

GRADUATED FEE SCHEME, VERY HIGH COST CASE SCHEME & OTHER FEE SCHEMES

This guidance is provided in order to assist with the practical application of the Crown Prosecution Service Fee Schemes with reference to the Long Stop Date (1st August 2012)

This guidance is divided in to the following sections:

Paragraphs 1 - 30	Graduated Fee Scheme (GFS)
Paragraphs 31 - 59	Very High Cost Case (VHCC) Fee Scheme
Paragraphs 60 - 64	Central Fraud Group (CFG) prosecutions
Paragraphs 65 - 71	Welfare, Rural & Health Prosecutions Division (WRHPD)

**GRADUATED FEE SCHEME (GFS)
ARRANGEMENTS FROM 1st AUGUST 2012**

1. The Crown Prosecution Service (CPS) Graduated Fee Scheme C Manual of Guidance at paragraph 3 states that “on **1st August 2012** all existing CPS GFS cases will move to scheme C and any work undertaken on or after that date including hearings and conferences will be remunerated under scheme C.”
2. The following guidance is provided in order to assist with the practical application of this provision in relation to scheme B cases which will become scheme C cases from 1st August 2012.

Mixture of Scheme B and Scheme C payments

3. All GFS cases must be billed and paid at their conclusion. Where a case has a mixture of scheme B and C work, payment for the work up to and including 31st July 2012 must be made under scheme B and payment for work on and after 1st August 2012 must be made under scheme C. It will therefore be necessary for chambers to claim separately for non-Zanzibar payments and for CPS to issue separate purchase orders in Zanzibar¹ areas.

Example 1

In a case where the advocate was originally instructed under scheme B there are two defendants charged on a single indictment. Defendant A pleads guilty on 25th July 2012 at the PCMH and defendant B’s case is adjourned for trial to 22nd August. On 22nd August defendant B pleads guilty and both defendants are sentenced on 17th September 2012.

The same advocate appears at all three hearings.

Two separate payments will be necessary (to be paid after the final hearing):

The main hearing on the 25th July is a guilty plea under scheme B for one defendant. There will also be a PCMH fee (BPD) for defendant B under scheme B.

The main hearing on 22nd August is a cracked trial under scheme C for one defendant. There will also be a sentence hearing (SHR) for two defendants on 17th September which will be a scheme C payment.

¹ Zanzibar is the CPS electronic payment process being rolled-out across England and Wales in 2012.

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Main Hearings

4. In Scheme B cases, all main hearings up to and including 31st July 2012 will fall to be paid under scheme B. Any main hearings which take place on or after 1st August in these cases will fall to be paid under scheme C.

Offence Classes

5. The offence class list contained in the Scheme B MoG was revised and updated for Scheme C.
6. In a case where the advocate was originally instructed under scheme B, a main hearing takes place on or after 1st August and the advocate is therefore to be paid that main hearing under scheme C, a review of the offence class applicable to the main hearing must be undertaken to ensure that the correct Scheme C offence class is paid.
7. This will predominately affect Scheme B cases which were in offence class:
- Offence class D, which may be in Scheme C offence class J, for example Rape and other serious sexual offences;
 - Offence class G, which may be in Scheme C offence class K, i.e. dishonesty with a value in excess of £100,000
 - Offence class B (limited to non-aggravated arson), which may be in Scheme C offence class C if the value is below £100,000

Multiple cracked trials

8. It is a principle of the GFS that where there is more than one cracked trial hearing concerning any number of defendants on any number of indictments arising out of a single core bundle of evidence, the full cracked trial main hearing fee will only be paid on one occasion. Accordingly, the advocate should elect which cracked trial main hearing event will attract the full cracked trial main hearing fee. Where there is one or more cracked trial events before the 1st August and one or more on or after 1st August, the advocate must still elect which cracked trial event will attract the full main hearing fee.
9. This provision also applies where a retrial results in a cracked trial hearing.
10. Any cracked trial event which is not elected as the full cracked trial main hearing will be paid as a base fee (scheme B) or a daily fee (scheme C).

Example 2

In a case where the advocate was originally instructed under scheme B there are four defendants A, B, C and D and the case is adjourned for trial. Thereafter on

23/7/12	The Prosecution offers no evidence in relation to defendant A
30/7/12	Defendant B pleads guilty
6/8/12	The indictment is stayed in relation to defendant C
13/8/12	Defendant D pleads guilty at the trial

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There are four cracked trial outcomes. Two of those hearings take place under scheme B (23/7/12 & 30/7/12) and the other two take place under scheme C (6/8/12 & 13/8/12). The advocate must elect which cracked trial event attracts the full main hearing fee.

