

Criminal Legal Aid Billing Seminar – LAA Presentation

9th September 2025

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Hints and Tips to Increase Remuneration – Section 28 Hearings

- For representation orders dated after 01/02/2023, a new fee was introduced under the AGFS scheme for Section 28 hearings.

- This fee is £670 for orders granted between 01/02/2023 and 15/11/2023, and £1,000 for orders granted on or after 16/11/2023.

- The fee is payable once per case. Importantly, it is in addition to the daily attendance fee that counsel is entitled to for each day a Section 28 hearing occurs.

Hints and Tips to Increase Remuneration – Offences on Indictment

- Under the AGFS banding document, higher remuneration may not always align with the most serious charge.

- For example, a defendant faces charges of murder and supplying Class A drugs on the indictment.

- The Murder falls under band 1.3, but if the PPE exceeds 5,000 pages, the Class A drug offence qualifies for band 9.1.

- The drugs offence in this circumstance pays higher, except in rare cases where the trial exceeds approximately 65 days.

- In most cases, band 1.2 for murder also pays less than band 9.1. The tipping point where band 1.2 pays more is around a 33-day trial.

- For example, a 10-day trial for a junior counsel, band 1.3 pays £8,964 + VAT, while band 9.1 pays £12,229 + VAT.

Hints and Tips to Increase Remuneration – Bandings and Cost Judge Decisions

- R v Symons and Others (SC-2020-CRI-000149): In multi-handed murder cases, if one defendant is aged 16 or under, all defendants should be remunerated at band 1.2.

- R v Collier (SC-2020-CRI-000036): Defendant charged with an historic indecent assault under Section 14 of the Sexual Offences Act 1956 (band 5.2). As the complainant was a child at the time of the incident and the offence involved penetration, Cost Judge ruled band 4.1 should apply.

- R v Ivoskas and Urbonas (SC-2020-CRI-000129 & 000130): In cannabis weight cases where the prosecution provides a range, the median value should be used for banding purposes.

- R v Avery (SC-2023-CRI-000075): Defendant charged with intentional strangulation under Section 75A of the Serious Crime Act 2015 which is unclassified. Cost Judge determined band 3.4 was the most appropriate banding.



Common Platform Challenges

- The LAA is aware of issues arising from the information we can access from Common Platform system and is working closely with HMCTS to resolve them.
- The LAA does not have direct access to Common Platform; data is pulled into an LAA-specific system.
- Current challenges include:
 - Counsel attendance not being recorded in the court log
 - Hearings with blank records
- To assist:
 - Inform your clerk if you've raised an issue with HMCTS or are aware of one
 - If your clerk can note this on the CCCD submission, we can escalate it to HMCTS
 - Keeping a signed or annotated attendance note is extremely helpful when attendance is not recorded

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Criminal Billing
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How to make the most of what's on offer



CROWN COURT LEGAL AID

- Claims can be submitted after main hearing (trial/plea) but before sentence if the gap is 4 weeks or more.
- Trials and retrials and Preparation claims can be billed separately

Crown Court Legal Aid

What your Clerks need from you

- Drugs and Fraud cases are banded according to weight of drugs/value of money seized or identified in investigation and or pages of served evidence.

6	Dishonesty (to include Proceeds of Crime and Money Laundering)	Band 6.1: Over £10m or over 20,000 pages. Band 6.2: Over £1m or over 10,000 pages. Band 6.3: Over £100,000. Band 6.4: Under £100,000. Band 6.5: Under £30,000.
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Band 9.1: Class A

Importation S3 Misuse of Drugs Act/ S170 Customs and Excise Management Act;

Or over 5,000 pages of evidence;

Or weight over: 5kg heroin or cocaine, 10,000 ecstasy tablets, 250,000 squares of LSD

Band 9.2 Class B

Importation S3 Misuse of Drugs Act/ S170 Customs and Excise Management Act;

Or over 5,000 pages of evidence;

Or weight over: 20kg amphetamine, 200kg cannabis, 5kg ketamine

Band 9.3 Class C

Importation S3 Misuse of Drugs Act/ S170 Customs and Excise Management Act;

Or over 5,000 pages of evidence

Band 9.4: Class A:

1,000 pages of evidence;

Or weight over: 1kg Heroin or Cocaine , 2,000 ecstasy tablets 2,500 squares of LSD

Band 9.5: Class B:

1,000 pages of evidence;

Or weight over: 4kg of amphetamine 40kg of cannabis 1kg ketamine

Band 9.6:) Class C: 1,000 pages of evidence

Band 9.7: All other drugs cases of any class (unless standard.

