



Legal Aid
Agency

Working with others to achieve excellence in the delivery of legal aid

Direct Access guidance

Claiming back costs if you instruct a barrister under the Direct Access scheme for representation in the magistrates' court

June 2020



Contents

Introduction	2
What you can claim for	
Submitting a claim	3
Assistance attending court with your barrister	
Assessment of costs	5
Requesting a review	6

Introduction

If you have instructed a barrister under the Direct Access scheme, and you are acquitted, or your case is discontinued, the court may make an Order for your legal costs and personal expenses to be reimbursed from Central Funds.

What you can claim for

Under a Defendant's Costs Order (DCO) you can claim the following:

- the costs of your barrister preparing your case
- your travel expenses and subsistence costs in relation to the proceedings

You cannot claim for:

- your time spent in preparing your case
- any costs charged by your barrister for completing the claim form on your behalf
- loss of earnings

Submitting a claim

To claim your legal costs, download the most up to date version of the claim form 5913 from the GOV.UK website:

<https://www.gov.uk/government/publications/apply-for-costs-from-central-funds-direct-public-access-5913>

You must submit your claim within 3 months of the conclusion of your case.

Send your claim to:

Criminal Cases Unit
7th Floor
Piccadilly Gate
Store Street
Manchester
M1 2WD

Your personal expenses

You must submit your claim for your personal expenses, for example, travel and anything other than legal costs, direct to the court dealing with your case – do not send your claim to us. You should contact the court for advice on how to claim.

Your witnesses must also submit their claims for attending court direct to the court.

You must include:

- a copy of the contract between yourself and your barrister
- a copy of the Defendant's Cost Order made by the court
- a copy of your barrister's fee note (invoice) and work log

You should also provide a description of your case and any other information you wish us to consider. You can either provide this yourself in an accompanying letter or you can ask your barrister to provide this on your behalf.

Please be aware that if your barrister charges you for this you will not be able to claim it back as part of your costs.

Assistance attending court with your barrister

If the court decides it was necessary for you to be accompanied to court, it can pay the costs of those who accompanied you. It will make an allowance for their attendance as if they had attended as a witness.

Such an order is made under Regulation 18(2) Part V of The Costs in Criminal Cases (General) Regulations 1986.

If you also required assistance to attend, for example, a conference with your barrister, then you should enclose a copy of the court's order with your claim. We will then be able to consider those costs.

Assessment of costs

If your case commenced after 1 October 2012 and you applied for Legal Aid on or after 27 January 2014 and were refused due to financial ineligibility, we will assess your claim using the Rates and Scales Document under the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO). The date your case commenced will be the date the summons was issued.

Under these regulations the costs allowed cannot exceed the maximum fees and hourly rate payable under the legal aid regulations unless the circumstances of the case are deemed exceptional.

Details of the amounts payable can be found at:

<https://www.gov.uk/guidance/claim-back-costs-from-cases-in-the-criminal-courts>

Go to the section titled 'How to claim back costs' where there is a link to the 'Legal Costs Document 1 (magistrates court and appeals to the crown court)'.

The Criminal Cases Unit (CCU) have no authority to exceed the fees set out in the costs document unless it can be shown that your case is exceptional. Information in support of exceeding these fees should be provided by your barrister and accompany your claim.

Requesting a review

Where a case is heard in the magistrates' court, there is no formal appeal process, however we will conduct an informal review of the costs allowed upon request.

You can request a review within 21 days of receiving our decision; including any further information you wish us to consider. Your barrister may assist you to make this request but please be aware that any charge for this will not be covered by your Defendant's Cost's Order.

We will consider your request within 20 working days.

If after the review you remain dissatisfied with the assessment you may apply for Judicial Review within 3 months.

Guidance on this process can be found at:

<https://www.gov.uk/guidance/administrative-court-bring-a-case-to-the-court>



© Crown copyright 2019

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

