

FOCUS on CDS

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Criminal Defence Service Remuneration Rates

This supplement to *Focus on CDS 5* provides a comprehensive overview of all CDS remuneration rates. It contains:

- **General Criminal Contract Remuneration Rates**
as amended by Steve Orchard's letter of 12 March 2001
- **Transitional Rates**
to cover work begun before and continuing on or after 2 April 2001

It contains the rates which were published in *Focus on CDS* Issues 2, 3 and 5, and Steve Orchard's letter of 12 March 2001.

Please contact your regional Criminal Defence Service Manager if you have any queries on the enclosed rates.

General Criminal Contract Remuneration Rates

These rates apply to all work commenced under the contract on or after 2 April 2001

1. Work Undertaken In The Investigations Class

A. Advice and Assistance

	National	London
Preparation	46.90	49.70
Travel and waiting	26.30	26.30
Routine letters and telephone calls	3.70	3.85

B1. Unamended Police Station Advice and Assistance

	National	London
Availability during duty period	4.20 (to a max of 100.80)	4.25 (to a max of 102.00)
Advice and assistance by:		
duty solicitor	52.00	56.20
duty solicitor in unsocial hours	69.05	69.05
own solicitor	52.00	56.20
Travel and waiting by:		
duty solicitor	52.00	56.20
duty solicitor in unsocial hours	69.05	69.05
own solicitor	28.80	28.80
telephone advice fixed fee (including all telephone calls whether "routine" or "advice")	30.25 per claim	31.45 per claim

The amended police station advice and assistance rates set out below in B2 apply instead of the rates set out in B1 in the following circumstances:

- Where an office signed the General Criminal Contract after 13 March 2001; or
- Where an office lodged a signed contract with the Commission after 14 March, whenever signed; or
- Where an office signed the contract on or before 13 March and lodged the signed contract with the Commission on or before 14 March and elected in writing to the Commission by 2 April 2001 to operate under the amended rates.

The amended rates will apply until 1 January 2002 at the latest. Prior to that date, we will consult on a new single basis for paying for this work and give due notice of the changes, which will apply to all firms, in accordance with the requirements in the Contract Standard Terms.

B2. Amended Police Station Advice and Assistance

	National	London
Availability during duty period	4.20 (to a max of 100.80)	4.25 (to a max of 102.00)
Advice and assistance by:		
duty solicitor	51.15	55.28
duty solicitor in unsocial hours	67.93	67.93
own solicitor	51.15	55.28

Travel and waiting by:		
duty solicitor	51.15	55.28
duty solicitor in unsocial hours:	67.93	67.93
own solicitor	28.33	28.33
Advice and assistance by telephone	23.38 per item	24.20 per item
Routine telephone calls	3.96 per item	4.13 per item
C. Advocacy Assistance on a Warrant of Further Detention		
	National	London
Preparation		
standard rate	46.90	49.70
enhanced rate	62.50	66.30
Advocacy		
standard rate	59.00	59.00
enhanced rate	78.65	78.65
Travel and waiting		
standard rate	26.30	26.30
enhanced rate	35.05	35.05
Routine letters and phone calls		
standard rate	3.70 per item	3.85 per item
enhanced rate	4.90 per item	5.10 per item
2. Work Undertaken in the Criminal Proceedings Class		
D. Advice and Assistance (where work undertaken is not included in a single Claim with work done under a Representation Order)	Same rates as in table A above	
E. Advice and Assistance (where work undertaken is included in a single Claim with work done under a Representation Order)		
	National	London
Preparation	49.70	52.55
Travel and waiting	26.30	26.30
Routine letters written and telephone calls	3.90 per item	4.05 per item
F. Advocacy Assistance in a Magistrates' Court (other than by a Court Duty Solicitor acting as such) or the Crown Court		
	National	London
Preparation	49.70	52.55
Advocacy	62.35	62.35
Travel and waiting	26.30	26.30
Routine letters written and telephone calls	3.90 per item	4.05 per item

G. Advocacy Assistance by a Court Duty Solicitor acting as such

	National	London
Standard rate	53.85	55.15
Enhanced rate	67.30	68.90
Travel (where permitted)	26.30	26.30

H. Representation in a Magistrates' Court

	National	London
Preparation	49.70	52.55
Advocacy	62.35	62.35
Attendance at court where counsel assigned	34.00	34.00
Travel and waiting	26.30	26.30
Routine letters written and telephone calls	3.90 per item	4.05 per item

