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STATUTORY INSTRUMENTS

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**2023 No. 366**

**LEGAL AID AND ADVICE,  
ENGLAND AND WALES**

**The Criminal Legal Aid (Remuneration)  
(Amendment) (No. 2) Regulations 2023**

<i>Made</i>	- - - -	<i>at 11.00 a.m. on 27th March 2023</i>
<i>Laid before Parliament</i>		<i>at 4.30 p.m. on 27th March 2023</i>
<i>Coming into force</i>	- -	<i>17th April 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2(3) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012<sup>(1)</sup>.

**Citation, commencement and extent**

1. These Regulations—

- (a) may be cited as the Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2023;
- (b) come into force on 17th April 2023;
- (c) extend to England and Wales.

**Amendment of Schedule 1 to the Criminal Legal Aid (Remuneration) Regulations 2013**

2.—(1) Schedule 1 (Advocates' Graduated Fee Scheme) to the Criminal Legal Aid (Remuneration) Regulations 2013<sup>(2)</sup> is amended as follows.

(2) After paragraph 18 (fees for wasted preparation), insert—

**“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.

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(1) 2012 c. 10.

(2) S.I. 2013/435.

(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.”.

(3) At the end of paragraph (b) of paragraph 26(4A)(3) (payment of fees to trial advocate), insert “, and for this purpose “trial” excludes any cross-examination or re-examination to which paragraph 13A(3)(4) of Schedule 1 applies”.

### **Application**

3. The amendments made by regulation 2 apply to cases where a determination under section 16 (representation for criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is made on or after 17th April 2023.

At 11.00 a.m. on 27th March 2023

*Mike Freer*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(3) Paragraph 26 was amended, included by the insertion of sub-paragraph (4A), by [S.I. 2015/882](#).

(4) Paragraph 13A was inserted by [S.I. 2023/97](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Criminal Legal Aid (Remuneration) Regulations 2013 ([S.I. 2013/435](#)).

Regulation 2(2) amends Schedule 1 to those Regulations by inserting a new paragraph 18A, which provides for an additional preparation fee of £62 to be payable to a trial advocate in respect of preparation for a case which goes to trial or which is a cracked trial.

Regulation 2(3) amends paragraph 26(4A)(b) of Schedule 1 to clarify that the trial advocate to whom fees are to be paid in accordance with that paragraph does not include an advocate who only attends certain cross-examinations or re-examinations.

An impact assessment on the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Legal Aid Policy Team, Access to Justice Directorate, Justice and Courts Policy Group, Ministry of Justice, 102 Petty France, London SW1H 9AJ. The impact assessment is annexed to the Explanatory Memorandum which is available alongside these Regulations on the UK legislation website at <http://www.legislation.gov.uk>.