If the advocate elects the hearing on 30/7/12, a scheme B cracked trial main hearing fee with page and witness uplifts will be paid for that hearing. The hearing on 23/7/12 will attract a scheme B base fee and the hearings on 6/8/12 & 13/8/12 will each attract a daily fee under scheme C.

If the advocate elects the hearing on 13/8/12, a scheme C elected cracked trial fee with witness uplifts will be paid for that hearing. The hearings on 23/7/12 & 30/7/12 will attract scheme B base fees and the hearing on 6/8/12 will attract a daily fee under scheme C.

Effective Trials

11. For the purposes of the GFS a hearing is only deemed to be an 'effective' trial when the jury has been sworn and evidence has been called or read before the jury. The main hearing date is the date the jury is sworn.
12. In a case where the advocate was originally instructed under scheme B and a jury is sworn before 1st August and evidence is subsequently called or read, the whole trial will be paid under scheme B until its conclusion. However if a case is listed for trial before 1st August but the jury is not sworn until 1st August or after, the effective trial will be paid under scheme C.

Example 3

In a case where the advocate was originally instructed under scheme B and the trial is listed on 31st July 2012. On 31st July the jury is sworn and on 1st August evidence is called. The trial lasts 28 days. The main hearing date is the 31st July and therefore the whole trial will be remunerated under scheme B.

Example 4

In a case where the advocate was originally instructed under scheme B and the trial is listed on 31st July 2012. On 31st July the jury is not sworn and legal argument commences and judgement is given. On 1st August, the jury is sworn and evidence is called. The trial lasts 28 days. The main hearing date is the 1st August and therefore the whole trial will be remunerated under scheme C.

The legal argument (PAW) on 31st July will be paid under scheme B.

Other hearings which are paid as Effective Trials (Newton Hearings, Fitness to Plead hearings & Preparatory hearings)

Newton Hearings

13. In any case on indictment where a Newton Hearing takes place, the proceedings will be treated as an effective trial. The length of the trial is deemed to be the combined length of the main hearing (guilty plea or cracked trial) and the effective Newton Hearing. The main hearing date is the date the guilty plea was entered.
14. For a Newton Hearing to be 'effective', evidence must be called or read in relation to the issue being tried.

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15. In a case where the advocate was originally instructed under scheme B and there is an effective Newton hearing, as the main hearing date is the date of the guilty plea or the date the cracked trial took place, if that date is before the 1st August 2012, the proceedings will be paid under scheme B.

Example 5

A defendant pleads guilty on 23rd July 2012 on a basis and the case is adjourned for a Newton Hearing to 13th August. On 13th August the Newton Hearing is effective and the defendant is sentenced. The main hearing date is 23rd July and therefore the Newton Hearing proceedings will be remunerated under scheme B (as a two day effective trial).

Example 6

A defendant pleads guilty on 23rd July 2012 on a basis and the case is adjourned for a Newton Hearing to 13th August. On 13th August the Judge indicates that a Newton Hearing is not required and proceeds to sentence. In this scenario the proceedings revert to a guilty plea (23rd July) and a sentence (13th August) in accordance with GFS principles. The guilty plea will therefore be remunerated under scheme B and the sentence hearing will be remunerated under scheme C.

Example 7

A defendant pleads guilty on 17th July 2012 on a basis and the case is adjourned for a Newton Hearing to 20th August. On 20th August the Newton Hearing is effective and the sentence is adjourned to 27th August. The main hearing date is 17th July and therefore the Newton Hearing proceedings will be remunerated under scheme B (as a two day effective trial). The sentence hearing (27th August) should be paid under scheme C.

Fitness to Plead hearings and Determination hearings

16. Should a hearing be held to determine the question of whether the defendant is fit to plead or to stand trial (a "fitness hearing"), the length of the "fitness hearing" will be added to either the length of the hearing where the question of whether the defendant committed the act or made the omission charged is determined; or the length of any subsequent main hearing on indictment, and the proceedings will be remunerated as an effective trial main hearing.
17. In a case where the advocate was originally instructed under scheme B, as the main hearing date is the date of the effective Fitness to Plead hearing, if that date is before the 1st August 2012, the proceedings will be paid under scheme B.