I. Representation in the High Court

	National	London
Preparation	77.25	81.90
Advocacy	77.25	81.90
Attendance at court with counsel	38.15	38.15
Travel and waiting	34.25	34.25
Routine telephone calls out	4.30 per item	4.30 per item
Routine letters written	7.75 per item	7.75 per item

3. Work Undertaken in the Appeals and Reviews Class

J. Advice and Assistance

Same rates as in table A above

K. Representation in the Divisional Court on an Appeal by way of Case Stated

Same rates as in table I above

4. Work Undertaken in the Prison Law Class

L. Advice and Assistance

Same rates as in table A above

M. Advocacy Assistance

	National	London
Preparation	56.15	60.00
Advocacy	68.25	68.25
Attendance at court where counsel assigned	31.95	31.95
Travel and waiting	26.30	26.30
Routine letters written and telephone calls	4.05 per item	4.05 per item

5. Other

N. File Review

	National	London
Face to face file review	31.18 per file review	31.18 per file review
Paper file review	18.71 per file review	18.71 per file review

O. Mileage

	National	London
Mileage rate	36p per mile	36p per mile

Standard Fees

	Lower Standard Fee		Lower Limit		Higher Standard Fee		Higher Limit	
	National	London	National	London	National	London	National	London
Cat 1	173.45	223.25	298.45	382.90	417.20	529.25	517.10	646.85
Cat 2	306.25	392.95	512.70	651.00	702.40	882.65	854.40	1041.60
Cat 3	276.50	349.75	452.20	548.25	626.50	735.30	789.50	841.55

Payment for Cases which Straddle 2 April 2001

These rates apply to work started before 2 April and concluded after the commencement of the General Criminal Contract

Please see Rule 1.5 in Part B of the General Criminal Contract for the transitional provisions. The effect of this rule is that you must claim for your work under either the Legal Aid Act 1988 or the Access to Justice Act 1999. You cannot claim under both.

The rule is that where work commenced under the Legal Aid Act 1988 before 2 April and continued after 2 April, it will be remunerated under the 1988 Act rules and payment rates for all work undertaken up to 2 April. After 2 April the 1988 Act payment structure continues to apply to pre-contract work, but with the rates uprated by 3% generally and 10% for police station advice and assistance for those with a General Criminal Contract.

Advice and Assistance

Where your client signed the CLAIM10 before 2 April and you continued to provide Advice and Assistance after the commencement of the General Criminal Contract you must apply the rates shown in the table below:

Work Carried Out	Up to 1 April 2001		2 April 2001 onwards	
	National	London	National	London
Preparation	45.50	48.25	46.87	49.70
Travel and Waiting	25.50	25.50	26.27	26.27
Routine Letters and Telephone Calls	3.55 per item	3.70 per item	3.66 per item	3.81 per item

When you submit your CDS6, you must ensure that the rates have been correctly applied and that CDS11 has been completed showing the value of the work done before and after 2 April (See CDS11 guidance contained in the CDS Trainers Resource Pack).

Police Station Advice and Assistance

The relevant date for police station advice and assistance is the date that advice was given. Where the attendance /telephone advice commenced prior to 2 April, the old rates and payment structure will apply to any claim. Where the attendance/ telephone advice commenced on or after 2 April, the new contract rates and payment structure will apply.

Where you made your first attendance on your client prior to 2 April, but your client was bailed back to attend after 2 April, the new contract rates and payment structure will apply from that next police station attendance.

Where you commenced an attendance on 1 April that continued without interruption on 2 April, the rates shown in the column headed '2 April 2001 onwards' applies for all work conducted after midnight. The next attendance will be made under the new rates and payment structure. The applicable hourly rates are:

Work Carried Out	Up to 1 April 2001		2 April 2001 onwards	
	National	London	National	London
Availability during duty period	3.80 (to a max of 91.20)	3.85 (to a max of 92.40)	4.20* (to a max of 100.80)	4.25* (to a max of 102.00)
Advice and Assistance by				
Duty solicitor	46.50	50.25	51.15	55.28
Duty solicitor in unsocial hours	61.75	61.75	67.93	67.93
Own solicitor	46.50	50.25	51.15	55.28
Travel and waiting by				
Duty solicitor	46.50	50.25	51.15	55.28
Duty solicitor in unsocial hours	61.75	61.75	67.93	67.93
Own solicitor	25.75	25.75	28.33	28.33
Telephone Advice	21.25	22.00	23.38	24.20
Routine Telephone Calls	3.60 per item	3.75 per item	3.96 per item	4.13 per item

