

FEES BULLETIN No. 4 of 2012

GRADUATED FEE SCHEME C

Clarification of the Manual of Guidance (MoG) in relation to:

Paragraph 208 Committals for Sentence with Section 73 Serious & Organised Crime & Police Act 2005 agreements

and

Paragraph 286 in respect of road and bridge tolls

This document is intended to clarify two issues concerning the application of Graduated Fee Scheme C.

Paragraph 208 Committals for Sentence with Section 73 Serious & Organised Crime & Police Act 2005 agreements

Where a case which has been committed for sentence features an agreement in accordance with Section 73 of the Serious & Organised Crime & Police Act 2005, the fees will not be paid under the Graduated Fee scheme.

The hours of preparation required should be agreed with the advocate in advance. The VHCC category 3 hourly rate applicable to the advocate instructed will be applied to any reasonable hours of preparation and the VHCC category 3 full day or half day advocacy fee will be allowed for the hearing where sentence is passed. The VHCC category 3 'other hearing' fee will be allowed for any ancillary hearings (mentions etc).

The agreement regarding the rates to be paid and the hours of preparation allowed must be confirmed in writing at the time of instruction. Payment for hours of preparation will only be made upon production of detailed work records.

It should be noted that this provision does not extend to section 73 agreements in cases which are committed or sent for trial.

Paragraph 286 in respect of road and bridge tolls

Where the advocate is entitled to claim travel expenses, the payment of road and bridge tolls is deemed to be part of the journey and payment should be allowed if it is reasonable to do so. When assessing reasonableness, areas should take account of the cost of an alternative route to avoid the toll and whether paying the toll would actually achieve value for money.

Court Business Unit
Operations Directorate
10th September 2012