
STATUTORY INSTRUMENTS

2013 No. 2803

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Criminal Legal Aid (Remuneration) (Amendment)
Regulations 2013**

<i>Made</i>	- - - -	<i>31st October 2013</i>
<i>Laid before Parliament</i>		<i>1st November 2013</i>
<i>Coming into force</i>	- -	<i>2nd December 2013</i>

The Lord Chancellor makes the following Regulations^(a) 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^(b).

PART 1

GENERAL AND AMENDMENTS

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2013 and come into force on 2nd December 2013.

Interpretation

2. In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and

“the Remuneration Regulations” means the Criminal Legal Aid (Remuneration) Regulations 2013^(c).

Amendment to the Remuneration Regulations

3.—(1) The Remuneration Regulations are amended as follows.

(2) In the Table of Contents, at the appropriate places insert—

(a) “12A. Fees in Very High Cost Cases”; and

(b) “SCHEDULE 6 — Fees in Very High Cost Cases”.

(3) In regulation 2(1) (interpretation), after the definition of “Very High Cost Case”, insert—

(a) Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.

(b) 2012 c. 10.

(c) S.I. 2013/435.

““Very High Cost Case contract” means the 2013 VHCC contract between the Lord Chancellor and a representative for the provision of representation under section 16 of the Act (criminal legal aid)(a).”.

- (4) In regulation 3(8) (scope)—
- (a) for “regulation 12 and” substitute “regulations 12 and 12A,”; and
 - (b) after “Schedule 2” insert “and Schedule 6”.
- (5) After regulation 12 (notification of Very High Cost Cases) insert—

“Fees in Very High Cost Cases

12A. Where services consisting of representation made available under section 16 of the Act (criminal legal aid) are provided in a case which is the subject of a Very High Cost Case contract, fees for that case must be paid—

- (a) in accordance with the terms of that contract; and
- (b) at the rates set out for the appropriate category and level of representative set out in Schedule 6 to these Regulations.”.

(6) In paragraph 11(1) of Schedule 4 (Advice and Assistance provided pursuant to a determination made under section 15 of the Act in Prison Law cases), omit “Treatment Cases,”.

(7) For Schedule 5 (experts’ Fees and Rates) to the Remuneration Regulations substitute Schedule 5 as set out in Schedule 1 to these Regulations.

(8) After Schedule 5 to the Remuneration Regulations insert Schedule 6 as set out in Schedule 2 to these Regulations.

PART 2

TRANSITIONAL PROVISIONS

Very High Cost Cases

4. The amendments made by regulation 3(2) to (5) and (8) apply in relation to fees for work undertaken on or after 2nd December 2013.

Prison law

5.—(1) The amendment made by regulation 3(6) does not apply to any fees claimed in a case in relation to which the application for advice and assistance under section 15 of the Act (advice and assistance for criminal proceedings) was made before 2nd December 2013.

(2) For the purpose of this regulation, an application is made before 2nd December 2013 if the application is—

- (a) in paper form and is—
 - (i) signed and dated by the provider before 2nd December 2013; and
 - (ii) received by the Director by 5:00pm on 2nd January 2014; or
- (b) made over the telephone to the provider and—
 - (i) the telephone call is made before 2nd December 2013; and
 - (ii) the application form is signed and dated by the provider and is received by the Director within 30 days of the telephone call.

(a) The 2013 VHCC contracts for organisations and self-employed advocates are available at www.justice.gov.uk/legal-aid. Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London, SW1H 9AJ.

(3) In this regulation, “provider” means a person with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act (arrangements) for the provision of criminal legal aid.

Experts’ fees

6.—(1) The amendment made by regulation 3(7) applies to proceedings in which a relevant determination is made on or after 2nd December 2013.

(2) In this regulation a “relevant determination” means a determination made under section 13, 15 or 16 of the Act for the provision of advice, assistance or representation.

Signed by authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

31st October 2013

SCHEDULE 1

Regulation 3(7)

“SCHEDULE 5

Regulation 16

Experts’ Fees and Rates

<i>Expert</i>	<i>Non-London - hourly rate unless stated to be a fixed fee</i>	<i>London - hourly rate unless stated to be a fixed fee</i>
A&E consultant	£100.80	£108
Accident reconstruction	£72	£54.40
Accountant	£64	£64
Accountant (general staff)	£40	£40
Accountant (manager)	£86.40	£86.40
Accountant (partner)	£115.20	£115.20
Anaesthetist	£108	£72
Architect	£79.20	£72
Back calculations	£144 fixed fee	£151.20 fixed fee
Benefit expert	£72	£72
Cardiologist	£115.20	£72
Cell telephone site analysis	£72	£72
Child psychiatrist	£108	£72
Child psychologist	£100.80	£72
Computer expert	£72	£72
Consultant engineer	£72	£54.40
Dentist	£93.60	£72
Dermatologist	£86.40	£72
Disability consultant	£54.40	£54.40
DNA (testing of	£252 per test	£252 per test

