



Legal Aid  
Agency

# Advocate Graduated Fee Claim Form

This is a contingency form for use only where the Crown Court online billing system (**CCD**) is not working. It can be used for cases with a representation order dated on or after 1 April 2018. Claims with an earlier representation order must be submitted on contingency form AF1(B).

*Please read the form guidance on the final page.*

Chambers / Firm Address:	Advocate Name:	
	Advocate Provider No.:	
	Chambers / Firm Phone No:	
	Chambers / Firm Email:	

## Section 1: Case, Advocate & Offence

Court Name:	
Court Code:	
Principal Case Number:	
Additional Case Number:	
Prosecuting Authority:	
Type of case (e.g. Trial, Guilty Plea etc)	
If Type of Case is Retrial or Cracked Retrial:	
Did the same advocate appear at both trials?	
If "Yes" Reduction applied to first Trial or Retrial?	
Percentage reduction to be applied.	

Advocate's Claim Reference					
Advocate's Category	(Please circle)	<b>Junior Alone</b>	<b>Led Junior</b>	<b>Leading Junior</b>	<b>KC</b>
Date notified of first warned list (dd/mm/yyyy)					
Date of first fixed / warned date for trial (dd/mm/yyyy)					
Date case cracked (dd/mm/yyyy)					
Offence Banding		Offence value, weight, or quantity			
Offence Description					

## Principal Defendant

First Name		Date of Birth (dd/mm/yyyy)	
Middle Name (if applicable)		MAAT Ref. No's.	
Last Name			
Representation Order Date (dd/mm/yyyy)			
Has there been an Order for Judicial Apportionment? (Please Circle ) Yes or No			

## Second Defendant

First Name		Date of Birth (dd/mm/yyyy)	
Middle Name (if applicable)		MAAT Ref. No's.	
Last Name			
Representation Order Date (dd/mm/yyyy)			
Has there been an Order for Judicial Apportionment? (Please Circle ) Yes or No			

## Third Defendant

First Name		Date of Birth (dd/mm/yyyy)	
Middle Name (if applicable)		MAAT Ref. No's.	
Last Name			
Representation Order Date (dd/mm/yyyy)			
Has there been an Order for Judicial Apportionment? (Please Circle ) Yes or No			

Any additional defendant details must be provided in Section 2

### Type of Trial for the case:

- An indictable only case sent to the Crown Court
- An either way case sent or transferred to the Crown Court
- A summary only case elected by the defendant to be heard in the Crown Court

Estimated Length of Trial (Days):		Actual Length (Days):	
Date proceedings concluded (dd/mm/yyyy):			

## Section 2: Additional information

### Section 3: Basic Fee & Enhancements (Amount excluding VAT)

Description	Quantity	Rate	Amount (excl VAT)
Basic Fee		£	£
For trials, the 1st date at trial (dd/mm/yyyy) :			
Defendants uplift		£	£
Case uplift		£	£
Daily Attendance Fee		£	£
Attendance Dates			
<b>Section 3 Basic Fee &amp; Enhancement Total (excl VAT)</b>			£

### Section 4: Fixed Fees (amount excluding VAT)

Description	Quantity	Attendance Dates	Rate	Amount (excl VAT)
Appeals to the Crown Court against Conviction			£	£
Appeals to the Crown Court against Conviction Uplift			£	£
Appeals to the Crown Court against Sentence			£	£
Appeals to the Crown Court against Sentence Uplift			£	£
Breach of a Crown Court order			£	£
Breach of a Crown Court order Uplift			£	£
Contempt Hearings			£	£
Committal for Sentence Hearings			£	£
Committal for Sentence Hearings Uplift			£	£
Cracked case discontinued			£	£
Cracked case discontinued Uplift			£	£
Elected case not proceeded			£	£
Elected case not proceeded uplift			£	£
<b>Section 4 Fixed Fees Total (exc VAT)</b>				£

