
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Remuneration) Regulations 2013 ([S.I. 2013/435](#)) (“the Remuneration Regulations”) which make provision for the remuneration of advice, assistance and representation made available under sections 13, 15 and 16 of the Legal Aid, Sentencing and Punishment of Offenders Act [2012 \(c. 10\)](#).

The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 ([S.I. 2022/848](#)) (“the 2022 Regulations”) amended Schedules 1 to 6 to the Remuneration Regulations to provide an increase to various fees within the Remuneration Regulations.

These Regulations amend the Remuneration Regulations so that the increases to certain fees within the Advocates’ Graduated Fee Scheme (“AGFS”) and the Litigators’ Graduated Fee Scheme (“LGFS”) made by the 2022 Regulations apply to a wider range of cases. Increased fees will now also apply to LGFS cases where a relevant determination was made on or after 1st April 2016 but before 17th September 2020, and to AGFS cases where a relevant determination was made on or after 31st December 2018 but before 17th September 2020. In both cases, the increased fees will only apply where a main hearing takes place on or after 23rd December 2022.

In order to apply the fee increase to the relevant fee schemes, it has been necessary to amend Schedule 1 to the Remuneration Regulations to ensure that fees for cases where the trial cracks into thirds are increased for cases where the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 ([S.I. 2020/903](#)) dropped the concept of separate fees where the trial cracks in the first and second third or the final third for cases where a relevant determination is made on or after 17th September 2020.

Whilst this SI amends the fees applicable to LGFS and AGFS cases where a relevant determination was made in the time periods set out, it does not apply any of the amendments to the structure of the scheme made on or after 17th September 2020.

This means that changes to the pages of prosecution evidence thresholds in paragraph 17 of Schedule 1 to the Remuneration Regulations (fees for special preparation) made by the 2020 Regulations do not apply to cases falling within the definitions of Condition A, B or C. Paragraph 17A (fees for consideration of unused material), as inserted by the 2020 Regulations will not apply to these cases either. Similarly, paragraph 20A of Schedule 2 to the Remuneration Regulations (fees for consideration of unused material) as inserted by the 2020 Regulations will also not apply to these cases.