sample)		
DNA (preparation of report)	£72	£72
Doctor (GP)	£79.20	£72
Drug expert	£72	£72
Employment consultant	£54.40	£54.40
Enquiry agent	£25.60	£18.40
ENT surgeon	£100.80	£72
Facial Mapping	£108	£72
Fingerprint expert	£72	£37.60
Fire investigation	£72	£54.40
Firearm expert	£72	£72
Forensic scientist	£90.40	£72
General surgeon	£108	£72
Geneticist	£86.40	£72
GP (records report)	£50.40 fixed fee	£72 fixed fee
Gynaecologist	£108	£72
Haematologist	£97.60	£72
Handwriting expert	£72	£72
Interpreter	£28	£25
Lip reader/Signer	£57.60	£32.80
Mediator	£100.80	£100.80
Medical consultant	£108	£72
Medical microbiologist	£108	£72
Medical Report	£79.20	£72
Meteorologist	£100.80	£144 fixed fee
Midwife	£72	£72
Neonatologist	£108	£72
Neurologist	£122.40	£72
Neuropsychiatrist	£126.40	£72
Neuroradiologist	£136.80	£72
Neurosurgeon	£136.80	£72
Nursing expert	£64.80	£64.80
Obstetrician	£108	£72
Occupational therapist	£54.40	£54.40
Oncologist	£112	£72
Orthopaedic surgeon	£115.20	£72
Paediatrician	£108	£72
Pathologist	£122.40	£432 fixed fee
Pharmacologist	£97.60	£72
Photographer	£25.60	£18.40
Physiotherapist	£64.80	£64.80
Plastic surgeon	£108	£72
Process server	£25.60	£18.40
Psychiatrist	£108	£72
Psychologist	£93.60	£72
Radiologist	£108	£72
Rheumatologist	£108	£72
Risk assessment expert	£50.40	£50.40

Speech therapist	£79.20	£72
Surgeon	£108	£72
Surveyor	£40	£40
Telecoms expert	£72	£72
Toxicologist	£108	£72
Urologist	£108	£72
Vet	£72	£72
Voice recognition	£93.60	£72

SCHEDULE 2

Regulation 3(8)

“SCHEDULE 6

Regulation 12A

Fees in Very High Cost Cases

PART 1

Interpretation and Application

Interpretation

1.—(1) In this Schedule—

- (a) a reference to a level is a reference to that level as defined in the Very High Cost Case contract;
- (b) a reference to a category is a reference to that category as defined in that contract;
- (c) the standard rates apply to work as described in the Very High Cost Case contract Guide^(a); and
- (d) the preliminary hearing, half day and full day rates apply as described in the Very High Cost Case contract Guide.

(2) In this Part—

- (a) “Task List” has the meaning given in the Very High Cost Case contract;
- (b) “parties” means the representative who has signed the Very High Cost Case contract and the Lord Chancellor.

(3) In Table 2, a junior may be either a barrister or a solicitor-advocate.

Application

2.—(1) This paragraph makes provision in relation to the application of this Schedule to work done in a case which is the subject of a Very High Cost Case contract signed by the parties before 2nd December 2013.

(2) Part 2 of this Schedule applies to work done pursuant to any Task List agreed between the parties before 2nd December 2013.

(3) Subject to sub-paragraph (4), Part 3 of this Schedule applies to work done pursuant to any Task List agreed between the parties on or after 2nd December 2013.

(4) Part 2 of this Schedule applies to work done in a case in which—

(a) The 2013 Very High Cost Case contract Guide is available at www.justice.gov.uk/legal-aid. Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London, SW1H 9AJ.

- (a) the court has set a trial date before 2nd December 2013; and
- (b) that trial date is on or before 31st March 2014.

(5) For the purpose of sub-paragraph (4), any adjournment or postponement of a trial which takes place after the trial date is set must be disregarded.

3. Part 3 of this Schedule applies to work done in a case which is the subject of a Very High Cost Case contract signed by the parties on or after 2nd December 2013.

PART 2

Table 1

Preparation (hourly rates)

	<i>Category 1</i> (£)	<i>Category 2</i> (£)	<i>Category 3</i> (£)	<i>Category 4</i> (£)	<i>Standard Rates</i> (£)
Litigator					
Level A	145.00	113.00	91.00	91.00	55.75
Level B	127.00	100.00	79.00	79.00	47.25
Level C	84.00	65.00	51.00	51.00	34.00
Pupil/junior	45.00	36.00	30.00	30.00	
Barrister					
QC	145.00	113.00	91.00	91.00	
Leading junior	127.00	100.00	79.00	79.00	
Led junior	91.00	73.00	61.00	61.00	
Junior alone	100.00	82.00	70.00	70.00	
2nd Led junior	63.00	50.00	43.00	43.00	
Solicitor Advocate					
Leading level A	145.00	113.00	91.00	91.00	
Led level A	127.00	100.00	79.00	79.00	
Leading level B	127.00	100.00	79.00	79.00	
Led level B	104.00	86.00	66.00	66.00	
Level A alone	131.00	109.00	88.00	88.00	
Level B alone	113.00	95.00	75.00	75.00	
Second advocate	63.00	50.00	43.00	43.00	

