

2022 No. 1267

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Criminal Legal Aid (Remuneration) (Amendment) (No. 2)
Regulations 2022**

| | |
|-------------------------------|---------------------------|
| <i>Made</i> - - - - | <i>1st December 2022</i> |
| <i>Laid before Parliament</i> | <i>2nd December 2022</i> |
| <i>Coming into force</i> - - | <i>23rd December 2022</i> |

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 2(3), 41(1)(a) and (b), (2)(a) and (b) and (3)(c) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 and come into force on 23rd December 2022.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“the Remuneration Regulations” means the Criminal Legal Aid (Remuneration) Regulations 2013(b);

“the 2022 Regulations” means the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022(c);

“Condition A” is where a relevant determination is made on or after 31st December 2018 but before 17th September 2020 and where the main hearing takes place on or after 23rd December 2022;

“Condition B” is where a relevant determination is made on or after 1st April 2016 but before 1st April 2018 and where the main hearing takes place on or after 23rd December 2022;

“Condition C” is where a relevant determination is made on or after 1st April 2018 but before 17th September 2020 and where the main hearing takes place on or after 23rd December 2022;

“Relevant Version 1” means Schedule 1 to the Remuneration Regulations as it had effect immediately after the Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2018(d) came into force;

(a) 2012 c. 10.

(b) S.I. 2013/435 as amended by S.I. 2013/2803, S.I. 2014/2422, S.I. 2015/325, S.I. 2015/1369, S.I. 2015/1678, S.I. 2016/313, S.I. 2017/311, S.I. 2017/1019, S.I. 2018/220, S.I. 2018/1323, S.I. 2020/903, S.I. 2022/848, S.I. 2022/1010 and S.I. 2022/1035.

(c) S.I. 2022/848, as amended by S.I. 2022/1010 and S.I. 2022/1035

(d) S.I. 2018/1323.

“Relevant Version 2” means Schedule 2 to the Remuneration Regulations as it had effect immediately after the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2016(a) came into force;

“Relevant Version 3” means Schedule 2 to the Remuneration Regulations as it had effect immediately after the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018(b) came into force;

“relevant determination” means a determination made under section 13 (advice and assistance for individuals in custody), section 15 (advice and assistance for criminal proceedings) or section 16 (representation for criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“main hearing” has the meaning given in paragraph 2(1) of the Remuneration Regulations.

Amendments in respect of the Advocates’ Graduated Fee Scheme

3.—(1) In respect of a relevant determination falling under Condition A—

- (a) the amendments to Schedule 1 to the Remuneration Regulations as set out in the 2022 Regulations; and
- (b) the amendments to Schedule 1 to the Remuneration Regulations made by the Schedule to these Regulations;

apply to Relevant Version 1, subject to paragraph (2).

(2) For the purposes of paragraph (1), the amendments to Schedule 1 to the Remuneration Regulations made by paragraphs 5 and 9 of Schedule 1 to the 2022 Regulations do not apply.

Amendments to Relevant Version 2 in respect of the Litigators’ Graduated Fee Scheme

4.—(1) In respect of a relevant determination falling under Condition B, the amendments to Schedule 2 to the Remuneration Regulations as set out in the 2022 Regulations apply to Relevant Version 2, subject to paragraph (2).

(2) For the purpose of paragraph (1), the amendments to Schedule 2 to the Remuneration Regulations made by paragraph 15 of Schedule 2 to the 2022 Regulations do not apply.

Amendments to Relevant Version 3 in respect of the Litigators’ Graduated Fee Scheme

5.—(1) In respect of a relevant determination falling under Condition C, the amendments to Schedule 2 to the Remuneration Regulations as set out in the 2022 Regulations apply to Relevant Version 3, subject to paragraph (2).

(2) For the purpose of paragraph (1), the amendments to Schedule 2 to the Remuneration Regulations made by paragraph 15 of Schedule 2 to the 2022 Regulations do not apply.

1st December 2022

Mike Freer
Parliamentary Under-Secretary of State
Ministry of Justice

SCHEDULE

Regulation 3

1. In Schedule 1 to the Remuneration Regulations, following paragraph 8, for Tables A and B substitute—

“Table A

-
- (a) S.I. 2016/313.
 - (b) S.I. 2018/220.

