

Prosecution Fee Scheme

April 2016

Scheme C Revised

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Introduction

This document sets out the arrangements for the remuneration of prosecuting Counsel instructed by the Public Prosecution Service in the prosecution of criminal cases.

This includes cases heard in the Magistrates' Court/Youth Court, Appeals to the County Court, cases committed or transferred for trial to the Crown Court, High Court bail applications, Court of Appeal cases, restraint and confiscation hearings, pre-committal, preparation and opinions.

The scheme will take effect from the 3rd August 2015. This will include all cases arraigned in the Crown Court from that date, all hourly rate work briefed from that date and all appearances in the Magistrates' Courts, Youth Courts, County Courts, Bail Courts and Court of Appeal from that date. This scheme is termed Scheme C. Scheme B will refer to the arrangements ruling from 5th November 2012 until the 2nd August 2015 and arrangements prior to this start date will be referred to as under Scheme A.

In cases where an arrest warrant has been issued prior to the 3rd August and the warrant is executed after that date, the advocate will be remunerated under the terms of Scheme C for any work carried out after the warrant has been executed.

In multi defendant cases where some accused are arraigned before the 3rd August 2015 and some after that date, the whole case will be regarded as a Scheme C case and remunerated as such.

The electronic version of the criminal Prosecution Fee Scheme (PFS) is available on the PPS Web Site www.ppsni.gov.uk

Guidance structure

This Prosecution Fee Scheme (PFS) has been laid out, in line with the index, in Sections according to the different work types and remuneration policies.

Payment claimed by advocates for exceptional matters not covered by the specific rules herein will be assessed by the Senior Fees Manager for approval by a Senior Assistant Director (SAD).

Section 1: Crown Court

Crown Court

This section relates to payments to advocates in the Crown Court in respect of all trials and ancillary hearings such as, arraignments, mentions, appearances at sentence hearings and hearings post-conviction.

Advocates appearing for the prosecution in the Crown Court will be paid at PFS rates for the cases in which they are instructed and at the rates applicable to their status in the case.

1. The Scheme

Pays a fee for each indictment which can include one or any number of counts, other than as indicated in paragraph 5;

- (i) Allows for uplifts where there is more than one defendant;
- (ii) Allows fees for Senior Advocate, Leading Junior, Led Junior, Sole Junior and additional Advocates;
- (iii) Provides for payment for all re-trials ordered by the Court of Appeal; and
- (iv) Provides for payment of all fees at the conclusion of the case unless otherwise stated.

2. Table of Offences

The Scheme provides a Table of Offences that classifies offences into Categories A to I.

- (i) The PPS Table of Offences seeks to clearly classify all regularly prosecuted offences and can be found on the PPS website;
- (ii) The fee payable is based on the category of offence, of which at least one count must appear on any indictment which is lodged with the Court. It is likely to be the main or most serious count on the indictment;
- (iii) Any offence that is not within a specific offence category will be referred to the Senior Fees Manager for categorisation, who may consult with the Assistant Director, Policy. The NI Courts and Tribunal Service may be consulted on the question of the appropriate category of offence;
- (iv) Conspiracy, incitement, aiding and abetting and attempts to commit a particular offence are treated the same as the substantive offence;

- (v) There are certain offences that fall into Category C or F, unless the value is greater than £30,000. In these circumstances the case falls into Category B or G respectively (see paragraph 6);
- (vi) If there is a dispute as to the particular category, the matter will be referred to the Senior Fees Manager who may consult with the Assistant Director Policy. In addition the NI Courts and Tribunal Service may be consulted on the question of the appropriate category of offence.

3. Main Hearing Type: Elements of the Fee

There are three main hearing types, which will attract fees as follows:

(i) Guilty Plea (GP1) (see paragraph 13)

- Basic Fee (which is determined by the offence category and the category of the advocate at the time of instruction);
- Defendant Uplift: An uplift on the basic fees payable for each additional defendant (see paragraph 11);
- Ancillary Fees.

(ii) Trial Preparation Fee (GP2) (see paragraph 14)

- Basic Fee (which is determined by the offence category, the category of the advocate at the time of instruction in the proceedings and the number of pages of prosecution evidence, see paragraph 9);
- Defendant Uplift: An uplift on the basic fee is payable for each additional defendant (see paragraph 11);
- Ancillary Fees.

(iii) Trials (see paragraph 15)

- Basic Fee (which is determined by the offence category, the category of the advocate at the time of instruction in the proceedings and the actual duration of the trial);
- Daily Refresher Fee for each second and subsequent day of trial (which is determined by the offence category, the category of the advocate at the time of instruction in the proceedings and the actual duration of the trial);
- Defendant Uplift: An uplift on the basic fee is payable for each additional defendant (see paragraph 11);
- Ancillary Fees.

4. Basic Fee

The Basic Fee is calculated from the offence category in which the principal count is listed.

- (i) The list of offences and categories into which they fall is available from the PPS website (PPS Table of Offences);
- (ii) Where the indictment contains more than one count in differing categories, the PPS will select the offence category which remunerates at the highest rate as the basis of the fee calculation;
- (iii) The Basic Fee is dependent on the type of main hearing:
 - Guilty Plea;
 - Trial Preparation Fee; or
 - Trial.

The category of the advocate:

- Senior Advocate;
- Leading Junior Advocate;
- Led Junior Advocate; or
- Sole Junior Advocate

and the actual duration of the trial (see paragraph 8).

- (iv) For the purposes of the PFS the “preparation” of a case is covered by the basic fee and included such elements as:
 - Reviewing all the evidential and other materials in the case;
 - Preparing proofs and indictment;
 - Contact with defence representatives;
 - Written or oral advice or opinion;
 - Researching the law;
 - Viewing unused material and dealing with disclosure;
 - Preparing written submissions, skeleton arguments or other documents;
 - Initial advice, prepared on whether the sentence imposed may be unduly lenient;
 - Completing Trial Status Reports;
 - Any necessary reports, consultations or discussions with PPS staff;
 - Any informal meeting or contact with police, expert witnesses or other witnesses; and
 - Any other work conducted in the normal course of a case.

5. Indictment

- (i) The indictment for the purpose of calculating a prosecution fee is the indictment upon which the advocate carries out preparatory work and/or appears at the main hearing (see paragraph 12);
- (ii) If an indictment has been severed and there are two or more trials, each would attract a separate prosecution fee;
- (iii) Where two or more indictments are joined, this is treated as one case and will attract one prosecution fee;
- (iv) Indictments presented in one case under the two-stage trial system set out in the Domestic Violence, Crime and Victims Act 2004 are treated as one indictment for the purposes of the PFS.

6. Value Threshold for Offences of Dishonesty and Arson

- (i) When the value of the property specified in offences of dishonesty and “non-aggravated” arson that would normally fall into offence category C or F exceeds £30,000; the case will fall to offence category B or G respectively;
- (ii) If there is a dispute as to the particular value the matter will be referred to the Senior Fees Manager who may consult with the Assistant Director, Policy. In addition the NI Courts and Tribunals Service may be consulted on the question of the appropriate category of offence. It will be for the claiming advocate to provide evidence to support the valuation. This may be in the form of extracts from the indictment or the statements;
- (iii) Where the indictment is in the form of a “specimen” count or counts then only the value of the property of that count or counts will go towards the value of the case;
- (iv) Where the same property is covered by alternative counts, such as theft/handling, the value of the property is counted once;

Offences that have been taken into consideration by the Judge (TICs) shall not be taken into account when calculating the overall value of the case.

7. Refreshers

- (i) A refresher is claimed when the main hearing of a trial (as defined in paragraph 12) lasts more than one day and is payable only for the second and subsequent days;
- (ii) A refresher is paid at full day and half rates. A full day refresher is payable where the court hearing lasts more than three hours otherwise a half day refresher is paid. There is no additional payment for a late sitting;
- (iii) The fee payable is determined by:
 - The offence category;
 - The category of the advocate at the time of instruction in the proceedings; and
 - The actual duration of the trial (see paragraph 8).
- (iv) When an ancillary hearing, meeting the criteria set out in paragraph 20 and 21, takes place prior to a jury being sworn payment will be made in accordance with the rates set out under Fixed and Time Based Fees (paragraph 17 and Table 4 on page). Where the hearing takes place after the jury has been sworn and no evidence is called on that same day payment will be made as an application fee in accordance with the rates set out at paragraph 18 and table 4. Where a hearing takes place after evidence has been called it is counted as part of the length of the trial and does not attract an ancillary fee;
- (v) A daily refresher fee is paid for the advocate who attends on a day (or days) after the first day of a trial. An advocate will not be entitled to claim more than one refresher on any given day. Where an advocate has appeared in more than one case on a given day they must ensure they claim no more than a full day or two half days in refresher appearances in respect of that date;
- (vi) Where a case has more than one advocate, an advocate who does not attend a day of the trial is not entitled to a refresher for that day. A length of trial uplift however will be payable to the advocate.

8. Differential Rates for Length of Trial

- (i) A length of trial uplift is payable for the subsequent days of trial beyond eight days and increases in increments of seven days up to a maximum of 80 days (Trial Fee 10) as set out in Table 1, Trial Fees;
- (ii) A trial lasting more than 80 days will attract a basic fee at Trial Fee 10 rate and refreshers at Refresher Fee 10 rate;

- (iii) The fee payable is determined by:
- The offence category; and
 - The category of the advocate at the time of instruction in the proceedings.

9. Evidence uplift

- (i) An evidence uplift fee is payable in Trial Preparation Fees (GP2) cases only (see Table 3, page 34) based on the number of pages of prosecution evidence;
- (ii) Where the page count exceeds the upper limit, as appropriate to the Class of Offence involved, an additional fee shall be payable to the advocate of £1 per each additional page.
- (iii) The pages of prosecution evidence to be counted are:
- Witness statements;
 - Documentary and pictorial exhibits;
 - Defendant interviews and all other pages of exhibits;
 - Witness statements or exhibits served under cover of a notice of additional evidence;
 - Material considered for Public Interest Immunity (PPI),
 - Video recorded evidence in chief transcripts; and
 - English translation only of served documents.
- (iv) Only pages of evidence which form part of the prosecution case should be counted;
- (v) Part pages are counted in the same way as full pages
- (vi) Pages which are EXCLUDED are:
- Title pages and lists of documents;
 - Pages of unused evidence i.e. evidence not disclosed to the court;
 - Any pages NOT served as part of the prosecution evidence;
 - The electronic version of evidence previously served in hard copy format to the court; and
 - Non-translated documents.

