

SCHEDULE 1

Advocates' Graduated Fee Scheme

PART 6

Miscellaneous

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—

(i) the basic fee (B) specified in the table following paragraph 5 or that following paragraph 8, as appropriate, for the principal case, where that is a case falling within paragraph 2(1)(a); or

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

(3) Nothing in sub-paragraphs (4) to (6) permits a fixed fee under Part 5, other than one to which paragraph 14 applies, to be paid in a case to which Part 4 applies.

(4) Where a trial advocate or substitute advocate appears at a hearing specified in paragraph 12, 13, 14, 15 or 16, 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; 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.