F137](i) where the principal case is a case on indictment, the basic fee specified in the table following paragraph 5 or, where there is a guilty plea or a cracked trial, the basic fee specified in the tables following [F138]paragraph 7], which corresponds with the band within which the offence concerned falls and the category of the advocate concerned; or]



- (ii) the fixed fee for the principal case, where that is a case falling within paragraph 2(1) (b) or paragraph 10.

<sup>F139</sup>(3) .....

(4) Where a trial advocate or substitute advocate appears at a hearing specified in paragraph 12, 13, 14, 15 [<sup>F140</sup> 16 or 19A], forming part of two or more cases involving different assisted persons, the trial advocate or substitute advocate must be paid—

- (a) in respect of the first such case, the fixed fee for that hearing specified in the table following paragraph 24 [<sup>F141</sup> or, where the hearing falls within paragraph 19A(2), the applicable fee specified in Table A following [<sup>F142</sup> paragraph 7]]; and
- (b) in respect of each of the other cases, 20% of that fee.

(5) Subject to sub-paragraphs (1) to (4), where a trial advocate or substitute advocate appears at a hearing forming part of two or more cases, the trial advocate or substitute advocate must be paid the fixed fee for that hearing specified in the table following paragraph 24 in respect of one such case, without any increase in respect of the other cases.

(6) 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 the trial advocate's right to claim any of the fees set out in the table following paragraph 24 to which the trial advocate would otherwise have been entitled.

- F137** Sch. 1 para. 27(2)(b)(i) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **26** (with reg. 34)
- F138** Words in Sch. 1 para. 27(2)(b)(i) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(17)(a)** (with reg. 7)
- F139** Sch. 1 para. 27(3) omitted (30.9.2022) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022 \(S.I. 2022/848\)](#), reg. 1(1), **Sch. 1 para. 13** (with reg. 3) (as amended (31.10.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1035\)](#), regs. 1(1), **2(1)**) (which affecting provision is amended so that the increases to certain fees apply to a wider range of cases (23.12.2022) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/1267\)](#), regs. 1(1), 3, **Sch.**)
- F140** Words in Sch. 1 para. 27(4) substituted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **16(a)** (with reg. 17)
- F141** Words in Sch. 1 para. 27(4)(a) inserted (31.12.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1323\)](#), regs. 1, **16(b)** (with reg. 17)
- F142** Words in Sch. 1 para. 27(4)(a) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(17)(b)** (with reg. 7)

## Multiple advocates

**28.** Where a section 16 determination provides for representation by three advocates in a case the provisions of this Schedule apply, and the fees payable to the led juniors in accordance with Part 2 or Part 3 are payable to each led junior who is instructed in the case.

## Non-local appearances

**29.** Where an advocate is instructed to appear in a court which is not within 40 kilometres of the advocate's 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 <sup>F143</sup>... unless the advocate instructed to appear has obtained prior approval under regulation 13 for the incurring of such expenses or can justify the attendance having regard to all the relevant circumstances of the case.

**F143** Words in Sch. 1 para. 29 omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **27** (with reg. 34)

### **Trials lasting over 40 days**

<sup>F144</sup>**30.** .....

**F144** Sch. 1 para. 30 omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **28** (with reg. 34)

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

**31.** 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>M8</sup> (finding that the accused did the act or made the omission charged against him); or
  - (ii) a [<sup>F145</sup>fee calculated in accordance with paragraph 7(b)] 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 [<sup>F146</sup>fee calculated in accordance with paragraph 7(a)] as appropriate for representing an assisted person in a guilty plea, whichever the trial advocate elects.

**F145** Words in Sch. 1 para. 31(b)(ii) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(18)(a)** (with reg. 7)

**F146** Words in Sch. 1 para. 31(c)(ii) substituted (17.9.2020) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2020 \(S.I. 2020/903\)](#), regs. 1(2), **4(18)(b)** (with reg. 7)

#### Marginal Citations

- M8** 1964 c. 84, as amended by section 2 of the [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25\)](#) and section 22 of the [Domestic Violence Crime and Victims Act 2004 \(c. 28\)](#).

#### Cross examination of witness

**32.—**(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 <sup>M9</sup> (defence representation for purposes of cross-examination), the advocate must be paid a graduated fee calculated in accordance with paragraph 4.

(2) For the purposes of this paragraph the daily attendance fee <sup>F147</sup>... is as set out in the table following paragraph [F148 5A] as appropriate to the number of days of attendance at court by the advocate.

**F147** Word in Sch. 1 para. 32(2) omitted (1.4.2018) by virtue of [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **29(a)** (with reg. 34)

**F148** Word in Sch. 1 para. 32(2) substituted (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), regs. 1, **29(b)** (with reg. 34)

#### Marginal Citations

- M9** 1999 c. 23.

#### Provision of written or oral advice

**33.—**(1) Where in any case on indictment an advocate is assigned pursuant to a section 16 determination solely for the purpose of providing written or oral advice, the advocate must be paid for the reasonable number of hours of preparation for that advice using the hourly fee rates for special preparation set out in the table following paragraph 24 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 regulation 28 and the advocate 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

**34.—**(1) Where in any case on indictment an advocate is assigned pursuant to a section 16 determination to appear at a sentencing hearing solely for the purpose of applying to the court to mitigate the assisted person's sentence, the advocate must be paid in respect of that appearance the fee specified in the table following paragraph 24 together with a fee calculated from the reasonable number of hours of preparation for that appearance using the hourly fee rates for special preparation set out in the table following paragraph 24 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 regulation 28 and the advocate must supply such information and documents as may be required by the appropriate officer as proof of the number of hours of preparation.

**Changes to legislation:** There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1. (See end of Document for details)

**F149** **PART 7**

**Table of Offences**

**F149** Sch. 1 Pt. 7 renumbered as Sch. 2 Pt. 7 (1.4.2018) by [The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2018 \(S.I. 2018/220\)](#), **regs. 1, 30** (with reg. 34)

.....

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, SCHEDULE 1.