10. Electronic Evidence

- (i) Where material held electronically, such as telephone data and billing, a copy of a computer hard drive, or a CCTV recording is copied onto CD or DVD or other electronic medium and is served as evidence in

that format the images will not be counted as pages. Advocates will be paid for fair and reasonable time spent viewing the material. The approved recorded hours will be paid using the appropriate hourly rate.

- (ii) Where material held electronically would previously have been supplied in hard copy, consideration may be given to the inclusion of this data in the page count. An advocate will only be paid the additional page count if the electronic data has been formally served as evidence or additional evidence. They will not then be eligible to listening/viewing time in respect of this material.
- (iii) Evidence from an electronic source may be voluminous and contain large amounts of non-contentious information. In determining whether or not there is a requirement to serve any element of electronic data/documentation as pages of evidence or additional evidence, the PPS directing lawyer must review all this material and decide what relevant section or sections should be served. Prosecuting Counsel must not serve additional evidence without the prior agreement of the PPS directing lawyer otherwise it may not be possible to count towards any uplift of the main hearing fee.

11. Defendant Uplift

- (i) The defendant uplifts will be applied at the conclusion of the case. This will be calculated as the main hearing fee plus a defendant uplift and will cover payment in respect of all defendants;
- (ii) An uplift on the Main Hearing Fee is payable for the second and each subsequent defendant tried together on the same indictment as follows:
 - A second defendant attracts an uplift of 20%
 - A third defendant attracts an uplift of a further 10%
 - A fourth defendant attracts an uplift of a further 5%
 - Each subsequent defendant attracts an uplift of a further 5%
- (iii) Uplifts will not be applied to ancillary hearings or refreshers.

12. Main Hearing

- (i) There is one main hearing in every case. The main hearing is defined as:
 - In respect of a case that goes to trial, the whole trial;
 - In respect of a Guilty Plea, the hearing where acceptable pleas are taken at arraignment (or the case was disposed of); or

- In respect of a Trial Preparation Fee (GP2), the hearing where acceptable pleas are taken at a re-arraignment (or the case is disposed of)
- (ii) In order to be paid the Main Hearing Fee, all briefed counsel are expected to be in attendance at court on the appropriate date. An exception may be made where their absence has previously been agreed with the Regional Prosecutor for instance where they are required to represent the PPS in an alternative hearing.
- (iii) In cases where there are multiple defendants, the main hearing is the hearing which remunerates at the highest rate.

13. Guilty Plea

- (i) This fee is payable to the advocate where:
- An acceptable plea of guilty is entered by the defendant; or
 - The Prosecution offers no evidence; or
 - The indictment is stayed (all counts); or
 - Following a successful No Bill application (all counts).
- (ii) This fee is payable to the advocate who deals with the main hearing.
- (iii) It is best practice that briefed counsel always appear in their own cases, however, on occasion it may be necessary for alternative counsel to stand in at arraignment. If the case is adjourned, the stand in counsel will be paid for the arraignment only. If, however, the case is finalised, i.e. the plea and sentence is dealt with, then the alternative counsel will be paid the Guilty Plea main hearing fee.
- (iv) In cases where there are two counsel instructed and only one advocate is in attendance, consideration may be given to remunerating the absent advocate with a main hearing fee but only in circumstances where prior agreement for the non-attendance was obtained in writing from the relevant Assistant Director for instance where they are required to represent the PPS in an alternative hearing.
- (v) The fee payable (see Table 2) is determined by:
- The offence category; and
 - The category of the advocate at the time of instruction in the proceedings.
- (vi) If there is an effective Newton Hearing after a guilty plea, the case does not attract a Guilty Plea main hearing fee but rather a fee is paid under the provisions of paragraph 25

An uplift is payable for each additional defendant (see paragraph 11).

14. Trial Preparation Fee (GP2)

- (i) A trial preparation fee is any disposal of an indictment (other than an effective trial) where the defendant enters a guilty plea or the prosecution offers no evidence or the indictment is stayed (all counts) on a day after an effective arraignment when the case has been adjourned for a trial and a trial date has been fixed.
- (ii) The fee payable (see Table 3) is determined by:
 - The offence category; and
 - The category of the advocate at the time of instruction in the proceedings;
- (iii) An uplift is payable for each additional defendant (see paragraph 11) and or in respect of substantial evidence (see paragraph 9);

Examples

- (iv) If at an arraignment the prosecution or defence request further time to consider their position and the case is subsequently re-listed and the defendant pleads guilty or the prosecution offer no evidence this should be treated as a Guilty Plea.
- (v) When the jury have failed to reach a verdict at the end of a trial and the case is adjourned for the prosecution to make a decision whether to retry the case a trial fee is paid. If the case is then listed for the prosecution to offer no evidence, an Application 1, 2 or 3 fee should be paid for that hearing, not a Trial Preparation Fee. Alternatively, when a jury have failed to reach a verdict and the case is adjourned for trial, if the case is then listed for trial and the prosecution subsequently offer no evidence, a Trial Preparation Fee will be paid.

15. Trial

- (i) The trial commences on the day on which evidence is called, or Preparatory Hearing(s) (as defined under Article 6 of the Criminal Justice (Serious Fraud) (NI) Order 1988 – paragraph 15) have taken place;
- (ii) The fee payable (Table 1, page 27) is determined by:
 - the offence category; and
 - the category of the advocate at the time of instruction in the proceedings.

- (iii) Any hearing, other than a voir dire, on a day or days prior to evidence being called will not be counted towards the length of the trial for the calculation of the fee. A fixed fee is payable in respect of the hearing (see paragraph 21 and 22 and Fixed and Time Based Fees, Table 4). A Voir Dire will be included in the length of trial calculation and remunerated under the length of trial uplift (see paragraph 29);
- (iv) However when any hearing attracting a separate fixed fee takes place on the same day or days as evidence is called there is no separate fee paid;
- (v) If there is a successful unfit to plead hearing and the case does not proceed, a trial fee will be paid under these provisions;
- (vi) An uplift is payable for each additional defendant (see paragraph 11) and/or in respect of length of trial (see paragraph 8).

16. Preparatory Hearings (Article 6 of the Criminal Justice (Serious Fraud) (NI) Order 1988)

- (i) Where a case is listed for an effective preparatory hearing (as per Article 6 of the Criminal Justice (Serious Fraud) (NI) Order 1988) this hearing will be counted as the first day of the trial;
- (ii) Any subsequent effective preparatory hearing will also count towards the length of the trial.

17. Fixed and Time Based Fees

Table 4 sets out the fixed and time based fees payable. All time based payments will be made pro rata on the basis of increments of 5 minutes.

18. Arraignment Fee

- (i) This fee is payable to the advocate in any case which is listed as an arraignment and a not guilty plea is entered. Where the defendant pleads guilty or the prosecution offers no evidence, a Guilty Plea fee will be paid. The appropriate application fee will be paid where an arraignment is adjourned;
- (ii) Where on occasion a Direction of Proofs, Trial Status Report and/or indictment is prepared by an advocate other than that briefed in the case, a fixed fee of £50 will be payable to this advocate. This amount will be deducted from the subsequent Main Hearing Fee of the briefed counsel.

19. Trial Adjourned

- (i) Where a case is adjourned on the day listed for trial, **not** upon an application by the prosecution or defence, the fee payable is that

included in *Table 4 - Fixed and Time Based Fees, page 36*;

- (ii) Where a case is adjourned on the day listed for trial upon application by the prosecution or defence, an application fee appropriate to the duration of the application shall be payable.

20. Application Fees

- (i) Where advocates appear at an application hearing, an application fee appropriate to the category of advocate and the duration of the application shall be payable. The application fees set out in the Table 4 – Fixed and Time Based Fees, page 36 applies to:
 - a. The hearing of a No Bill application (if not successful on all counts);
 - b. The hearing of an application to stay the indictment on the ground that the defendant is unfit to plead;
 - c. The hearing of an application to stay the indictment or any count on the ground that the proceedings constitute an abuse of the process of the court (if not successful on all counts);
 - d. Any hearing relating to the question of whether any material should be disclosed by the prosecution to the defence or by the defence to the prosecution (whether or not any claim to public interest immunity is made);
 - e. The hearing of an application under Section 51a of the Judicature (Northern Ireland) Act 1978 for disclosure of material held by third parties;
 - f. Any hearing relating to the question of the admissibility as evidence of any material;
 - g. Any hearing in respect of proceedings arising out of an alleged breach of an order of the Crown Court;
 - h. Any hearing relating to the forfeiture of assets;
 - i. The swearing of a jury following which the trial is adjourned to another day;
 - j. Applications in respect of bad character, special measures or hearsay;
 - k. Applications in respect of joinder or severance of indictments;
 - l. The hearing of a case listed for plea which is adjourned for trial; and

- m. Bail applications, bench warrant applications, Rooney Hearings, third party applications and other applications.
- (ii) Where a hearing to which this paragraph applies was held on any day of the main hearing of the case, no separate fee shall be payable in respect of attendance at the hearing, but the hearing shall be included in the length of the main hearing for the purpose of calculating fees;
- (iii) Where a hearing to which this paragraph applies was held prior to the first or only day of the main hearing, it shall not be included in the length of the main hearing for the purpose of calculating fees and an application fee appropriate to the duration of the hearing on that day shall be payable;
- (iv) Where an application made under sub-paragraph (i) a, b, or c was successful and the case did not proceed, the appropriate Main Hearing Fee shall be payable in accordance with paragraph 13;
- (v) Where an application is made the fee payable for the hearing shall be determined in accordance with the actual court hearing time taken in dealing with the application;
- (vi) Where more than one application is heard in a single case and disposed of on the same day, the fee payable is the time-based fee as appropriate to the category of the prosecuting advocate instructed and the combined duration of the hearings on that day;
- (vii) Where an application fee is payable and the hearing in question lasted more than one day, a further application fee shall be payable to prosecuting advocates in respect of an additional day or part of a day;
- (viii) In determining the duration of an application only the period of time taken in court for the application is counted.