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What your Clerks need from you

- It is essential that you sign in at court on either Common Platform or Xhibit, whichever is in use at the court.
- Be careful when relying on court clerks to sign you in as if they may forget or change clerks throughout a trial and may not do it. It's YOUR responsibility to be signed in each day, not theirs.
- If Common Platform (CP) is being used then the court staff are not able to assist with confirming your attendance as they do not have access to the record and cannot make amendments.
- Make sure you have attendance notes for all hearings and add a note to the DCS sidebar, if possible, to confirm attendance. The note has to be added by you – this applies to leaders and juniors!
- Please remember to provide travel expense receipts for train journeys out of London and overnight accommodation if Prior Approval travel has been granted. The limits have increased to £100 inc VAT for hotel and £25 per night for evening meals.
- Breakfast and Lunch are not claimable and evening meals are only claimable on nights you stay over
- Credit card receipts or bank account screenshots without a breakdown are not sufficient proof of expenses.

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Travel Expenses

- Train Fare or Mileage is claimable for your journey from Chambers to Court if there is no local Bar. If you want to claim travel for courts that have a local Bar then you will need to apply for Prior Authority from the LAA.
- If there is a local bar between your start point and court then you can claim travel from that point. E.g. if you were travelling from London to Hull Crown Court then you could claim your travel from Leeds as that is Hull's local Bar. You could claim 77 miles each way or the equivalent train fare from Leeds to Hull but no overnight expenses.
- There is a spreadsheet that sets out the local Bar and their allowances
- You can claim the higher rate of mileage (45ppm rather than 25ppm) if you cannot complete your journey using public transport either because of the location or perhaps accessibility issues or the need to take an overnight bag or a large amount of papers. Parking expenses would also be allowed if you cannot use public transport.
- You can claim travel expenses and travel time for attending prison conferences and site visits even if the number of conferences is in excess of what you can claim for.

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Travel Expenses – Criteria for Prior Authority

- 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).
- If the defendant and solicitor are located outside of the local Bar
- If solicitor was not able to find suitable, available local counsel to instruct.
- A letter will usually be needed from your solicitor to confirm that they canvassed the local and surrounding bars and were not able to find anyone local with the required experience.

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Ways to Maximise Fees

Special Preparation

Unused Material – claimable on cracked trials and trials

- 0-3 hours is a fixed fee claimed on all applicable cases
- Worklog to be provided for hours in excess of 3 hours – set out item of material, date considered and time spent. Examples below – copy and paste from DCS
- Note not usually required for claims under 30 hours as LAA request access to DCS and the clerks upload the unused material for them to see

R v XX Schedule of Unused Material			
Section	Docs/pages	Time spent considering (2 mins per page)	
UND1	X documents, X pages	X HRS	
UND2	X documents, X pages + Video	X HRS x mins	
UND3	X documents, X pages	X hours X mins	
UND4	X documents, X pages	X hours	
TOTAL TIME SPENT CONSIDERING		X HOURS	

	A	B	C	D	E
1	UND4	X documents, X pages	214 hours		
2	ITEM	ITEM DESCRIPTION	DATE	LOCATION CCDCS	<input type="checkbox"/>
3	NUMBER		UPLOADED		
4	0001:	D3 - CONNECT INVESTIGATION REPORT	30-Jul-24	1: UND4-1 - UND4-20	<input type="checkbox"/>
5	0002:	D8 Phones Spreadsheet V1 120724	30-Jul-24	2: UND4-21 - UND4-40	<input type="checkbox"/>
6					
7	0003:	D17 - CAD 8733 06JUN24	30-Jul-24	3: UND4-41 - UND4-101	<input type="checkbox"/>
8					
9	0004:	D18 - CAD 2463 07JUN24	30-Jul-24	4: UND4-102 - UND4-106	<input type="checkbox"/>

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Ways to Maximise Fees

Special Preparation

Excess Pages

- Electronic evidence not visible on DCS will need to be sent to LAA
- PPE threshold for Drugs cases is 15,000 and Fraud is 30,000

Novel/Unusual Law or Fact

- It has been necessary to do work by way of preparation substantially in excess of the amount normally done for cases of the same type because the case involves a very unusual or novel point of law or factual issue.
- Justification required for unusual/novel law claim
- Case summary, opening note and ePPE needs to be sent with claim
- Worklog should reflect actual time spent rather than average calculations

AGFS Offence Band ^a	PPE Thresholds (in number of pages)
1	10,000
2	750
3	700
4	750
5	650
6	N/A – see b) above.
7	550
8	600
9	N/A – see b) above.
10	800
11	350
12	750
13	750
14	350
15	150
16	300
17	100

CRWON COURT LEGAL AID

Ways to Maximise Fees

Wasted Preparation

- You can claim wasted preparation if you have to return a trial because it was:
 - Fixed for a date you aren't available for
 - You are Professionally Embarrassed or are sacked
 - You have to return the case by reason of a judicial office held by you or other public duty
- Prep time is claimable if the trial lasts more than 5 days or if it cracks, the page count is over 150
- Claims should be over 8 hours
- A note and worklog are required along with the relevant form

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Ways to Maximise Fees

Preparatory Hearing - DAF claimable for hearings deemed as such

Section 28 hearing - DAF and additional bolt on fee

Ineffective trial days after trial has started DAF claimable once trial is underway as long as listed as such

Discontinuance - 50% of guilty plea can be claimed if a case is discontinued before PTPH and a full plea fee can be claimed if papers are served and case is discontinued before or after PTPH.

