

## Travel and Subsistence Guidance<sup>1</sup>

### Prior Approval

Under [Regulation 13 \(3\) of the Criminal Legal Aid \(Remuneration\) Regulations 2013](#), litigators and advocates may apply to the LAA for permission to incur travelling and accommodation costs, which the LAA has labelled 'Prior Approval'. Before applying for Prior Approval, advocates must consider [Schedule 1, paragraph 29](#) of the 2013 Remuneration Regulations regarding non-local appearances.

Prior Approval requests should be emailed with the subject heading, 'Crown Court Travel Prior Approval', to: [crime.queries@justice.gov.uk](mailto:crime.queries@justice.gov.uk), explaining the need to incur the costs. Supporting evidence may also be required – for example if an advocate is instructed on the basis of specialised knowledge or experience, a copy of the indictment and details of the relevant expertise must be supplied. Where a provider is requesting accommodation in excess of the guideline rates supporting evidence must be provided.

### Guideline rates and assessment principles

When looking at the reasonableness or otherwise of travel disbursements, the LAA will apply the guidance and principles set out in the Criminal Bills Assessment Manual<sup>2</sup>.

Disbursements over £20 should be justified and, so far as possible, be accompanied by valid receipts or tickets, except for receipts for overnight subsistence which should be supplied for any amount<sup>3</sup>. Litigators should keep copies of all receipts with their paper files as they may need to be called upon.

Where travel has been authorised, the LAA will use the following guide rates (per person per night inclusive of VAT) when assessing travel and accommodation expense claims<sup>4</sup>:

Expense	Rate
Standard (motor vehicle) Mileage Rate	45p per mile
Public Transport Mileage Rate	25p per mile
Cycling Mileage Rate	20p per mile
Overnight accommodation (hotel or serviced apartment) – London (inside M25)	Up to £165
Overnight accommodation (hotel or serviced apartment) – elsewhere	Up to £100
Overnight subsistence	£25
Overnight (other than at a hotel or serviced apartment)	£25

<sup>1</sup> This guidance can also be found at Appendix T of the Crown Court Fee Guidance

<sup>2</sup> Refer to paragraph 3.9 of the Criminal Bills Assessment Manual for guidance on travel and waiting disbursements.

<sup>3</sup> Refer to paragraph 3.9(22) of the Criminal Bills Assessment Manual for guidance on receipts for disbursements.

<sup>4</sup> These rates are effective from 5 December 2024 and amend the previous guideline rates for the costs of overnight stays incurred before this date.

## **Discretion**

LAA caseworkers have discretion to agree higher overnight hotel costs where providers are able to show a lack of suitable accommodation within the guideline rates, or that prices have temporarily increased due to seasonal demand or public events. A contemporaneous screenshot from a booking site should be provided showing a comprehensive search of available hotel rooms/apartments for the required dates.

Where providers have incurred costs for accommodation which has been cancelled, caseworkers will consider allowing claims where it can be demonstrated that the booking was made in good faith, and the hotel has confirmed that a refund will not be offered.

## **Mileage**

The standard rate of mileage may only be paid where travel has been authorised and the use of a private motor vehicle was necessary (for example, because no public transport was available), or where a considerable saving of time is made (for example, where the provider would have been required to stay overnight, or leave and return at unreasonable hours, if public transport was used), or the use of a private motor vehicle was otherwise reasonable (for example, carrying exhibits or if travelling by car, including any claim for parking, was cheaper than using public transport).

Standard mileage may also be paid where accommodation has been authorised which would require a car to carry overnight bags or suitcases. It may also be paid where venues are not reasonably accessible by public transport, for example Truro and Caernarvon, or where there are difficulties accessing the venue from the local train station.

In all other cases, public transport rates apply. The public transport rate is a rate per mile calculated to be equivalent to the average cost of public transport. Therefore, where the court at which a provider is required to attend is reasonably accessible by public transport, though the provider may choose to use a private motor vehicle, reimbursement is limited to the public transport cost (please refer to the case of *R. v Slessor* (1984) at section 3.9 of the Criminal Bills Assessment Manual for more information:

<https://www.gov.uk/funding-and-costs-assessment-for-civil-and-crime-matters>

## **Subsistence**

Where an overnight stay is required, a claim for associated expenses of up to £25 towards the costs of meals and other incidentals may be made, which must be accompanied by receipts.

## **Local Bar Rule**

Travel expenses to Court are not allowed for any advocate that has an office within 40km of the Court. When a Court does not have a local Bar, travel expenses may be allowed up to the amount which would be payable if the advocate came from the nearest local Bar.

In certain circumstances, an advocate may be allowed travel from outside the nearest Bar using the prior approval process detailed above. Examples of possible circumstances are:

- Where an advocate has particular specialised knowledge or experience;

- Where an advocate has previously been instructed to represent a defendant in related matters and continuing representation would assist the preparation and/or presentation of the case in question;
- Where a case is transferred to the Court, and it would assist the preparation and/or presentation to keep the same advocate;
- Where the instruction of a local advocate may lead to suspicion of prejudice (e.g., cases of local notoriety involving public figures or officials).

Travel expenses to Court would not be justified solely on the following grounds:

- Where instructing solicitors normally chose to instruct a particular set of chambers or individual advocate;
- Where the defendant had specifically asked for the advocate in question;
- Where the advocate had acted for the defendant in an unrelated case of no relevance to the case in question.

Travel time for litigators is included in the graduated and fixed fees. It is important to note that the litigator instructed should be local to the client. Refer to section 3.9 of the Criminal Bills Assessment Manual.