21. Mention/Adjourned Application Fee

A mention/adjourned application fee is payable to advocates (see Table 4 – Fixed and Time Based Fees) in the following circumstances:

- (i) Where any application is listed for hearing but cannot proceed on the date in question and is adjourned on a request by either the prosecution or defence;
- (ii) A case is listed for mention or review only;

- (iii) Where there is an adjournment of any of the applications referred to above; or
- (iv) Where a County Court Appeal case is listed for mention within a Crown Court List.

22. Deferred Sentence Fees and Sentence Fees

- (i) A deferred sentence fee shall be payable for appearing at a sentencing hearing where sentence was deferred under Article 3 of the Criminal Justice (Northern Ireland) Order 1996;
- (ii) A sentence fee shall be payable for appearing at a sentencing hearing where the sentence has been adjourned for reports following a plea or finding of guilt;
- (iii) A sentence hearing that lasts for longer than a day attracts a sentence fee for each day;
- (iv) No separate fee is payable if the sentence hearing is part of the main hearing;
- (v) Where the defendant is sentenced on more than one indictment at the same time a separate fee is payable for each indictment;

The making of ancillary orders (for example Anti-Social Behaviour Orders etc.) at the time of sentencing is remunerated as part of the sentence fixed fee, whether the application is contested or not.

23. Confiscation Hearings

- (i) Fees for Confiscation Hearings will be paid at full day and half day rates (see Table 5) and will include preparation of the hearings;
- (ii) The rates will be paid on the actual date of the hearing. If a hearing is part heard, any subsequent hearing date will also be remunerated as full day and half day hearings;
- (iii) Any mention of the case or application to adjourn before or after the actual hearing date will be remunerated at the mention/adjourned application fixed rate;

- (iv) The rates are defined by the category of the advocate at the time of instruction.
- (v) An hourly rate can be paid for the preparation of the most complex Confiscation Hearings. Cases which require this additional preparation will be identified and agreed between the prosecuting advocate, Regional Prosecutor and the Senior Fees Manager. The number of hours considered to be appropriate must be agreed prior to the acceptance of the papers by the advocate.

24. Public Protection Hearings

- (i) A contested application for any of the following shall be remunerated as fixed or time based fees;
 - a. An application of a SOPO under Section 104 of the Sexual Offences Act 2003;
 - b. The hearing of an application for a Disqualification Order under Article 23 or 24 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
 - c. The hearing of an application for an indeterminate custodial sentence under Article 13 of the Criminal Justice (Northern Ireland) Order 2008; and
 - d. The hearing of an application for an extended custodial sentence under Article 14 of the Criminal Justice (Northern Ireland) Order 2008.
- (ii) If the application is not contested and is heard in conjunction with the plea and sentence hearing then the fee will be considered to be incorporated within the plea and sentence fee and no additional payment will be made.

If the non-contested hearing is made on a date subsequent to the plea and sentence hearing then an additional payment will be made for this application as a fixed or time based fee and will depend on the length of the hearing.

25. Newton Hearing

- (i) Where an effective Newton Hearing takes place the following will apply:

- The case shall be treated as having gone to Trial;
 - The length of trial for this purpose shall be taken to be the combined length of the main hearing (date the defendant entered a guilty plea) and of the Newton Hearing;
 - The prosecution fee will be calculated using the appropriate rates for a trial, based on the category of offence and the category of advocate;
 - No additional fee for sentence will be paid if the hearing is completed on that day.
- (ii) Where the Newton Hearing is non-effective i.e. facts are agreed by the prosecution without witnesses being called, the advocate will receive the appropriate prosecution fee for the original main hearing and an Application or a Sentence Fee (if the defendant was sentenced on that day) for the second hearing.

26. Consultation / Visiting Fees

- (i) A consultation/visiting fee will be payable to prosecuting advocates for any attendance at consultations with witnesses, including expert witnesses, and for any visits to locations relevant to the conduct of the case prior to the commencement of the case or on days when no trial, plea or refresher fees are payable;
- (ii) Advocates will be paid an hourly rate proportionate to the duration of the consultation/visit (*see Fixed and Time Based Fees at Table 4, page 36*);
- (iii) Where a consultation/visiting fee is allowed prosecuting advocates shall also be paid a travelling allowance where appropriate for such attendance in accordance with *Section 7, page 71*.

27. Listening / Viewing Fees

- (i) A listening/viewing fee shall be payable to prosecuting advocates for any audio or video recording or part thereof which the advocate is instructed to listen to or to view as part of the evidence in the case;

- (iii) Advocates will be paid an hourly rate proportionate to their time records for the duration of the listening or viewing session (see *Table 4 Time Based Fees, page 36*).

28. Fees for Re-Trials

- (i) Re – trial fees will be applicable if a trial was ended by direction of the judge, or it ended with the jury being unable to agree a verdict, and an order was made for a new trial;
- (ii) Where the new trial began either on the same day or within fifteen working days, the case shall be considered as having comprised one trial for the purposes of determining the trial and refresher fees payable under this Scheme;
- (iii) Where the period of time between the first trial ending and the new trial beginning exceeded fifteen working days, a second trial fee shall be payable;
- (iv) The second trial fee payable to prosecuting advocates shall be calculated in accordance with the trial fee rates set out in *Table 1 Trial Fees, page 27*, except that each of the elements of the formula (including appropriate uplifts) shall be reduced by:
- **40%**, where the new trial started within two calendar months of the conclusion of the first trial; and
 - **25%**, where the new trial did not start within two calendar months of the conclusion of the first trial

The refresher and, travelling allowance elements shall not be so reduced. Refresher rates payable will be determined by Table 1, page 31;

- (iv) If an accused is re-arraigned before a re-trial commences, then the appropriate main hearing fee will be a Trial Preparation Fee (GP2). The fee payable will be reduced on the same basis as *paragraph (iv)* above.
- (v) This paragraph shall not apply where a different prosecution advocate is instructed for the re-trial.

29. Provisions for Voir Dire

Where a fee is payable in respect of the holding of a voir dire, any day on which the voir dire was held shall count towards calculating the duration of the trial.

30. Fitness to Plead Hearings

Where there is a hearing to determine whether or not a defendant is fit to plead or to stand trial and witnesses are called to give evidence, remuneration shall be made as follows;

- (i) If the accused is determined fit to stand trial, the length of the proceedings will be added towards the length of the subsequent effective trial;
- (ii) If the accused is deemed unfit to plead, the length of the fitness hearing will be added to the length of any hearing where the question whether the defendant committed the act is determined;
- (iii) In both cases the proceedings will be remunerated as an effective trial.

31. Provisions for Cases which do not Proceed

A case in which one or more defendants have pleaded not guilty on arraignment and for which a trial date had been fixed by the courts and in which:

- the prosecution offered no evidence and is discontinued; or
- the prosecution enter a nolle prosequi

shall be treated as a Guilty Plea 2 and shall be payable in accordance with *paragraph 13*.

32. Passing of Briefs to other Advocates

Prosecuting advocates must not pass a brief to another prosecuting advocate without the consent of the PPS. Only the advocate appearing at the main hearing is entitled to be paid the Main Hearing Fee. Advocates accepting a passed brief, where the main hearing has taken place, will only be entitled to be paid any appropriate ancillary fees.

33. Wasted Preparation

- (i) The PFS will not allow for payment to be made more than once for the same work, save in very exceptional circumstances. This provision applies where the advocate has undertaken preparation work on a case that falls within the provisions of the PFS, but has to return the brief before the case is completed;
- (ii) A fee may be considered for payment **on the application of the advocate** when the brief has been returned in one or more of the following circumstances:
 - where the advocate has two or more prosecution cases listed in different courts, subject to providing written evidence that they have taken steps to rectify the problem, e.g. by contacting the PPS to agree the action to be taken. Written evidence may consist of a statement by the advocate setting out details of when instructions were accepted, when the case was listed or fixed and what steps were taken to avoid a listing conflict;
 - where the court date is moved by the court in spite of the advocate's objection;
 - where the advocate is obliged to withdraw for compelling professional or personal reasons accepted by the PPS.
- (iii) The fee will only be capable of assessment at the conclusion of the case and will be paid if one of the following criteria have been met:
 - in trials, the hearing must have lasted five days or more; or
 - in a cracked trial (i.e. where the defendant changes his/her plea on or after the day of trial), the prosecution evidence must have exceeded 150 pages.
- (iv) A wasted preparation fee is **not** payable where a guilty plea is entered prior to a trial date having been set;
- (v) An advocate's fee note should be accompanied by sufficient information to support the circumstances in which the brief was returned. This should include copies of relevant documents and details

of the dates when the brief was received and returned, details of what abortive work was undertaken and when and, if appropriate, the reason why it was undertaken at that time.

- (vi) The Senior Fees Manager will determine, in consultation with the relevant AD where applicable, if a payment is justifiable for wasted preparation.
- (vii) When remuneration for wasted preparation is applicable the fee payable will be:
 - Passing of the brief within one week after the date of the first arraignment - Guilty Plea 1 fee reduced by 50% plus ancillary fees;
 - Passing of the brief more than one week after first arraignment but before trial (if any) commenced - Trial Preparation Fee (GP2) fee reduced by 50% plus ancillary fees;
 - Passing of the brief after trial (if any) commenced - Basic Trial Fee as appropriate;
 - there are no provisions for payment of refresher rates and evidence/defendant uplifts.
- (viii) The fee payable is determined by:
 - the offence category; and
 - the category of the advocate at the time of instruction in the proceedings (see *Tables of Fees*).
- (ix) Wasted preparation does not apply to ancillary hearings.

34. Unused Material

There is no additional fee payable to the advocate for dealing with unused non-sensitive material. Payment for this work is included in the basic fee.