Example 8

An issue of whether a defendant is fit to plead is raised. The Fitness hearing is listed on 23rd July 2012. On 23rd July, the defendant is found to be unfit to plead and the case is adjourned for a Determination Hearing to the 13th August. On 13th August the Determination hearing takes place. The main hearing date is 23rd July and therefore the length of the fitness hearing and the determination hearing are combined and will be remunerated under scheme B (as a two day effective trial).

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Example 9

An issue of whether a defendant is fit to plead is raised. The Fitness hearing is listed on 30th July 2012. On 30th July, the defendant is found to be fit to plead and the case is adjourned for a PCMH to the 6th August. On 6th August the defendant pleads guilty and is sentenced. The main hearing date is 30th July and therefore the length of the fitness hearing and the guilty plea hearing are combined and will be remunerated under scheme B (as a two day effective trial).

Example 10

An issue of whether a defendant is fit to plead is raised. The Fitness hearing is listed on 16th July 2012. On 16th July, the defendant is found to be fit to plead and the case is adjourned for a trial to the 6th August. On 6th August the trial on indictment is effective and lasts a total of 3 days. The main hearing date is 16th July and therefore the length of the fitness hearing and the effective trial hearing are combined and will be remunerated under scheme B (as a four day effective trial). Any subsequent sentence hearing would be paid under scheme C.

Preparatory Hearings (Section 29 of the Criminal Procedures and Investigations Act 1996)

18. If a case is listed for an effective preparatory hearing this hearing will be regarded as the start of an effective trial and will be the main hearing date of the effective trial. Any subsequent effective preparatory hearing will also count towards the length of the trial.
19. In a case where the advocate was originally instructed under scheme B, as the main hearing date is the date of the first Preparatory Hearing, if that date is before the 1st August 2012, the whole proceedings will be paid under scheme B.

Example 11

In a case where the advocate was originally instructed under scheme B and a Preparatory hearing is heard on 2nd July and a 20 day trial commences on 27th August, the main hearing date will be the 2nd July and therefore the advocate should be remunerated for a 21 day trial under scheme B.

Retrials

20. For a retrial main hearing fee to be paid there must have previously been an effective trial main hearing.
21. In a case where the advocate was originally instructed under scheme B and an effective trial has been paid under scheme B, any retrial which commences (ie jury sworn and evidence called) on or after 1st August will be remunerated under scheme C.

Example 12

In a case where the advocate was originally instructed under scheme B and the first trial is listed on 2nd July, jury sworn and evidence called. The case lasts for three days and the jury is hung. The retrial is listed on 6th August, jury sworn and evidence called and lasts for five days.

There are two main hearings. The first is an effective trial main hearing starting on 2nd July which will be paid under scheme B (three days) and the second is a retrial main hearing starting on 6th August which will be paid under scheme C (five days).

Fixed fees

22. The rates for fixed fees are the same in Schemes B and C however under scheme C case uplifts are revised to 10% (from 20% under scheme B) and defendant uplifts to 5% (from 10%

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under scheme B). Consequently, it is very important that any fixed fee hearings which take place on or after 1st August are paid under scheme C.

23. However, where the advocate was originally instructed under scheme B, any fixed fee hearing which starts on or before 31st July and which is part-heard on or after the 1st August will be treated as one continuing process and all days will be paid under scheme B. Any future main hearings or fixed fee hearings will be paid under scheme C.

Example 13

In a case where the advocate was originally instructed under scheme B, a case is listed for sentence on 31st July 2012 for 8 defendants, the proceedings commence and are adjourned part-heard to the 1st August. The sentence hearing continues on the 1st August and the defendants are sentenced. As the fixed fee hearing started before 1st August, the two day fixed fees (SHR) will both be paid under scheme B. This will mean that the defendant uplifts will be paid at 10% (scheme B rates).

Example 14

In a case where the advocate was originally instructed under scheme B, a case is listed for legal argument on 26th July 2012, the proceedings commence and are adjourned part-heard. The legal argument then continues on the 27th, 30th, 31st July and the 1st, 2nd August when judgement is given. As the fixed fee hearing started before 1st August, the six day fixed fees (PAW) will all be paid under scheme B. This will mean that any defendant uplifts will be paid at 10% (scheme B rates).