Quashed/Stayed Indictment - almost disappeared now but if a whole indictment is quashed or stayed on a separate day to the main hearing then you can claim a brief fee

Fitness to plead - if D unfit to plead then whole fee can be claimed as a 5.3 or the original offence, whichever is higher, and FTP hearing can be added to overall length of trial

Mitigation of Sentence - if newly instructed you can claim for Mitigation of Sentence fee and for reasonable preparation

Sentence - if sentence goes part heard and mitigation taken place then the SHR fee can be claimed. If S41 hospital order imposed then whole fee can be claimed as a 1.3 and if any hospital order is imposed then a DAF can be claimed for the effective sentence hearing(s)

POCA if page count of pages served for POCA only are over 50 then you can claim higher fees for main POCA hearing

Committals for Sentence and Appeals - if more complicated than the average case (over 8 hours prep or multi day hearing) then can claim on a red corner/form 5145

RESOURCES

<https://www.gov.uk/government/publications/crown-court-fee-guidance>

[Unused/Special Prep Form](#)

[POCA Form](#)

[5145 Form](#) – needs a signature on it

[2020 Updated LAA travel Spreadsheet.xlsx](#)



Crime Fees

Fee Calculator for Bar (Crime)

Open

★★★★★ 25

Willis Software Limited

Reference

Prosecution fees

Tom Little KC

First Senior Treasury Counsel

CPS fees

Areas I will cover

- **Existing fee schemes for the CPS**
- **How to maximise those claims**
- **Approach to take in the event of a dispute**
- **Future**

Existing fee scheme – Scheme F

- **Applies to all hearings, in existing and new cases, that take place on or after 2 May 2023**
- **Where a part-heard hearing/trial resumed or continued on 2 May 2023, the fees for the entirety of the hearing/trial paid under scheme F. Earlier hearings paid under scheme E**
- **Fee scheme F represented flat 15% increase on all fees across the board**

Fee Scheme F – where can I find it?

- **CPS website**
- **The Manual of Guidance [“MoG”]**
- **Fees bulletins**

12 common mistakes/under billing

- 1. Billing wrong offence (para 50 of MoG)**
- 2. Offence not listed in list of offences – Category H starting point but (para 51 of MoG)**
- 3. Start of trial (para 121 – 125 of MoG)**
- 4. Multiple pleas (para 80, 108 – 110 of MOG)**
- 5. Multiple cases/indictments (para 24, 78 of MoG)**
- 6. Not claiming for unused 3+ hours (para 75 of MoG)**
- 7. Not claiming for CCTV (para 72 of MoG)**

12 common mistakes/under billing

8. Not claiming for BWF (if used) (para 256 MoG)

9. ULS or Rape acquittal advice (paras 77, 256 of MoG)

10. Not claiming as category A when s41 MHA 1983 restriction order imposed (paras 167 – 169 of MoG)

11. Bad Character and/or Hearsay notices (paras 223 – 224 of MoG)

12. Advance permission if one advocate cannot be present in two advocate case (para 35 of MoG)

Definition of start of trial

An effective trial is a jury sworn and evidence called or read. Nothing less will do and nothing a Judge says matters at all.

A case will not be paid as an effective trial if evidence has not been called.

A trial includes all days of the trial process, including days prior to swearing the jury. Days prior to the swearing the jury will be included as trial days provided:

- **the case was listed 'for trial'**
- **the days resulted in meaningful progress, either in court or where the parties have been given time, or taken time, to undertake work out of court**
- **it led to a jury being sworn and evidence called, with the same advocate, within 7 calendar days, and**
- **details of the meaningful progress are recorded on the Hearing Record Sheet.**

Appeals/disputes re CPS Fee Scheme

- Step 1 Notice from Chambers of dispute (20 working days of proceedings concluding)
- Step 2 CPS review and respond (20 working days)
- Step 3 Advocate submits a detailed taxation note to support a higher claim (within 20 working days)
- Step 4 Area Fees Manager reviews Note on Taxation. If refused reasons are given in writing (within 20 working days)
- Step 5 Advocate gives notice of application for redetermination (within 20 working days)
- Step 6 Court Business Unit consider it in conjunction with Area Business Manager and make decision (within 20 working days)
- Step 7 If advocate is dissatisfied with the redetermination then they can refer (within 20 working days) the matter to the GFS Appeals Committee – made up of three people (CPS, AGO and Bar)
- Step 8 Determination by Appeal Committee

CPS VHCC Scheme

- **These rates were cut in 2012 and were not increased until 2023**
- **Very limited number of trials fall within scheme**
- **Pre-charge advice work**
- **Appellate and public law work**
- **Categories 1, 2 & 3**

Future?

- **ABEs**
- **Murder fees discrepancy with Defence**
- **Notes on Sentence**
- **Other written work**
- **Electronic evidence**

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