35. Additional Advocates

An advocate may be instructed for a particular role in a case such as a noting junior or to deal with disclosure. Such advocates will be expected to maintain

a record of the days on which they worked (including start and end times) and the work undertaken and will be paid on the basis of the following daily advocacy rates:

- £75 for a half day (< 3 hours)
- £150 for a full day (> 3 hours)

Table 1 Trial Fees

Senior Advocate - Trial Fees										
Actual Duration of Trial										
Offence falling within	Trial Fee 1	Trial Fee 2	Trial Fee 3	Trial Fee 4	Trial Fee 5	Trial Fee 6	Trial Fee 7	Trial Fee 8	Trial Fee 9	Trial Fee 10
	1 to 8 days	9 to 16 days	17 to 24 days	25 to 32 days	33 to 40 days	41 to 48 days	49 to 56 days	57 to 64 days	65 to 72 days	73 to 80 days
Class A	£5,700	£7,600	£11,400	£15,200	£19,000	£26,600	£34,200	£45,600	£57,000	£68,400
Class B	£2,742	£3,943	£5,742	£7,655	£9,568	£13,397	£17,229	£22,965	£28,707	£34,449
Class C	£2,400	£3,429	£4,969	£6,626	£8,282	£11,595	£14,911	£19,878	£24,847	£29,817
Class D	£3,800	£5,700	£7,600	£11,400	£14,250	£19,950	£25,650	£34,200	£42,749	£51,299
Class E	£2,400	£3,429	£4,969	£6,626	£8,282	£11,595	£14,911	£19,878	£24,847	£29,817
Class F	£2,400	£3,429	£4,969	£6,626	£8,282	£11,595	£14,911	£19,878	£24,847	£29,817
Class G	£3,429	£5,141	£6,855	£9,139	£11,425	£16,340	£20,568	£27,419	£34,273	£41,129
Class H	£2,400	£3,429	£4,969	£6,626	£8,282	£11,595	£14,911	£19,878	£24,847	£29,817
Class I	£2,400	£3,429	£4,969	£6,626	£8,282	£11,595	£14,911	£19,878	£24,847	£29,817

	Leading Junior Advocate									
	Actual Duration of Trial									
Offence falling within	Trial Fee 1	Trial Fee 2	Trial Fee 3	Trial Fee 4	Trial Fee 5	Trial Fee 6	Trial Fee 7	Trial Fee 8	Trial Fee 9	Trial Fee 10
	1 to 8 days	9 to 16 days	17 to 24 days	25 to 32 days	33 to 40 days	41 to 48 days	49 to 56 days	57 to 64 days	65 to 72 days	73 to 80 days
Class A	£4,275	£5,700	£8,550	£11,400	£14,250	£19,950	£25,650	£34,200	£42,750	£51,300
Class B	£2,057	£2,956	£4,306	£5,742	£7,178	£10,048	£12,923	£17,224	£21,532	£25,838
Class C	£1,799	£2,572	£3,728	£4,971	£6,214	£8,699	£11,187	£14,911	£18,640	£22,368
Class D	£2,850	£4,275	£5,700	£8,550	£10,688	£14,963	£19,238	£25,650	£32,063	£38,475
Class E	£1,799	£2,572	£3,728	£4,971	£6,214	£8,699	£11,187	£14,911	£18,640	£22,368
Class F	£1,799	£2,572	£3,728	£4,971	£6,214	£8,699	£11,187	£14,911	£18,640	£22,368
Class G	£2,572	£3,856	£5,141	£6,855	£8,568	£11,997	£15,427	£20,565	£25,706	£30,848
Class H	£1,799	£2,572	£3,728	£4,971	£6,214	£8,699	£11,187	£14,911	£18,640	£22,368
Class I	£1,799	£2,572	£3,728	£4,971	£6,214	£8,699	£11,187	£14,911	£18,640	£22,368

Led Junior Advocate - Trial Fees										
Actual Duration of Trial										
Offence falling within	Trial Fee 1	Trial Fee 2	Trial Fee 3	Trial Fee 4	Trial Fee 5	Trial Fee 6	Trial Fee 7	Trial Fee 8	Trial Fee 9	Trial Fee 10
	1 to 8 days	9 to 16 days	17 to 24 days	25 to 32 days	33 to 40 days	41 to 48 days	49 to 56 days	57 to 64 days	65 to 72 days	73 to 80 days
Class A	£3,420	£4,560	£6,840	£9,120	£11,400	£15,960	£20,520	£27,360	£34,200	£41,040
Class B	£1,645	£2,365	£3,445	£4,592	£5,742	£8,037	£10,337	£13,778	£17,223	£20,667
Class C	£1,199	£1,714	£2,485	£3,314	£4,143	£5,742	£7,458	£9,942	£12,426	£14,911
Class D	£1,900	£2,850	£3,800	£5,700	£7,125	£9,975	£12,825	£17,100	£21,375	£25,650
Class E	£1,199	£1,714	£2,485	£3,314	£4,143	£5,742	£7,458	£9,942	£12,426	£14,911
Class F	£1,199	£1,714	£2,485	£3,314	£4,143	£5,742	£7,458	£9,942	£12,426	£14,911
Class G	£1,714	£2,572	£3,429	£4,570	£5,713	£7,999	£10,287	£13,711	£17,139	£20,568
Class H	£1,199	£1,714	£2,485	£3,314	£4,143	£5,742	£7,458	£9,942	£12,426	£14,911
Class I	£1,199	£1,714	£2,485	£3,314	£4,143	£5,742	£7,458	£9,942	£12,426	£14,911

		Sole Junior Advocate								
		Actual Duration of Trial								
Offence falling within	Trial Fee 1	Trial Fee 2	Trial Fee 3	Trial Fee 4	Trial Fee 5	Trial Fee 6	Trial Fee 7	Trial Fee 8	Trial Fee 9	Trial Fee 10
	1 to 8 days	9 to 16 days	17 to 24 days	25 to 32 days	33 to 40 days	41 to 48 days	49 to 56 days	57 to 64 days	65 to 72 days	73 to 80 days
Class A	£3,705	£4,940	£7,410	£9,880	£12,350	£17,290	£22,230	£29,640	£37,050	£44,460
Class B	£1,783	£2,562	£3,733	£4,976	£6,221	£8,709	£11,199	£14,927	£18,659	£22,392
Class C	£1,560	£2,228	£3,231	£4,137	£5,384	£7,538	£9,693	£12,921	£16,152	£19,383
Class D	£2,470	£3,705	£4,940	£7,410	£9,263	£12,968	£16,673	£22,230	£27,788	£33,345
Class E	£1,560	£2,228	£3,231	£4,308	£5,384	£7,538	£9,693	£12,921	£16,152	£19,383
Class F	£1,560	£2,228	£3,231	£4,308	£5,384	£7,538	£9,693	£12,921	£16,152	£19,383
Class G	£2,228	£3,342	£4,456	£5,940	£7,426	£10,396	£13,368	£17,820	£22,276	£26,732
Class H	£1,560	£2,228	£3,231	£4,308	£5,384	£7,538	£9,693	£12,921	£16,152	£19,383
Class I	£1,560	£2,228	£3,231	£4,308	£5,384	£7,538	£9,693	£12,921	£16,152	£19,383

Senior Advocate - Refresher Fees										
Actual Duration of Trial										
Offence Falling Within A-I	Refresher Fee 1	Refresher Fee 2	Refresher Fee 3	Refresher Fee 4	Refresher Fee 5	Refresher Fee 6	Refresher Fee 7	Refresher Fee 8	Refresher Fee 9	Refresher Fee 10
	2-8 Days	9-16 Days	17-24 Days	25-32 Days	33-40 Days	41-48 Days	49-56 Days	57-64 Days	65-72 Days	73-80 Days
Full Day	£380	£456	£532	£608	£684	£760	£760	£760	£760	£760
Half Day	£190	£228	£266	£304	£342	£380	£380	£380	£380	£380

Leading Junior Advocate - Refresher Fees										
Actual Duration of Trial										
Offence Falling Within A-I	Refresher Fee 1	Refresher Fee 2	Refresher Fee 3	Refresher Fee 4	Refresher Fee 5	Refresher Fee 6	Refresher Fee 7	Refresher Fee 8	Refresher Fee 9	Refresher Fee 10
	2-8 Days	9-16 Days	17-24 Days	25-32 Days	33-40 Days	41-48 Days	49-56 Days	57-64 Days	65-72 Days	73-80 Days
Full Day	£285	£342	£399	£456	£513	£570	£570	£570	£570	£570
Half Day	£143	£171	£200	£228	£257	£285	£285	£285	£285	£285

Led Junior Advocate - Refresher Fees										
Actual Duration of Trial										
Offence Falling Within A-I	Refresher Fee 1	Refresher Fee 2	Refresher Fee 3	Refresher Fee 4	Refresher Fee 5	Refresher Fee 6	Refresher Fee 7	Refresher Fee 8	Refresher Fee 9	Refresher Fee 10
	2-8 Days	9-16 Days	17-24 Days	25-32 Days	33-40 Days	41-48 Days	49-56 Days	57-64 Days	65-72 Days	73-80 Days
Full Day	£190	£228	£266	£304	£342	£380	£380	£380	£380	£380
Half Day	£95	£114	£133	£152	£171	£190	£190	£190	£190	£190

Sole Junior Advocate - Refresher Fees										
Actual Duration of Trial										
Offence Falling Within A-I	Refresher Fee 1	Refresher Fee 2	Refresher Fee 3	Refresher Fee 4	Refresher Fee 5	Refresher Fee 6	Refresher Fee 7	Refresher Fee 8	Refresher Fee 9	Refresher Fee 10
	2-8 Days	9-16 Days	17-24 Days	25-32 Days	33-40 Days	41-48 Days	49-56 Days	57-64 Days	65-72 Days	73-80 Days
Full Day	£266	£296	£346	£395	£445	£494	£494	£494	£494	£494
Half Day	£133	£148	£173	£198	£222	£247	£247	£247	£247	£247

Table 2 – Guilty Plea Fees

Offence falling within	Queen's Counsel Fee	Leading Junior Counsel Fee	Led Junior Counsel Fee	Sole Junior Counsel Fee
Class A	£2,717	£2,038	£1,359	£1,766
Class B	£1,368	£1,026	£684	£889
Class C	£1,172	£880	£586	£762
Class D	£1,877	£1,408	£939	£1,221
Class E	£1,172	£880	£586	£762
Class F	£1,172	£880	£586	£762
Class G	£1,485	£1,114	£743	£966
Class H	£1,172	£880	£586	£762
Class I	£1,172	£880	£586	£762