Calculated fees

24. The rates for calculated fees are the same in Schemes B and C.
25. Any hourly rate work recorded in the work records as having been undertaken before 1st August should be paid under scheme B. Any work undertaken on or after 1st August should be paid under scheme C.
26. It should be borne in mind however that under scheme C, tapes which were paid at the DTE tape rate under scheme B, that is defendant interviews, 999 calls and tapes/discs of evidence in chief, are included in the standard or enhanced base fee and not paid separately.
27. However, an exception will be made where the advocate was originally instructed in a case under scheme B and no main hearing has taken place before 1st August. In those circumstances, the advocate may still claim for any DTE payment provided that evidence is produced to demonstrate that the tapes/discs were viewed or listened to before 1st August.

Reclassifying Case as VHCC

28. The CPS Graduated Fee Scheme C Manual of Guidance (paragraphs 11 to 16) sets out arrangements which allow the Head of Fees discretion to remunerate certain 'GFS' cases under VHCC.
29. Accordingly, in any case where two or more of the following criteria are met, CPS staff should refer the matter to the Head of Fees, Court Business Unit:

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- There are more than 6 defendants
 - The case has more than 5,000 pages of served prosecution evidence in a single core bundle
 - The case has three or more indictments emanating from a single core bundle of evidence, or the indictment in a case is severed at PCMH or subsequently and three or more indictments are created, each relying on the single core bundle.
30. In addition, in cases to which scheme C applies, the advocate may apply to the Head of Fees for any case in which there are more than 15,000 pages of served evidence to be remunerated under the VHCC arrangements. Referral does not mean that a case will automatically be managed under the VHCC arrangements. The decision will rest with the Head of Fees.

**VERY HIGH COST CASE SCHEME
& OTHER FEE SCHEMES**

ARRANGEMENTS FROM 1 AUGUST 2012

Introduction

31. The Crown Prosecution Service (CPS) Very High Cost Case Fee Scheme (VHCC) was introduced across England and Wales in July 2006.
32. The VHCC Terms of Appointment document (Version 4.0 January 2012) sets out the structure of the fee scheme, identifies qualifying cases and defines the services which the CPS expects of internal and external advocates in the preparation of cases and invoicing of fees which fall to be paid in accordance with the VHCC fee scheme.
33. From 1 March 2012 revised VHCC rates of remuneration were introduced. The revised rates applied to all new instructions from that date. With effect from 1 August 2012 the revised VHCC rates shall also apply to all existing cases which fall to be managed and paid under the VHCC scheme, including those in which the advocate was instructed prior to 1 March 2012.
34. In addition, all ongoing Central Fraud Group and Welfare, Rural and Health Prosecution Division instructions currently being remunerated based on hourly rate fee arrangements, shall fall to be paid at the revised CPS VHCC rates. It should be noted that there is no intention to bring these cases into the graduated fee scheme on 1 August.
35. This guidance is provided to outline the key changes to the scheme and assist in the practical application of the new rates in ongoing cases where the advocate was instructed prior to 1 March 2012.
36. For the purposes of this guidance the term '*pre-March 2012 VHCC*' should be taken to mean a VHCC instruction which extends beyond 31 July 2012 in which the advocate was instructed prior to 1 March 2012.

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Identifying a VHCC

37. The CPS Very High Cost Case fee scheme applies to the following separate instruction types:
- a. Crown Court cases – as per the criteria set out at section 4.1 of the VHCC Terms of Appointment (Version 4.0 – January 2012)
 - b. Pre-charge / Pre-committal instructions
 - c. Court of Appeal / Higher Court instructions
 - d. Magistrates Court trials estimated to last 4 or more days
38. In addition to the above criteria, the CPS Graduated Fee Scheme C Manual of Guidance (paragraphs 11 to 16) sets out arrangements which allow the Head of Fees discretion to remunerate certain 'GFS' cases under VHCC.
39. Accordingly, in any case where two or more of the following criteria are met, CPS staff should refer the matter to the Head of Fees, Court Business Unit:
- There are more than 6 defendants
 - The case has more than 5,000 pages of served prosecution evidence in a single core bundle
 - The case has three or more indictments emanating from a single core bundle of evidence, or the indictment in a case is severed at PCMH or subsequently and three or more indictments are created, each relying on the single core bundle.
40. In addition, in cases to which scheme C applies, the advocate may apply to the Head of Fees for any case in which there are more than 15,000 pages of served evidence to be remunerated under the VHCC arrangements. Referral does not mean that a case will automatically be managed under the VHCC arrangements. The decision will rest with the Head of Fees.

VHCC Phases

41. In every case, for fee purposes, there are deemed to be three potential phases, which are as follows:
- i. Pre-Crown Court
 - ii. Crown Court
 - iii. Higher Court
42. The fee scheme applicable to each of these phases should be considered independently from one another.