Basic fees where there is a guilty plea or where the trial cracks in the first third or the second third

| <i>(1) Band of offence</i> | <i>Amount of basic fee per category of trial advocate</i> | | |
|----------------------------|---|---------------------------|----------------------------|
| | <i>(2) Junior Alone or Led Junior</i> | <i>(3) Leading Junior</i> | <i>(4) Queen's Counsel</i> |
| 1.1 | £4,939 | £7,406 | £9,873 |
| 1.2 | £2,473 | £3,703 | £4,939 |
| 1.3 | £1,484 | £2,220 | £2,961 |
| 1.4 | £1,236 | £1,852 | £2,467 |
| 2.1 | £4,939 | £7,406 | £9,873 |
| 2.2 | £1,484 | £2,220 | £2,961 |
| 3.1 | £2,036 | £3,048 | £4,065 |
| 3.2 | £1,162 | £1,742 | £2,323 |
| 3.3 | £690 | £1,035 | £1,380 |
| 3.4 | £489 | £736 | £978 |
| 3.5 | £431 | £650 | £863 |
| 4.1 | £1,162 | £1,742 | £2,323 |
| 4.2 | £903 | £1,351 | £1,800 |
| 4.3 | £874 | £1,305 | £1,742 |
| 5.1 | £1,093 | £1,639 | £2,185 |
| 5.2 | £817 | £1,219 | £1,627 |
| 5.3 | £581 | £874 | £1,162 |
| 6.1 | £4,882 | £7,320 | £9,758 |
| 6.2 | £4,428 | £6,641 | £8,855 |
| 6.3 | £1,645 | £2,461 | £3,283 |
| 6.4 | £581 | £874 | £1,162 |
| 6.5 | £466 | £702 | £932 |
| 7.1 | £817 | £1,219 | £1,627 |
| 7.2 | £466 | £702 | £932 |
| 7.3 | £437 | £656 | £874 |
| 8.1 | £696 | £1,047 | £1,392 |
| 9.1 | £3,370 | £5,054 | £6,739 |
| 9.2 | £2,323 | £3,485 | £4,646 |
| 9.3 | £1,742 | £2,616 | £3,485 |
| 9.4 | £1,524 | £2,289 | £3,048 |
| 9.5 | £932 | £1,392 | £1,857 |
| 9.6 | £696 | £1,047 | £1,392 |
| 9.7 | £466 | £702 | £932 |
| 10.1 | £1,277 | £1,915 | £2,553 |
| 11.1 | £805 | £1,208 | £1,610 |
| 11.2 | £460 | £690 | £920 |
| 12.1 | £1,219 | £1,829 | £2,438 |
| 12.2 | £759 | £1,133 | £1,512 |
| 12.3 | £523 | £788 | £1,047 |
| 13.1 | £1,035 | £1,553 | £2,070 |
| 14.1 | £1,340 | £2,007 | £2,674 |
| 15.1 | £932 | £1,392 | £1,857 |
| 15.2 | £805 | £1,208 | £1,610 |
| 15.3 | £489 | £736 | £978 |
| 16.1 | £1,277 | £1,915 | £2,553 |
| 16.2 | £932 | £1,392 | £1,857 |
| 16.3 | £581 | £874 | £1,162 |

| | | | |
|------|------|------|------|
| 17.1 | £420 | £627 | £834 |
|------|------|------|------|