Table 3 Trial Preparation Fees

Offence falling within	PPE Range	Senior Advocate	Leading Junior Advocate Fee	Led Junior Advocate	Sole Junior Advocate
		Fee		Fee	Fee
Class A	1 – 750	£4,275	£3,206	£2,138	£2,779
Class A	751 – 1,500	£7,980	£5,985	£3,990	£5,187
Class A	1,501 – 3,000	£17,955	£13,466	£8,978	£11,671
Class B	1 – 750	£1,927	£1,444	£963	£1,252
Class B	751 – 1,500	£3,927	£2,945	£1,964	£2,552
Class B	1,501 – 3,000	£9,314	£6,984	£4,657	£6,053
Class C	1 – 750	£1,692	£1,268	£846	£1,100
Class C	751 – 1,500	£3,442	£2,582	£1,721	£2,238
Class C	1,501 – 3,000	£7,690	£5,767	£3,845	£4,999
Class D	1 – 750	£2,850	£2,138	£1,425	£1,853
Class D	751 – 1,500	£6,020	£4,514	£3,010	£3,913
Class D	1,501 – 3,000	£12,753	£9,565	£6,376	£8,290
Class E	1 – 750	£1,692	£1,268	£846	£1,100
Class E	751 – 1,500	£3,442	£2,582	£1,721	£2,238
Class E	1,501 – 3,000	£8,156	£6,116	£4,078	£5,302
Class F	1 – 750	£1,692	£1,268	£846	£1,100
Class F	751 – 1,500	£3,442	£2,582	£1,721	£2,238
Class F	1,501 – 3,000	£8,156	£6,116	£4,078	£5,302
Class G	1 – 750	£2,470	£1,853	£1,235	£1,606
Class G	751 – 1,500	£4,971	£3,728	£2,485	£3,231
Class G	1,501 – 3,000	£11,704	£8,779	£5,852	£7,608
Class H	1 – 750	£1,692	£1,268	£846	£1,100
Class H	751 – 1,500	£3,442	£2,582	£1,721	£2,238
Class H	1,501 – 3,000	£8,156	£6,116	£4,078	£5,302
Class I	1 – 750	£1,692	£1,268	£846	£1,100
Class I	751 – 1,500	£3,442	£2,582	£1,721	£2,238
Class I	1,501 – 3,000	£8,156	£6,116	£4,078	£5,302

FIXED FEES

Table 4 – Fixed and Time Based Fee

Type of Work	Senior Advocate	Leading Junior Advocate	Led Junior Advocate	Sole Junior Advocate
Arraignment – Not Guilty	£114	£107	£71	£93.
Appearing at Sentence Hearing Deferred (Art 3 Treatment of Offenders Order 1996)	£304	£228	£152	£198
Appearing at other Sentence hearing	£228	£171	£114	£148
Trial Adjourned on Day (Not on application by Defence or Prosecution)	£380	£285	£190	£247
Mention /Adjourned Application Fee	£57	£53	£35	£47
Application Fee (hearing not exceeding 1.5 hours)	£95	£89	£60	£78
Application Fee 2 (hearing exceeding 1.5 hours but not exceeding 3 hours)	£190	£143	£95	£124
Application Fee 3 (hearing exceeding 3 hours)	£380	£285	£190	£247
Consultations/views/ listening to or viewing tapes etc.	Per Hour £60	Per Hour £45	Per Hour £30	Per Hour £39

Table 5 Confiscation Hearing Fees

	Senior Advocate	Leading Advocate	Led Advocate	Sole Junior Advocate
Full Day Hearing	£760	£570	£380	£494
Half Day Hearing	£380	£285	£190	£247

Section 2: Magistrates'/Youth Court

Magistrates'/Youth Court

This section relates to payments to prosecuting Counsel in the Adult Magistrates' Court and the Youth Court. Where the term Magistrates' is used in this section it should be considered to cover both.

Advocates appearing for the Prosecution in the Magistrates' Court will be paid at PPS sessional rates. No fees are payable for preparation time.

1. Half Day Sessional Rates

The half day sessional rate of £145 is paid where the advocate appears for the Prosecution in any Magistrates' Court for up to 3 hours in any one day. This may be in one or more courts. The actual court hearing time will determine the length of the session.

2. Full Day Sessional Rates

The full day sessional rate of £290 is paid where the advocate appears for the Prosecution in any Magistrates' Court for over 3 hours in any one day. This may be in one or more courts. The actual court hearing time will determine the length of the session.

3. Preparation of Additional Back-up Contests

There is no provision for payment of preparation time in relation to additional contests that are listed as back-up but are ineffective. If a contest is ineffective PPS will endeavour to ensure, where possible, that the advocate retains the brief and hence they will subsequently receive payment for these contests when they are finally dealt with.

4. Senior Advocates and Indictable Only Cases

In the event that:

- PPS brief a Senior Advocate; or
- an indictable only case is conducted in the Youth Court due to the age of the defendant;

the advocate will be remunerated by way of the fees payable under the Crown Court arrangements as at Section 1 above.

5. Exceptional Cases

There are some cases, primarily prosecutions on behalf of NI Civil Service Departments:

(i) which are hybrid and are prosecuted summarily due to the fact that the sentencing powers of the Magistrates' Court are sufficient to deal with the case, but for which the preparation work required is disproportionate relative to the usual case; or

(ii) where the case has exceptional legal difficulties, complexity of evidence or requires specialist knowledge and the preparatory work required is significantly above that normally necessary in a Magistrates' Court case.

These cases should be remunerated on the basis of an agreed hourly rate for pre contest preparation, as below. Full or half day refresher rates will be paid for contest days, appearances for dates on which an exceptional case is adjourned, will be paid in accordance with the fixed fee Crown Court arrangements. In circumstances where counsel is only briefed in the exceptional case and not the entire list. If counsel is briefed for an entire list at a sessional rate and an exceptional contest is listed within that and is adjourned, no separate fee will be paid above the sessional rate for the adjournment of the contest.

These cases should be identified and the basis of remuneration determined and approved by the Senior Fees Manager and a Senior Assistant Director prior to instruction. Counsel will be instructed in writing and required to keep a record of hours incurred in order to demonstrate that any research or preparatory work carried out was necessary to prepare the case for contest. Uplifts for multiple defendants are not payable and fixed fees are paid at Crown Court rates, Table 4.

Hourly Work Rates

	Preparation (£ Per Hour)
Senior Advocate	£100
Leading Junior Advocate	£90
Led Junior Advocate	£70
Sole Junior Advocate	£80

Daily Refresher Rates

	Full Day	Half Day
Senior Advocate	£380	£190
Leading Junior Advocate	£285	£143
Led Junior Advocate	£190	£95
Sole Junior Advocate	£266	£133

Section 3: County Court Appeals

County Court Appeals

This section relates to payments in the County Court. Counsel appearing for the Prosecution in the County Court will be paid at PPS session rates. No fees are payable for preparation time.

1. Half Day Sessional Rates

The half day sessional rate of £165 is paid where the advocate appears for the Prosecution in any County Court for up to 3 hours in any one day. This may be in one or more courts. The actual court hearing time will determine the length of the session.

2. Full Day Sessional Rates

The full day sessional rate of £330 is paid where the advocate appears for the Prosecution in any County Court for over 3 hours in any one day. This may be in one or more courts. The actual court hearing time will determine the length of the session.

3. Preparation of Additional Back-up Appeals

There is no provision for payment of preparation time in relation to additional appeals that are listed as back-up but are ineffective. If an appeal is ineffective PPS will endeavour to ensure where possible that the advocate retains the brief and hence they will subsequently receive payment for this appeal when they are finally dealt with.

4. Senior Advocates and Indictable Only Cases

In the event that:

- PPS brief a Senior Advocate; or
- the appeal is in respect of an indictable only case which has been conducted in the Youth Court due to the age of the defendant;

the advocate will be remunerated by way of the fees payable under the Crown Court arrangements as at Section 1 above.

5. Exceptional Cases

There are some appeals where the case has exceptional legal difficulties, complexity of evidence or requires specialist knowledge and the preparatory work required is significantly above that normally necessary in a County Court appeal.

These cases should be remunerated on the basis of an agreed hourly rate for pre appeal preparation, refer to Hourly Work Rates table below. Full or half day refresher rates being paid for contest days in accordance with the Crown Court arrangements, see daily refresher rates table below.

These cases should be identified and the basis of remuneration determined and approved by a Senior Assistant Director prior to instruction. Counsel will be instructed in writing and required to keep a record of hours incurred in order to demonstrate that any research or preparatory work carried out was necessary to prepare the case for contest. Uplifts for multiple defendants are not payable and fixed fees are paid at Crown Court rates, Table 4.

Hourly Work Rates

	Preparation (£ Per Hour)
Senior Advocate	£100
Leading Junior Advocate	£90
Led Junior Advocate	£70
Sole Junior Advocate	£80

Daily Refresher Rates

	Full Day	Half Day
Senior Advocate	£380	£190
Leading Junior Advocate	£285	£143
Led Junior Advocate	£190	£95
Sole Junior Advocate	£266	£133

Section 4: High Court Bails

High Court Bails

Counsel appearing for the Prosecution in High Court Bails will be paid at the PPS Fixed Application Rates for the cases in which they are instructed.

1. Application Rates

The rates to be applied are laid out in the table below:

	Fee
1 st Application in list	£98
All other Applications in same list	£41
Callout on Weekends - up to 3 Applications	£236
Callout on Weekends - further Applications	£41

2. Exceptional Cases

Where a bail application in the High Court has exceptional legal difficulties, complexity of evidence or requires specialist knowledge, a Senior Assistant Director may authorise remuneration of the advocate on the basis of an hourly rate of pay for the hours actually worked (*see Section 6 of this scheme*).

Section 5: Court of Appeal

Court of Appeal

This section relates to payments to Counsel in the Court of Appeal. Advocates appearing for the Prosecution in the Court of Appeal will be paid at PFS rates for the cases in which they are instructed.

1. Basis of the Fee

The fee payable to the prosecuting advocate in respect of work conducted in the Court of Appeal will be dependent on:

- (i) The length of original trial in the Crown Court
- (ii) The type of appeal:
 - against sentence
 - against conviction
- (iii) The category of offence A-I;
- (iv) The category of advocate:
 - Senior Advocate;
 - Leading Junior Advocate;
 - Led Junior Advocate; and
 - Sole Advocate
- (v) In the case of Appeal against Conviction, the length of time between sentence and the appeal being heard:
 - 0-6 months
 - 7-12 months
 - +13 Months
- (vi) The rates set out under Tables 5 and 6 are inclusive of all preparation work, the appeal hearing and refreshers. There are no uplifts applied for multiple defendants.

2. Appeals against Conviction

Where an appeal against conviction proceeds to hearing a fee will be payable in accordance with the rates set out under *Table 5*, to cover all preparation, consultations, listening viewing tapes etc.

