



Legal Aid
Agency

Criminal Legal Aid Review: fee uplift scenarios guidance

The crime fee increases introduced from 30 September 2022 applied to a wide range of criminal legal aid schemes. The increases will also now apply to

(a) existing cases with representation orders granted between 17 September 2020 and 29 September 2022 **and** where the main hearing takes place on or after 31 October 2022, and

(b) existing cases with representation orders granted between 1 April 2016 and 16 September 2020 (LGFS) or 31 December 2018 and 16 September 2020 (AGFS) **and** where the main hearing takes place on or after 23 December 2022, where fees fall to be determined under Schedule 1 to the Remuneration Regulations, Schedule 2 to those Regulations, or both.

Details of the revised fees and hourly rates are set out in the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022. The changes which apply the uplifted fees to cases with a main hearing after 31 October 2022 are set out in the Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No.2) Regulations 2022. The changes which apply the uplifted fees to cases with a main hearing after 23 December 2020 are set out in the Criminal Legal Aid (Remuneration) (Amendment) (No.2) Regulations 2022. We have also published updated Crown Court Fee Guidance on Gov.uk

[Crown Court fee guidance](#)

[Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2022](#)

[Criminal Legal Aid \(Remuneration\) \(Amendment\) \(Amendment\) \(No.2\) Regulations 2022](#)

[Criminal Legal Aid \(Remuneration\) \(Amendment\) \(No.2\) Regulations 2022](#)

This table exists to provide guidance as to the applicable fee in certain scenarios where the uplifted graduated fee which came into force from 30 September 2022 may apply to pre-30 September 2022 ongoing cases.

Uplifts to cases with representation orders granted between 1 April 2016 and 16 September 2020 (LGFS) or 31 December 2018 and 16 September 2020 (AGFS) **and** where the main hearing takes place on or after 23 December 2022 will only apply to the graduated fee elements in place under the fee schemes governing these cases and will not include the CLAR accelerated measures introduced in September 2020.

Scenario	Applicable fee
Cases with a rep order dated on or after 30 September 2022, including Elected Not Proceeded (ENP) cases	Uplifted graduated fee
Cases with a rep order dated before 30 September 2022 and with a main hearing before 31 October 2022	No uplift to existing fee scheme
ENP case with rep order dated on or after 17 September 2020 and prior to 30 September 2022 and with a main hearing on or after 31 October 2022	Uplifted graduated fee
ENP case with rep order dated between 1 April 2016 and 16 September 2020 (LGFS) or 31 December 2018 and 16 September 2020 (AGFS) and with a main hearing on or after 23 December 2022	Uplifted graduated fee
Transfer during trial where trial starts on or after 31 October 2022 or on or after 23 December 2022	Uplifted fee for both original and new provider
Transfer before 31 October 2022 or 23 December 2022 where the main hearing is on or after 31 October 2022 or on or after 23 December 2022	Uplifted fee for both original and new provider
Transfer after trial where main hearing is on or after 31 October 2022 or on or after 23 December 2022 (transfer after trial but before sentence)	Uplifted fee for both original and new provider
S.28 hearing before 31 October 2022 or 23 December 2022 where the trial is on or after 31 October 2022 or on or after 23 December 2022	Uplifted fee
Preparatory hearing before 31 October 2022 or 23 December 2022 where the trial is on or after 31 October 2022 or 23 December 2022	Uplifted fee
Original guilty plea before 31 October 2022 or 23 December 2022 where the Newton hearing takes place on or after 31 October 2022 or 23 December 2022	Uplifted fee
Fitness to plead hearing before 31 October 2022 or 23 December 2022 followed by guilty plea on or after 31 October 2022 or 23 December 2022	If advocate elects to be paid a trial fee based on the length of the fitness hearing, no uplift will apply. If advocate elects to be paid a guilty plea, the uplift will apply

Retrial where the first trial took place and/or started before 31 October 2022 or 23 December 2022 and the retrial is on or after 31 October 2022 or 23 December 2022	Pre-uplift fee for the first trial and uplifted fee for the retrial
Fitness to plead hearing before 31 October 2022 or 23 December 2022, where client is found fit to plead and proceeds to a trial on or after 31 October 2022 or on or after 23 December 2022	Uplifted fee (as part of main hearing after 31 Oct or 23 Dec)
Any scenario where the “main hearing” never takes place because the client dies or absconds	No uplift
Transfer after 31 October 2022 or 23 December 2022 where the main hearing is before 31 October 2022 or 23 December 2022	No uplift for original or new provider
Main hearing commences before 31 October 2022 or 23 December 2022, but concludes after that date	Uplifted fee – the main hearing date is the final date of the trial regardless of when it commenced
Provider who represents more than one defendant with main hearings either side of the SI coming into force	The uplift will apply to the entire claim where a main hearing in the case concludes on or after 31 October 2022 or 23 December 2022