Example 1

Where an advocate is instructed to provide advice in a pre-charge/pre-Crown Court case the work relevant to this phase of the case shall fall to be paid in accordance with the VHCC fee scheme.

The conclusion of the pre-charge/pre-Crown Court instruction is deemed to be either:

- a. the date on which the final pre-charge advice / pre-Crown Court work is completed;

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- or
 b. the date the case is committed, sent, or transferred to the Crown Court

In the event that the case is subsequently committed, sent or transferred to the Crown Court, the instruction to prosecute the case in the Crown Court shall be deemed as a new and separate instruction and the fee scheme under which those proceedings fall to be remunerated (GFS or VHCC) shall be assessed against the criteria at section 4.1 of the VHCC Terms of Appointment.

Rates of remuneration

43. Annex A of the VHCC Terms of Appointment (*Version 4.0 – January 2012*) sets out the original and revised rates of remuneration for each fee category as they apply under the VHCC scheme.
44. The original VHCC rates are as follows:

Table 1

ORIGINAL VHCC RATES	Hourly rates for preparation			Daily advocacy rates	Other hearings
	Category 1	Category 2	Category 3		
QC / Senior Treasury Counsel	180	140	110	600	140
Leading Junior	140	110	90	450	100
Junior alone / Junior Treasury Counsel alone	110	90	80	330	80
Junior led by QC / STC or First led junior	100	80	70	300	70
Second Led Junior*	90	70	60	200	40
Second Led Junior	70	55	50	150	40
Noter	0	0	0	125	35

45. For the purposes of this guidance note these rates shall be referred to as the '*original VHCC rates*'.
46. With effect from 1 March 2012 revised VHCC rates of remuneration have applied to all new instructions where an advocate is instructed in a qualifying case on or after that date.
47. The revised VHCC rates are as follows:

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Table 2

REVISED VHCC RATES	Hourly rates for preparation			Daily advocacy rates	Other hearings
	Category 1	Category 2	Category 3		
QC / Senior Treasury Counsel	170	130	100	570	140
Leading Junior	135	105	90	430	100
Junior alone / Junior Treasury Counsel alone	105	90	80	310	80
Junior led by QC / STC or First led junior	100	80	70	290	70
Second Led Junior*	90	70	60	200	40
Second Led Junior	70	55	50	150	40
Noter	0	0	0	125	35

48. For the purposes of this document these shall be referred to as the '*revised VHCC rates*'.
49. For ongoing VHCCs in which the first advocate was instructed prior to 1 March 2012, the original VHCCs rates have continued to apply for an interim period. With effect from 1 August 2012 the revised VHCC rates set out in table 2 shall apply to all ongoing VHCC instructions, subject to paragraph 55 below.

VHCC Fee Category

50. The revision of the VHCC rates of remuneration will not affect the fee category determined by the reviewing lawyer as being appropriate to the case.
51. Accordingly, a pre-March 2012 VHCC determined at fee category 3 shall continue to be remunerated at fee category 3 after 31 July 2012, albeit at the revised rates. This will obviously be subject to the factors which originally determined the fee category remaining the same.

Preparation & VHCC Stage Plans

52. The 'Stage Plan end date' in all pre-March 2012 VHCCs scheduled to run beyond 31 July 2012 shall be brought forward to conclude on that date.
53. Thereafter, a new VHCC Stage Plan will be drafted by the reviewing lawyer for agreement with the advocate(s) instructed. The 'Stage Plan start date' for this subsequent plan will be 1 August 2012 and shall conclude on a date to be agreed by the reviewing lawyer and the advocate(s) instructed.
54. All work and advocacy undertaken up to and including 31 July 2012 should be invoiced within 20 working days of the end of the stage.

Advocacy – trials

55. Any effective trial or re-trial in a pre-March 2012 VHCC which commences before 1 August 2012 and concludes after that date shall be remunerated on the basis of the original VHCC

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rates. This shall include remuneration for attendance at court and any during trial preparation necessarily completed up until the conclusion of the trial.

56. Any Crown Court trial or re-trial in a pre-March 2012 VHCC which commences on or after 1 August 2012 shall be remunerated on the basis of the revised VHCC rates.

Example 2

A VHCC is listed for trial on Monday 2 July 2012 and runs for a period of 9 weeks concluding on 30 August 2012.

The advocate shall be remunerated on the basis of the original VHCC rates for all advocacy and preparation undertaken during the course of the 9 week trial.