Where an appeal against conviction is withdrawn or proceeds against sentence only, the fee payable will be calculated as 50% of that in accordance with *Table 5 (but not less than the minimum sentence fee)*.

3. Appeals against Sentence

Where an appeal against sentence proceeds to hearing a fee will be payable in accordance with the rates set out under *Table 6*.

Where an appeal against sentence is withdrawn the fee payable will be calculated as **50%** of that in accordance with *Table 6*.

4. Ancillary Hearings

All mentions, reviews and application hearings will be paid in accordance with the table below.

Type of Work	Senior Advocate	Leading Junior Advocate	Led Junior Advocate	Sole Junior Advocate
Advocacy Fee (hearing not exceeding 1.5 hours)	£95	£89	£60	£78
Advocacy Fee 2 (hearing exceeding 1.5 hours but not exceeding 3 hours)	£190	£143	£95	£124
Advocacy Fee 3 (hearing exceeding 3 hours)	£380	£285	£190	£247
Consultations/views/ Listening to or viewing tapes etc.	Per Hour £60	Per Hour £45	Per Hour £30	Per Hour £39

Table 5 - Appeals against Conviction Fees

Senior Advocate - Appeal Against Conviction Fees											
Actual Duration of Original Trial in Crown Court											
Offence Falling Within	Months between Sentence and Appeal Hearing	Appeal Fee 1	Appeal Fee 2	Appeal Fee 3	Appeal Fee 4	Appeal Fee 5	Appeal Fee 6	Appeal Fee 7	Appeal Fee 8	Appeal Fee 9	Appeal Fee 10
		1-8 Days	9-16 Days	17-24 Days	25-32 Days	33-40 Days	41-48 Days	49-56 Days	57-64 Days	65-72 Days	73-80 Days
Category A	0- 6	£2,280	£3,040	£4,560	£6,080	£7,600	£10,640	£13,680	£18,240	£22,800	£27,360
Category A	7 - 12	£3,420	£4,560	£6,840	£9,120	£11,400	£15,960	£20,520	£27,360	£34,200	£41,040
Category A	13 +	£4,560	£6,080	£9,120	£12,160	£15,200	£21,280	£27,360	£36,480	£45,600	£54,720
Category B	0- 6	£1,216	£1,748	£2,546	£3,671	£4,588	£6,424	£8,259	£11,012	£13,766	£16,519
Category B	7 - 12	£1,824	£2,622	£3,819	£5,506	£6,883	£9,636	£12,389	£16,519	£20,648	£24,778
Category B	13 +	£2,432	£3,496	£5,092	£7,342	£9,177	£12,848	£16,518	£22,025	£27,531	£33,038
Category C	0- 6	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,970	£14,364
Category C	7 - 12	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546
Category C	13 +	£2,128	£3,040	£4,408	£6,384	£7,980	£11,172	£14,364	£19,152	£23,940	£28,728

Category D	0- 6	£1,520	£2,280	£3,040	£4,560	£5,700	£7,980	£10,260	£13,680	£17,100	£20,520
Category D	7 - 12	£2,280	£3,420	£4,560	£6,840	£8,550	£11,970	£15,390	£20,520	£25,650	£30,780
Category D	13 +	£3,040	£4,560	£6,080	£9,120	£11,400	£15,960	£20,520	£27,360	£34,199	£41,039
Category E	0- 6	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,970	£14,364
Category E	7 - 12	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546
Category E	13 +	£2,128	£3,040	£4,408	£6,384	£7,980	£11,172	£14,364	£19,152	£23,940	£28,728
Category F	0- 6	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,970	£14,364
Category F	7 - 12	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546
Category F	13 +	£2,128	£3,040	£4,408	£6,384	£7,980	£11,172	£14,364	£19,152	£23,940	£28,728
Category G	0- 6	£1,520	£2,280	£3,040	£4,560	£5,700	£7,980	£10,260	£13,680	£17,100	£20,520
Category G	7 - 12	£2,280	£3,420	£4,560	£6,840	£8,550	£11,970	£15,390	£20,520	£25,649	£30,779
Category G	13 +	£3,040	£4,560	£6,080	£9,120	£11,400	£15,960	£20,520	£27,360	£34,199	£41,039
Category H	0- 6	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,970	£14,364
Category H	7 - 12	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546
Category H	13 +	£2,128	£3,040	£4,408	£6,384	£7,980	£11,172	£14,364	£19,152	£23,940	£28,728

Category I	0- 6	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,970	£14,364
Category I	7 - 12	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546
Category I	13 +	£2,128	£3,040	£4,408	£6,384	£7,980	£11,172	£14,364	£19,152	£23,940	£28,728

Leading Junior Advocate - Appeal Against Conviction Fees

Actual Duration of Original Trial in Crown Court

Offence Falling Within	Months between Sentence and Appeal Hearing	Appeal Fee 1	Appeal Fee 2	Appeal Fee 3	Appeal Fee 4	Appeal Fee 5	Appeal Fee 6	Appeal Fee 7	Appeal Fee 8	Appeal Fee 9	Appeal Fee 10
		1-8 Days	9-16 Days	17-24 Days	25-32 Days	33-40 Days	41-48 Days	49-56 Days	57-64 Days	65-72 Days	73-80 Days
Category A	0- 6	£1,710	£2,280	£3,420	£4,560	£5,700	£7,980	£10,260	£13,680	£17,100	£20,520
Category A	7 - 12	£2,565	£3,420	£5,130	£6,840	£8,550	£11,970	£15,390	£20,520	£25,650	£30,780
Category A	13 +	£3,420	£4,560	£6,840	£9,120	£11,400	£15,960	£20,520	£27,360	£34,200	£41,040
Category B	0- 6	£912	£1,311	£1,910	£2,753	£3,441	£4,818	£6,194	£8,259	£10,324	£12,389
Category B	7 - 12	£1,368	£1,967	£2,864	£4,130	£5,162	£7,227	£9,292	£12,389	£15,486	£18,583
Category B	13 +	£1,824	£2,622	£3,819	£5,506	£6,882	£9,636	£12,389	£16,518	£20,648	£24,778
Category C	0- 6	£798	£1,140	£1,653	£2,394	£2,992	£4,190	£5,386	£7,182	£8,978	£10,773
Category C	7 - 12	£1,197	£1,710	£2,480	£3,591	£4,489	£6,284	£8,080	£10,773	£13,466	£16,160
Category C	13 +	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546

Category D	0- 6	£1,140	£1,710	£2,280	£3,420	£4,275	£6,785	£7,695	£10,260	£12,825	£15,390
Category D	7 - 12	£1,710	£2,565	£3,420	£5,130	£6,413	£10,178	£11,543	£15,390	£19,238	£23,085
Category D	13 +	£2,280	£3,420	£4,560	£6,840	£8,550	£13,570	£15,390	£20,520	£25,650	£30,780
Category E	0- 6	£798	£1,140	£1,653	£2,394	£2,992	£4,190	£5,386	£7,182	£8,978	£10,773
Category E	7 - 12	£1,197	£1,710	£2,480	£3,591	£4,489	£6,284	£8,080	£10,773	£13,466	£16,160
Category E	13 +	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546
Category F	0- 6	£798	£1,140	£1,653	£2,394	£2,992	£4,190	£5,386	£7,182	£8,978	£10,773
Category F	7 - 12	£1,197	£1,710	£2,480	£3,591	£4,489	£6,284	£8,080	£10,773	£13,466	£16,160
Category F	13 +	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546
Category G	0- 6	£1,140	£1,710	£2,280	£3,420	£4,275	£6,785	£7,695	£10,260	£12,825	£15,390
Category G	7 - 12	£1,710	£2,565	£3,420	£5,130	£6,413	£10,178	£11,543	£15,390	£19,238	£23,085
Category G	13 +	£2,280	£3,420	£4,560	£6,840	£8,550	£13,570	£15,390	£20,520	£25,650	£30,780
Category H	0- 6	£798	£1,140	£1,653	£2,394	£2,992	£4,190	£5,386	£7,182	£8,978	£10,773
Category H	7 - 12	£1,197	£1,710	£2,480	£3,591	£4,489	£6,284	£8,080	£10,773	£13,466	£16,160
Category H	13 +	£1,596	£2,280	£3,306	£4,788	£5,985	£8,380	£10,773	£14,364	£17,955	£21,546

Category I	0- 6	£798	£1,140	£1,653	£2,394	£2,992	£4,190	£5,386	£7,182	£8,978	£10,773
Category I	7 - 12	£1,197	£1,710	£2,480	£3,591	£4,489	£6,284	£8,080	£10,773	£13,466	£16,160
Category I	13 +	£1,596	£2,280	£3,306	£4,788	£5,985	£8,379	£10,773	£14,364	£17,955	£21,546

Led Junior Advocate - Appeal Against Conviction Fees

Actual Duration of Original Trial in Crown Court

Offence Falling Within	Months between Sentence and Appeal Hearing	Appeal Fee 1	Appeal Fee 2	Appeal Fee 3	Appeal Fee 4	Appeal Fee 5	Appeal Fee 6	Appeal Fee 7	Appeal Fee 8	Appeal Fee 9	Appeal Fee 10
		1-8 Days	9-16 Days	17-24 Days	25-32 Days	33-40 Days	41-48 Days	49-56 Days	57-64 Days	65-72 Days	73-80 Days
Category A	0- 6	£1,368	£1,824	£2,736	£3,648	£4,560	£6,384	£8,208	£10,944	£13,680	£16,416
Category A	7 - 12	£2,052	£2,736	£4,104	£5,472	£6,840	£9,576	£12,312	£16,416	£20,520	£24,624
Category A	13 +	£2,736	£3,648	£5,472	£7,296	£9,120	£12,768	£16,416	£21,888	£27,360	£32,832
Category B	0- 6	£730	£1,049	£1,528	£2,202	£2,753	£3,854	£4,956	£6,608	£8,259	£9,911
Category B	7 - 12	£1,094	£1,573	£2,291	£3,304	£4,130	£5,782	£7,433	£9,911	£12,389	£14,867
Category B	13 +	£1,459	£2,098	£3,055	£4,405	£5,506	£7,709	£9,911	£13,215	£16,518	£19,822
Category C	0- 6	£532	£760	£1,102	£1,596	£1,995	£2,793	£3,591	£4,788	£5,917	£7,182
Category C	7 - 12	£798	£1,140	£1,653	£2,394	£2,993	£4,190	£5,387	£7,182	£8,875	£10,773
Category C	13 +	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,834	£14,364