Table B

Basic fees where the trial cracks in the final third

| <i>(1) Band of offence</i> | <i>(2) Junior Alone or Led Junior</i> | <i>(3) Leading Junior</i> | <i>(4) King's Counsel</i> |
|----------------------------|---------------------------------------|---------------------------|---------------------------|
| 1.1 | £8,389 | £12,587 | £16,784 |
| 1.2 | £4,198 | £6,296 | £8,395 |
| 1.3 | £2,519 | £3,778 | £5,037 |
| 1.4 | £2,099 | £3,145 | £4,192 |
| 2.1 | £8,389 | £12,587 | £16,784 |
| 2.2 | £2,519 | £3,778 | £5,037 |
| 3.1 | £3,456 | £5,181 | £6,912 |
| 3.2 | £1,972 | £2,961 | £3,950 |
| 3.3 | £1,173 | £1,760 | £2,346 |
| 3.4 | £834 | £1,248 | £1,662 |
| 3.5 | £736 | £1,098 | £1,466 |
| 4.1 | £1,972 | £2,961 | £3,950 |
| 4.2 | £1,530 | £2,294 | £3,059 |
| 4.3 | £1,484 | £2,220 | £2,961 |
| 5.1 | £1,857 | £2,789 | £3,715 |
| 5.2 | £1,386 | £2,076 | £2,766 |
| 5.3 | £989 | £1,484 | £1,972 |
| 6.1 | £8,292 | £12,443 | £16,589 |
| 6.2 | £7,527 | £11,293 | £15,054 |
| 6.3 | £2,789 | £4,186 | £5,583 |
| 6.4 | £989 | £1,484 | £1,972 |
| 6.5 | £794 | £1,190 | £1,581 |
| 7.1 | £1,386 | £2,076 | £2,766 |
| 7.2 | £794 | £1,190 | £1,581 |
| 7.3 | £742 | £1,116 | £1,484 |
| 8.1 | £1,185 | £1,777 | £2,363 |
| 9.1 | £5,727 | £8,591 | £11,454 |
| 9.2 | £3,950 | £5,923 | £7,901 |
| 9.3 | £2,961 | £4,445 | £5,923 |
| 9.4 | £2,593 | £3,887 | £5,181 |
| 9.5 | £1,581 | £2,369 | £3,157 |
| 9.6 | £1,185 | £1,777 | £2,363 |
| 9.7 | £794 | £1,190 | £1,581 |
| 10.1 | £2,168 | £3,255 | £4,341 |
| 11.1 | £1,369 | £2,053 | £2,737 |
| 11.2 | £782 | £1,173 | £1,564 |
| 12.1 | £2,070 | £3,111 | £4,146 |
| 12.2 | £1,288 | £1,926 | £2,570 |
| 12.3 | £891 | £1,334 | £1,777 |
| 13.1 | £1,760 | £2,639 | £3,519 |
| 14.1 | £2,271 | £3,410 | £4,548 |
| 15.1 | £1,581 | £2,369 | £3,157 |
| 15.2 | £1,369 | £2,053 | £2,737 |
| 15.3 | £834 | £1,248 | £1,662 |
| 16.1 | £2,168 | £3,255 | £4,341 |
| 16.2 | £1,581 | £2,369 | £3,157 |
| 16.3 | £989 | £1,484 | £1,972 |

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 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).

The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848) (“the 2022 Regulations”) amended Schedules 1 to 6 to the Remuneration Regulations to provide an increase to various fees within the Remuneration Regulations.

These Regulations amend the Remuneration Regulations so that the increases to certain fees within the Advocates’ Graduated Fee Scheme (“AGFS”) and the Litigators’ Graduated Fee Scheme (“LGFS”) made by the 2022 Regulations apply to a wider range of cases. Increased fees will now also apply to LGFS cases where a relevant determination was made on or after 1st April 2016 but before 17th September 2020, and to AGFS cases where a relevant determination was made on or after 31st December 2016 but before 17th September 2020. In both cases, the increased fees will only apply where a main hearing takes place on or after 23rd December 2022.

In order to apply the fee increase to the relevant fee schemes, it has been necessary to amend Schedule 1 to the Remuneration Regulations to ensure that fees for cases where the trial cracks into thirds are increased for cases where the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2020 (S.I. 2020/903) dropped the concept of separate fees where the trial cracks in the first and second third or the final third for cases where a relevant determination is made on or after 17th September 2020.

Whilst this SI amends the fees applicable to LGFS and AGFS cases where a relevant determination was made in the time periods set out, it does not apply any of the amendments to the structure of the scheme made on or after 17th September 2020.

This means that changes to the pages of prosecution evidence thresholds in paragraph 17 of Schedule 1 to the Remuneration Regulations (fees for special preparation) made by the 2020 Regulations do not apply to cases falling within the definitions of Condition A, B or C. Paragraph 17A (fees for consideration of unused material), as inserted by the 2020 Regulations will not apply to these cases either. Similarly, paragraph 20A of Schedule 2 to the Remuneration Regulations (fees for consideration of unused material) as inserted by the 2020 Regulations will also not apply to these cases.

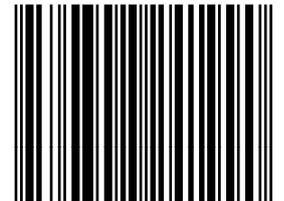
© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2022/1267>

ISBN 978-0-34-824199-0



9 780348 241990