

SCHEDULE 1

Advocates' Graduated Fee Scheme

PART 5

Fixed Fees

Fees for sentencing hearings

[^{F1}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 [^{F2}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 [^{F3}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.]

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| F1 | 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) |
| F2 | 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 |
| F3 | 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) |

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Legal Aid (Remuneration) Regulations 2013, Paragraph 15.