Category D	0- 6	£760	£1,140	£1,520	£2,280	£2,850	£3,990	£5,130	£6,840	£8,550	£10,260
Category D	7 - 12	£1,140	£1,710	£2,280	£3,420	£4,275	£5,985	£7,695	£10,260	£12,825	£15,390
Category D	13 +	£1,520	£2,280	£3,040	£4,560	£5,700	£7,980	£10,260	£13,680	£17,100	£20,520
Category E	0- 6	£532	£760	£1,102	£1,596	£1,995	£2,793	£3,591	£4,788	£5,917	£7,182
Category E	7 - 12	£798	£1,140	£1,653	£2,394	£2,993	£4,190	£5,387	£7,182	£8,875	£10,773
Category E	13 +	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,834	£14,364
Category F	0- 6	£532	£760	£1,102	£1,596	£1,995	£2,793	£3,591	£4,788	£5,917	£7,182
Category F	7 - 12	£798	£1,140	£1,653	£2,394	£2,993	£4,190	£5,386	£7,182	£8,875	£10,773
Category F	13 +	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,834	£14,364
Category G	0- 6	£760	£1,140	£1,520	£2,280	£2,850	£3,990	£5,130	£6,840	£8,550	£10,260
Category G	7 - 12	£1,140	£1,710	£2,280	£3,420	£4,275	£5,985	£7,695	£10,260	£12,825	£15,390
Category G	13 +	£1,520	£2,280	£3,040	£4,560	£5,700	£7,980	£10,260	£13,680	£17,100	£20,520
Category H	0- 6	£532	£760	£1,102	£1,596	£1,995	£2,793	£3,591	£4,788	£5,917	£7,182
Category H	7 - 12	£798	£1,140	£1,653	£2,394	£2,993	£4,190	£5,387	£7,182	£8,875	£10,773
Category H	13 +	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,183	£9,576	£11,834	£14,364

Category I	0- 6	£532	£760	£1,102	£1,596	£1,995	£2,793	£3,591	£4,788	£5,917	£7,182
Category I	7 - 12	£798	£1,140	£1,653	£2,394	£2,993	£4,190	£5,387	£7,182	£8,875	£10,773
Category I	13 +	£1,064	£1,520	£2,204	£3,192	£3,990	£5,586	£7,182	£9,576	£11,834	£14,364

Sole Junior Advocate - Appeal Against Conviction Fees

Actual Duration of Original Trial in Crown Court

Offence Falling Within	Months between Sentence and Appeal Hearing	Appeal Fee 1	Appeal Fee 2	Appeal Fee 3	Appeal Fee 4	Appeal Fee 5	Appeal Fee 6	Appeal Fee 7	Appeal Fee 8	Appeal Fee 9	Appeal Fee 10
		1-8 Days	9-16 Days	17-24 Days	25-32 Days	33-40 Days	41-48 Days	49-56 Days	57-64 Days	65-72 Days	73-80 Days
Category A	0- 6	£1,482	£1,976	£2,964	£3,952	£4,940	£6,954	£8,892	£11,856	£14,820	£17,784
Category A	7 - 12	£2,223	£2,964	£4,446	£5,928	£7,410	£10,431	£13,338	£17,784	£22,230	£26,676
Category A	13 +	£2,964	£3,952	£5,928	£7,904	£9,880	£13,908	£17,784	£23,712	£29,640	£35,568
Category B	0- 6	£790	£1,136	£1,655	£2,386	£3,023	£4,176	£5,369	£7,158	£8,948	£10,739
Category B	7 - 12	£1,186	£1,705	£2,482	£3,579	£4,534	£6,263	£8,053	£10,737	£13,421	£16,105
Category B	13 +	£1,581	£2,273	£3,310	£4,772	£6,046	£8,351	£10,738	£14,316	£17,895	£21,474
Category C	0- 6	£692	£988	£1,433	£2,075	£2,594	£3,631	£4,668	£6,224	£7,780	£9,337
Category C	7 - 12	£1,037	£1,482	£2,149	£3,112	£3,890	£5,446	£7,003	£9,337	£11,671	£14,005
Category C	13 +	£1,383	£1,976	£2,866	£4,150	£5,187	£7,262	£9,337	£12,449	£15,561	£18,674

Category D	0- 6	£988	£1,482	£1,976	£2,964	£3,705	£5,187	£6,669	£8,892	£111,150	£13,338
Category D	7 - 12	£1,482	£2,223	£2,964	£4,446	£5,558	£7,781	£10,004	£13,338	£16,725	£20,007
Category D	13 +	£1,976	£2,964	£3,952	£5,928	£7,410	£10,374	£13,338	£17,784	£22,300	£26,676
Category E	0- 6	£692	£988	£1,433	£2,075	£2,594	£3,631	£4,668	£6,224	£7,780	£9,337
Category E	7 - 12	£1,037	£1,482	£2,149	£3,113	£3,890	£5,446	£7,003	£9,337	£11,671	£14,005
Category E	13 +	£1,383	£1,976	£2,866	£4,150	£5,187	£7,263	£9,337	£12,449	£15,561	£18,674
Category F	0- 6	£692	£988	£1,433	£2,075	£2,594	£3,631	£4,668	£6,224	£7,780	£9,337
Category F	7 - 12	£1,037	£1,482	£2,149	£3,112	£3,890	£5,446	£7,003	£9,338	£11,671	£14,005
Category F	13 +	£1,383	£1,976	£2,866	£4,150	£5,187	£7,262	£9,337	£12,449	£15,561	£18,674
Category G	0- 6	£988	£1,482	£1,976	£2,964	£3,705	£5,187	£6,669	£8,892	£11,150	£13,338
Category G	7 - 12	£1,482	£2,223	£2,964	£4,446	£5,558	£7,781	£10,004	£13,338	£16,725	£20,007
Category G	13 +	£1,976	£2,964	£3,952	£5,928	£7,410	£10,374	£13,338	£17,784	£22,300	£26,676
Category H	0- 6	£692	£988	£1,433	£2,075	£2,594	£3,631	£4,668	£6,224	£7,780	£9,337
Category H	7 - 12	£1,037	£1,482	£2,149	£3,112	£3,890	£5,446	£7,003	£9,337	£11,671	£14,005
Category H	13 +	£1,383	£1,976	£2,866	£4,150	£5,187	£7,262	£9,337	£12,449	£15,561	£18,674

Category I	0- 6	£693	£988	£1,433	£2,075	£2,594	£3,631	£4,668	£6,224	£7,780	£9,337
Category I	7 - 12	£1,037	£1,482	£2,149	£3,112	£3,890	£5,446	£7,003	£9,337	£11,671	£14,005
Category I	13 +	£1,383	£1,976	£2,866	£4,150	£5,187	£7,262	£9,337	£12,449	£15,561	£18,674

Table 6 - Appeal against Sentence Fees

Offence Falling Within	Senior Counsel	Leading Junior Counsel	Led Junior Counsel	Sole Junior Counsel
Category A	£1,710	£1,282	£855	£1,112
Category B	£912	£684	£456	£593
Category C	£798	£598	£399	£519
Category D	£1,140	£855	£570	£741
Category E	£798	£598	£399	£519
Category F	£798	£598	£399	£519
Category G	£1,140	£855	£570	£741
Category H	£798	£598	£399	£519
Category I	£798	£598	£399	£519

Section 6: Hourly Rate Work

Hourly Rate (HR) Instructions

1. Scope of Payment by Hourly Rate

Whilst it is envisaged that the arrangements detailed in *sections 1-5* of this scheme will be applicable to the majority of work undertaken on behalf of the PPS there are some specific pieces of work falling into the categories listed below for which Advocates will be instructed and paid on an hourly rate basis:

- Pre-Committal Preparation;
- Opinions;
- Restraint;
- Complex Confiscation Proceedings;
- Proceeds of Crime actions;
- Viewing Sensitive Material for PII Purposes;
- Extradition Cases;
- Exceptional High Court Bail applications;
- Appeals Against Terminating Rulings;
- Preparation for Abuse of Process Applications during trial;
- Other matters determined by PPS.

2. Approval Process

Work identified as falling into the categories listed must be referred to an Assistant Director (AD), who will decide in discussion with the Senior Fees Manager:

- if it is necessary to instruct an advocate;
- the category of advocate to be instructed;
- the applicability of the hourly rate basis of remuneration; and
- the estimate of hours.

A record of this decision will be made in writing and this work will be paid at the standard hourly rate which will be paid in 5 minute intervals.

3. Exceptional Rate

Where it is considered a case warrants a higher rate of remuneration than the standard an application should be made via the Central Fees Team for review by the Senior Fees Manager and subsequent approval by the relevant Senior Assistant Director (SAD).

Some of the following indicators may influence consideration of payment of an exceptional rate:

- The case is based on a new point of law as yet untested within the NI jurisdiction;

- The case involves significant sensitive material and potential PII issues which could have an impact on the trial;
- The case involves complex technical, forensic or medical evidence which would require research and preparation above the norm; and
- The case has multiple victims for example historic sexual abuse which would require extensive sensitive consultation with victims.

4. Instruction of Advocates

The advocate will be briefed by means of the standard letter at *Annex A* and the Central Fees Team will be issued with a copy of this letter for accruals purposes. The letter will detail the work to be undertaken, the hourly rate payable and where applicable an estimate of hours necessary to complete the work.

5. Advocates' Work Records

Advocates must maintain a detailed and comprehensive schedule of hours worked setting out the date and time periods when the work was undertaken. An Excel spreadsheet template, available from the PPS at www.ppsni.gov.uk, can be used for this purpose (*illustrated at Annex B*). Such records will be required to be submitted in support of fee notes.

The hours reasonably estimated as required to complete this work will have been set out in the letter of instruction, where applicable, and agreed by the advocate prior to accepting instruction. The advocate must notify the PPS during conduct of the work if the time actually required will exceed the original estimate and the reasons for this.

The fees will generally be audited and paid at the end of the case or at intervals of six months for prolonged cases. Advocates will be paid the hourly rate for work properly and reasonably undertaken as recorded in their work record.