Advocacy - court hearings

57. All Crown Court pre-trial and post-trial hearings in pre-March 2012 VHCCs held on or prior to 31 July 2012 shall be paid at the original VHCC rates.
58. All Crown Court pre-trial and post-trial hearings in pre-March 2012 VHCCs held on or after 1 August shall attract the revised VHCC rates.
59. Having said that, any Crown Court pre-trial or post-trial hearing in a pre-March 2012 VHCC which commences on or prior to 31 July 2012 and is adjourned part-heard on 31 July 2012 shall be paid at the original VHCC rates for the duration of the court hearing. This shall include remuneration for attendance at court and any during hearing preparation necessarily completed up until the conclusion of the hearing.

Example 3

A pre March 2012 VHCC is listed for a 5 day legal argument hearing on Monday 30 July 2012. The hearing commences on that date and is adjourned part-heard on 30 July, 31 July, 1 August and 2 August. The trial judge delivers his ruling on Friday 3 August 2012.

The advocate should be remunerated for the 5 day legal argument plus necessary preparation based on the original VHCC rates. All pre and post-trial hearings attended after this date should be remunerated at the revised VHCC rates.

Central Fraud Group (CFG)

60. With effect from 1 August 2012, any CFG case previously remunerated in accordance with the Revenue and Customs Prosecuting Office (RCPO) hourly rate fee regime shall be managed and paid in accordance with the CPS VHCC fee scheme.
61. All work undertaken on a RCPO hourly rate case up to and including 31 July 2012 shall be paid at the RCPO rates, subject to paragraphs 55 and 59 above.
62. All work undertaken on or after 1 August shall be remunerated at the VHCC rates applicable to the fee category determined as appropriate to the case by the reviewing lawyer, as per section 6 of the VHCC Terms of Appointment (Version 4.0 – January 2012), subject to paragraphs 55 and 59 above.
63. Any effective Crown Court trial or re-trial in a RCPO hourly rate case which commences before 1 August 2012 and concludes after that date shall be remunerated on the basis of the

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RCPO rates. This shall include remuneration for attendance at court and any during trial preparation necessarily completed up until the conclusion of the trial.

64. Any Crown Court pre-trial or post-trial hearing in a RCPO hourly rate case which commences on or prior to 31 July 2012 and is adjourned part-heard on 31 July 2012 shall be paid at the RCPO rates for the duration of the court hearing. This shall include remuneration for attendance at court and any during hearing preparation necessarily completed up until the conclusion of the hearing.

Welfare, Rural and Health Prosecutions Division (WRHPD)

65. With effect from 1 August 2012, any WRHPD instruction meeting the VHCC criteria and all Crown Court cases, which have previously been remunerated in accordance with hourly rate fee schemes operated by the DWP, Department of Health or DEFRA, shall be managed and paid in accordance with the CPS VHCC fee scheme.
66. All work undertaken on WRHPD instructions up to and including 31 July 2012 for which the DWP, Department of Health or DEFRA fee arrangements have hitherto applied shall be paid in accordance with the those arrangements.
67. All work undertaken on WRHPD instructions on or after 1 August shall be remunerated at the VHCC rates applicable to the fee category determined as appropriate to the case by the reviewing lawyer, as per section 6 of the VHCC Terms of Appointment (Version 4.0 – August 2012), subject to paragraphs 55 and 59 above.
68. Any effective Crown Court trial or re-trial in a WRHPD case, for which the DWP, Department of Health or DEFRA fee arrangements have hitherto applied, which commences before 1 August 2012 and concludes after that date shall be remunerated in accordance with those fee arrangements. This shall include remuneration for attendance at court and any during trial preparation necessarily completed up until the conclusion of the trial.
69. Any Crown Court pre-trial or post-trial hearing in a WRHPD case, for which the DWP, Department of Health or DEFRA fee arrangements have hitherto applied, which commences on or prior to 31 July 2012 and is adjourned part-heard on 31 July 2012 shall remunerated on the basis of those fee arrangements for the duration of the court hearing. This shall include remuneration for attendance at court and any during hearing preparation necessarily completed up until the conclusion of the hearing.
70. All new Crown Court instructions in WRHPD cases shall fall to be remunerated in accordance with the appropriate CPS fee scheme: GFS or VHCC.
71. With effect from 1 August, all new Magistrates' Court instructions in WRHPD cases shall fall to be paid in accordance with the CPS fee arrangements for Magistrates' Court cases.

Court Business Unit
Operations Directorate
11th May 2012