Magistrates' Court ABWOR (other than Duty Solicitor)

Work Carried Out	Up to 1 April 2001		2 April 2001 onwards	
	National	London	National	London
Preparation	45.50	48.25	46.87	49.70
Advocacy	57.25	57.25	58.97	58.97
Attendance at court where counsel assigned	31.00	31.00	31.93	31.93
Travel & waiting	25.50	25.50	26.27	26.27
Routine letters written and telephone calls	3.55 per item	3.70 per item	3.66 per item	3.81 per item

* The "Availability" rates published in Focus on CDS 3 were incorrect.

ABWOR in relation to Prisoner Cases

Work Carried Out	Up to 1 April 2001		2 April 2001 onwards	
	National	London	National	London
Preparation	54.50	58.25	56.14	60.00
Advocacy	66.25	66.25	68.24	68.24
Attendance at court where counsel assigned	31.00	31.00	31.93	31.93
Travel & waiting	25.50	25.50	26.27	26.27
Routine letters written and telephone calls	3.90 per item	3.90 per item	4.02 per item	4.02 per item

Note that the cut-off for applications for ABWOR under the 1988 Act (whether for magistrates' court or prisoner cases) is as follows:

- i) the application must have been signed prior to 2 April 2001 and received by the Commission by 10 April 2001, or
- ii) the application must have been granted by the solicitor under devolved powers prior to 2 April 2001 and notification received by the Commission by 10 April 2001.

Any cases after these dates will be for Advocacy Assistance under the contract at the rates prescribed in the contract.

Court Duty Solicitor

The commencement of the General Criminal Contract produced no overlap of Court Duty Solicitor work. 1 April was the last date that the old rates applied and 2 April was the first date that the contract rates applied i.e. the effective date is the date on which you attended clients as the Court Duty Solicitor.

Early Hearings

The first hearing on or after 2 April that you provide own solicitor cover for will be deemed to fall under the contract and will therefore be subject to the contract rates and payment structure.

It must be noted that the concept of the 'duty solicitor of choice' ended on 2 April.

Standard Fees

In accordance with the Criminal Bills Manual guidance covering a rate increase, the Commission will pay the Standard Fees shown below provided that some of the work was carried out on or after 2 April.

Therefore where a legal aid order was issued to your client before 2 April and the case concluded after the commencement of the General Criminal Contract you should apply the uprated standard fees and fee limits as shown below.

	LSF		Lower Limit		HSF		Higher Limit	
	National	London	National	London	National	London	National	London
Cat1	152.70	196.73	284.28	364.62	367.71	466.59	492.34	615.94
Cat2	270.12	346.34	488.22	620.06	619.03	777.65	813.70	991.89
Cat3	243.60	308.23	430.54	522.21	552.08	647.87	751.90	801.34

The core rates are as follows and should be applied for all work done on or after 2 April 2001:

	Current Rates		Increased Rates	
	National	London	National	London
Preparation	46.00	48.50	47.38	49.96
Advocacy	57.75	57.75	59.48	59.48
Attendance at court where counsel assigned	31.50	31.50	32.45	32.45
Travel and waiting	25.50	25.50	26.27	26.27
Routine letters and telephone calls	3.55	3.70	3.66	3.81

In determining the standard fee applicable, you must apply the new lower and higher limits.

You must show on CDS11 the split between work conducted before and after 2 April together with the relevant rates.

Individual Case Claims

Note that any claim for work under the 1988 Act must have been submitted so as to reach the Commission by 10 April in order to receive an individual case payment. Any claims received after that date will be credited against your contractual monthly payment and not paid individually.

Combined Representation Orders

Where a legal aid order was granted prior to 2 April and a Representation Order granted on or after 2 April which together with the legal aid order constitutes a single case for standard fee purposes, the case will be dealt with under the 1988 Act rules and rates. The table below shows the applicable Act.

When orders issued which form part of the same case	Applicable Act
All orders issued before 2 April 2001	1988 Legal Aid Act
All orders issued after 2 April 2001	1999 Access to Justice Act
Orders issued before and after 2 April 2001	1988 Legal Aid Act



85 Gray's Inn Road
London WC1X 8TX