The AD will be required to approve the hours as reasonable. Should the record of hours appear excessive an explanation should be sought from the advocate. In the absence of a reasonable explanation, the AD should pay on the basis of the number of hours assessed by them as being reasonably required by an experienced advocate having regard to all the circumstances of the particular case.

In the event that the advocate cannot produce a record of hours PPS will:

1. remunerate the advocate on the basis of alternative fixed fee arrangements where applicable; or

2. will be unable to make any payment where no alternative basis is applicable. Appearances will be paid on the basis of fixed rates, see table below;

6. Tables of Fees

The rates to be applied to HR work are laid out in the tables below. The rates only apply to the work detailed in the letter of instruction. Other ancillary work will be paid in line with the table of fixed fees below

	Preparation £ Per Hour (Standard Rate)	Preparation £ Per Hour (Exceptional Rate)
Senior Advocate	£100	£130
Leading Junior	£90	£105
Led Junior	£70	£80
Sole Junior	£80	£90

Type of Work	Senior Advocate	Leading Junior Advocate	Led Junior Advocate	Sole Junior Advocate
Advocacy Fee (hearing not exceeding 1.5 hours)	£95	£89	£60	£78
Advocacy Fee 2 (hearing exceeding 1.5 hours but not exceeding 3 hours)	£190	£143	£95	£124
Advocacy Fee 3 (hearing exceeding 3 hours)	£380	£285	£190	£247
Consultations/views/ Listening to or viewing tapes etc.	Per Hour £60	Per Hour £45	Per Hour £30	Per Hour £3900

7. Court of Appeal and Higher Court Hourly Rate Work

Where work is undertaken by the Crown Solicitors Office on behalf of the Public Prosecution Service counsel will be engaged by the CSO and remunerated under their fee arrangements.

On occasion work of this nature may be briefed and over seen by PPS directly. In these circumstances PPS may brief counsel from the CSO panel and may brief counsel at up to the CSO rates. If an advocate is briefed whose names does not appear on the CSO panel, then that advocate will be remunerated under the terms of the Prosecution Fee Scheme, Scheme C. This work will include:

- Appeal by way of Cases Stated, to the Court of Appeal or House of Lords;
- Unduly Lenient Sentence Actions;
- Judicial Reviews;
- Cases referred from the Criminal Cases Review Commission;
- Other matters determined by PPS.

Section 7: Administrative Arrangements for Payment of Fees

1. Central Fees Team

The process of assessing and paying independent advocates' fees is centralised within the Public Prosecution Service.

A Central Fees Team (CFT), led by the Senior Fees Manager, will be responsible for:

- calculating/estimating the fees payable against each case at its conclusion;
- receiving all fee notes and correspondence from advocates;
- overseeing payment of fees in line with the PFS;
- managing all advocates' queries; and
- resolving or supporting the resolution of fee disputes.

2. Crown and Court of Appeal Cases: PPS Finance Folders

A Finance Folder (FF) will be opened for each Crown Court and Court of Appeal case by PPS Case Preparation Section. This will be held with court papers and a record of proceedings will be maintained by PPS court staff. At the conclusion of the case this detailed account of the progression of the case will be forwarded to the Central Fees Team. It will act as a basis of the valuation of fees due in respect of the work conducted by the advocate.

Counsel should ensure that PPS business managers are made aware of the occurrence and duration of all consultations in any case in order to maintain a full record of all counsel activity on the finance folder.

3. Self Billing

Where the advocate has a current Self Billing Arrangement with the PPS it is possible for the advocate to sign the finance folder as an accepted record of the work conducted. PPS can then calculate and pay the fee.

If the advocate does not accept the record they should not sign their acceptance and should instead raise a fee note to PPS detailing the nature and quantity of the work and their calculation of the fees due.

Where an advocate does not have a current Self Billing arrangement with the PPS the advocate will be required to raise fee notes in respect of all cases.

4. Claims for Fees by Prosecuting Advocates

Where prosecuting advocates are required to submit a fee note they shall claim fees for work undertaken within three months of the conclusion of the proceedings.

A claim shall:

- (i) state the name and PPS case reference of the case;
- (ii) state the case category and the capacity in which the advocate acted;
- (iii) summarise the items of work in respect of which fees are claimed ;
- (iv) list the dates on which the items of work were done, the time taken (where required) and the sums claimed in respect of each element;
- (v) give particulars of any work in relation to more than one indictment or a retrial.

A template for the calculation of fees by counsel is available from the PPS website at www.ppsni.gov.uk.

Prosecuting advocates shall supply such further particulars, information and documents as PPS may request. Where there are any special circumstances which should be drawn to the attention of PPS, the advocate should specify them. All other narrative in respect of the conduct of the case will not be taken into consideration in the calculation of the remuneration due.

PPS shall consider the claim, any further particulars, information or documents submitted by the advocate and any other relevant information and shall allow fees for such work as appears to it to have been reasonably undertaken and properly completed.

In a case where there is any dispute about whether or when any item of work was performed or the duration of such item of work, fees will be calculated on the basis of PPS records unless the advocate produces a contemporaneous record of the work done which is accepted. It is therefore the responsibility of advocates to keep an accurate record of all items of work for which he/she intends to claim fees under this scheme.

5. VAT

All rates quoted in this document are exclusive of VAT.

It is the responsibility of the advocate to notify PPS of their VAT status and to update PPS records for any change in this status.

It is the responsibility of the advocate to account for VAT in accordance with current applicable rates.

6. Interim Fees

In cases where an advocate has been briefed on an Hourly Rate basis and the case will be on-going for a period of over one year the PPS will require interim fees to be raised every six months.

This fee should be paid on the basis of an Interim Fee Note outlining the work completed and supported by a detailed record of the dates and times of hours worked.

The Fees Auditor will consult with the relevant AD in assessing the work record and the projected total fees to be paid. The Central Fees Team will keep a record of the interim fee within the case records for consultation when the final fee is paid. The final fee will detail the previous interim fee paid and ensure that only the balance of fees are paid.

7. Hardship Payments

A Hardship Payment may be made to an advocate on proof of likelihood of financial hardship. The sum payable against any case cannot exceed the total amount payable for work completed to the point of assessment, but payment will not be made for sums less than £5,000.00.

8. Disputed Fees

Where an advocate does not consider the fee appropriate and a resolution cannot be found by the Senior Fees Manager, the advocate can appeal in writing to the Deputy Director of Public Prosecutions for a reassessment of the claim, setting out the grounds of objection and the matters to be considered in granting an additional fee.

The Senior Fees Manager will prepare a written response detailing the PPS interpretation of the scheme, what additional fees, if any, could be payable and on what grounds. This will be referred to the Deputy Director for final consideration and approval. The decision of the Deputy Director will be considered final.

Where an advocate discovers a discrepancy in any payment the advocate should immediately contact the Central Fees Team who will make any amendments if necessary.

9. Travel Expenses

Advocates shall be eligible to claim travel expenses in accordance with NICS travel policy and rates if required to attend court, a consultation or view of locus on behalf of the PPS.

Travel expenses will only be paid if the journey was necessary. Where a prosecuting advocate is briefed at the same venue in more than one case only one travelling allowance shall be payable on any one day.

The journey is deemed to start from the Bar Library or the actual starting point if nearer. Mileage will be payable at £0.45 per mile or in accordance with current guidance. The advocate should provide details of the start and finishing point of the journey (preferably postcodes) in order to allow the distance claimed to be verified.

For ease of calculation mileage is predetermined in respect of travel from the Bar Library to Courts and is payable in accordance with the following table.

Venue	Distance	Venue	Distance
Armagh	40	Larne	24
Ballymena	28	Limavady	63
Ballymoney	47	Londonderry	72
Banbridge	24	Lurgan	25
Coleraine	56	Magherafelt	35
Cookstown	52	Newcastle	31
Craigavon	30	Newry	37
Downpatrick	22	Omagh	68
Dungannon	42	Portadown	30
Enniskillen	83	Strabane	79
Kilkeel	44		

10. Travel Time

Advocates may also claim an additional hourly rate of £25 (regardless of category) for reasonable travel and waiting time to and from a consultation or view of the locus.

If advocates are required by the PPS to undertake preparation work on the case whilst travelling (mode of transport permitting) they will be remunerated

at the hourly preparation rate. The actual work done whilst travelling must be recorded in the work record. Advocate will not be entitled to claim travel and waiting time where preparation time has been claimed for the same period.

11. Additional Expenses

Authority to incur any additional expenses should be secured from the instructing AD before incurring the expenditure. Reasonable approved expenses will be paid on production of receipts

ANNEXES

Annex A

Sample Letter for Instruction on the Basis of Hourly Rates

Bar Library

BELFAST

PPS Ref:

Date

Dear

Thank you for agreeing to represent the Public Prosecution Service in the following matter. The basis on which fees will be paid in respect of this aspect of the case is outlined below:

R v Joe Bloggs - Offence

Please find herewith relevant prosecution papers, I would be grateful if you would provide

(Outline work to be done, i.e. provide opinion, pre committal preparation, Magistrates' Court/Youth Court case, Confiscation, Restraint, other)

I propose to make a payment of £ per hour in accordance with the fee scheme and as discussed, consider that this case may take approximately hours.

All fees are paid in accordance with the most recent Prosecution Fees Scheme and I would ask that if you consider the hours mentioned above are not adequate to carry out the work requested that you contact me as soon as possible to re-negotiate the number of hours allocated. I would ask that you do this before carrying out work which will be over and above the number initially allocated.

You must keep full and detailed work records of all work undertaken. An excel spreadsheet template available from the PPS can be used for this purpose. The fees payable will be audited and paid at the end of the case or at intervals of six months for prolonged cases.

Yours sincerely

Regional Prosecutor/Senior Public Prosecutor (delete as appropriate).

Annex B Record of Preparatory Hours

Date	Day	Description of work done	Preparation			Conferences			Hearings
			Start	Finish	Time elapsed	Start	Finish	Time elapsed	Court hearing
					0:00			0:00	
					0:00			0:00	
					0:00			0:00	
					0:00			0:00	
					0:00			0:00	
					0:00			0:00	
					0:00			0:00	
					0:00			0:00	
					0:00			0:00	
					0:00			0:00	

Counsel's estimate of fees				
Preparation at rate of		x	0:00	-
Conference at rate of		x	0:00	-
Days in court		x	0.00	-
Total fees excluding VAT				-
VAT on fees				-
Fees including VAT				-
Total payable				-