Table 2

Advocacy rates

	<i>Preliminary hearing</i> (£)	<i>Half day</i> (£)	<i>Full day</i> (£)
QC	113.00	238.00	476.00
Leading junior	86.00	195.00	390.00
Led junior	58.00	126.00	252.00

Junior alone	67.00	143.00	285.00
2nd Led junior	34.00	64.00	128.00
Noting junior	29.00	55.00	109.00

Table 3

Attendance at court with Advocate (hourly rates for litigators)

	£
Level A	42.25
Level B	34.00
Level C	20.50

Table 4

Travelling, waiting and mileage

	£
Travelling (hourly rates)	25.00 (up to a maximum of 4 hours in one day)
Waiting (hourly rates)	25.00
Mileage	00.45 per mile

PART 3

Table 1

Preparation (hourly rates)

	<i>Category 1</i> (£)	<i>Category 2</i> (£)	<i>Category 3</i> (£)	<i>Category 4</i> (£)	<i>Standard Rates</i> (£)
Litigator					
Level A	101.50	79.10	63.70	63.70	39.03
Level B	88.90	70.00	55.30	55.30	33.08
Level C	58.80	45.50	35.70	35.70	24.50
Pupil/junior	31.50	25.20	21.00	21.00	
Barrister					
QC	101.50	79.10	63.70	63.70	
Leading junior	88.90	70.00	55.30	55.30	
Led junior	63.70	51.10	42.70	42.70	
Junior alone	70.00	57.40	49.00	49.00	
2nd Led junior	44.10	35.00	30.10	30.10	
Solicitor Advocate					
Leading level A	101.50	79.10	63.70	63.70	
Led level A	88.90	70.00	55.30	55.30	
Leading level B	88.90	70.00	55.30	55.30	
Led level B	72.80	60.20	46.20	46.20	
Level A	91.70	76.30	61.60	61.60	

alone				
Level B	79.10	66.50	52.50	52.50
alone				
Second advocate	44.10	35.00	30.10	30.10

Table 2

Advocacy rates

	<i>Preliminary hearing (£)</i>	<i>Half day (£)</i>	<i>Full day (£)</i>
QC	79.10	166.60	333.20
Leading junior	60.20	136.50	273.00
Led junior	40.60	88.20	176.40
Junior alone	46.90	100.10	199.50
2nd Led junior	23.80	44.80	89.60
Noting junior	20.30	38.50	76.30

Table 3

Attendance at court with Advocate (hourly rates for litigators)

	<i>£</i>
Level A	29.58
Level B	23.80
Level C	14.35

Table 4

Travelling, waiting and mileage

	<i>£</i>
Travelling (hourly rates)	25.00 (up to a maximum of 4 hours in one day)
Waiting (hourly rates)	25.00
Mileage	00.45 per mile''

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 funding and 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).

Regulation 3(2) to (5) and (8) and Schedule 2 amend the Remuneration Regulations to provide for remuneration in Very High Cost Cases. The amendments apply to fees for work undertaken on or after 2nd December 2013. Schedule 2 inserts a new schedule 6 in the Remuneration Regulations. Part 3 of Schedule 2 provides for new, reduced fees payable under contracts signed by a representative and the Lord Chancellor on or after 2nd December 2013.

For contracts signed before 2nd December 2013, the new fees apply to work done pursuant to any Task List agreed between a representative and the Lord Chancellor on or after 2nd December 2013. The previously applicable fees will continue to apply to work done pursuant to a Task List

agreed before 2nd December 2013 and in any case where, before 2nd December 2013, the court has set a date for trial which is on or before 31st March 2014.

Regulation 3(7) and Schedule 1 amend the Remuneration Regulations to provide for a reduction in the fees and rates paid to experts (with the exception of the London rate for interpreters) and apply to proceedings in which a determination under section 13, 15 or 16 of the Act is made on or after 2nd December 2013. Schedule 1 inserts a new schedule 5 in the Remuneration Regulations.

Regulation 3(6) of these Regulations amends the category of work in which a provider can claim a fixed fee to remove the reference to cases in which a prisoner wishes to challenge their treatment in prison. This is consequential to the amendments to be made to the Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9) to restrict the scope of criminal legal aid for prison law cases. The amendment made by regulation 3(6) does not apply to any fees claimed in cases in which an application for advice and assistance is made prior to 2nd December 2013.

A full impact assessment of the effect of the policy implemented by this instrument on the costs of business and the voluntary sector was produced with the Government's response to consultation, *Transforming Legal Aid: Next Steps*, and is available at <https://consult.justice.gov.uk/>.