## Section 5: Miscellaneous Fees (Amount excluding VAT)

Description	Quantity	Attendance Dates	Rate	Amount (excl VAT)
Abuse of Process Hearings (Half Day)				
Abuse of Process Hearings (Whole Day)				
Abuse of Process Hearings (Half Day Uplift)				
Abuse of Process Hearings (Whole Day Uplift)				
Adjourned appeals				
Dismissal application hearing - Half Day (unsuccessful)				
Dismissal application hearing - Whole Day (unsuccessful)				
Dismissal application hearing (successful) - day 2 onwards (Half Day) Uplift)				
Dismissal application hearing (successful) - day 2 onwards (Whole Day)				
Conferences and Views	Date(s) attended			
Confiscation hearings (Half Day)				
Confiscation hearings (Whole Day)				
Confiscation hearings (Half Day Uplift)				
Confiscation hearings (Whole Day Uplift)				
Deferred Sentence Hearings				
Deferred Sentence Hearings Uplift				
Further Case Management Hearing				
Hearings relating to admissibility of Evidence (Half Day)				
Admissibility of Evidence hearing (Whole Day)				
Hearings relating to admissibility of Evidence (Half Day Uplift)				
Hearings relating to admissibility of Evidence (Whole Day Uplift)				
Disclosure (Half Day)				
Disclosure (Whole Day)				
Disclosure (Half Day Uplift)				
Disclosure (Whole Day Uplift)				
Hearing Ground Rules (Half Day)				
Hearing Ground Rules (Whole Day)				
Noting Brief Fee				
Plea and Trial Preparation Hearing				
Proceeds of Crime hearings (Half Day)				
Proceeds of Crime hearings (Whole Day)				
Proceeds of Crime hearings (Half Day Uplift)				
Proceeds of Crime hearings (Whole Day Uplift)				

## Section 5: Miscellaneous Fees (Amount excluding VAT) continued

Description	Quantity	Attendance Dates	Rate	Amount ( <i>excl VAT</i> )
Public Interest Immunity hearings (Half Day)				
Public Interest Immunity hearings (Whole Day)				
Public Interest Immunity hearings (Half Day Uplift)				
Public Interest Immunity hearings (Whole Day Uplift)				
Research of very unusual or Novel Factual issue				
Research of very unusual or Novel point of Law				
	Date(s) attended			
Standard Appearance Fee				
Standard Appearance fee Uplift				
Sentence Hearings				
Sentence Hearings Uplift				
Special Preparation Fee				
Trial Not Proceeded				
Trial Not Proceeded Uplift				
Unsuccessful application to vacate a guilty plea (Half Day)				
Unsuccessful application to vacate a guilty plea (Whole Day)				
Unsuccessful application to vacate a guilty plea (Half Day Uplift)				
Unsuccessful application to vacate a guilty plea (Whole Day Uplift)				
Wasted Preparation Fee				
<b>Section 5 Miscellaneous Fees Total (excl VAT) £</b>				

## Section 6: Travel & Hotel Expenses (Amount excluding VAT)

Description					Hours	Amount
Travel & Hotel Expenses						£
Justification for any non-local court travel, including the amount claimed:						
Date	Advocate	Expense Type	Location	Quantity	Rate	Amount
					Hours	Amount
Travel Time to Conferences & Views						£
Please provide full details of destination e.g. HMP Walton so that reasonable time and expenses can be determined:						
Date	Advocate	Location		Hours	Rate	Amount
<b>Section 6 Expenses Total (exc VAT)</b>						£

## Section 7: Claim Summary

	<b>Section 3 Total B/F</b>	£
	<b>Section 4 Total B/F</b>	£
	<b>Section 5 Total B/F</b>	£
	<b>Section 6 Total B/F</b>	£
	<b>Claim Total - Total Fees &amp; Expenses (exc VAT)</b>	£
Registered for VAT ( <i>please circle</i> ) Yes or No	<b>Total VAT</b>	£

Deduct any fee Advancement	£
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<b>TOTAL CLAIM AMOUNT DUE (INC. VAT)</b>	£
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### Enclosure checklist - please provide the following evidence where appropriate.

- A copy of the original representation order and any amendments for each of the clients that you are claiming for and for any additional case uplifts you are applying for.
- A copy of the indictment (required for all final graduated fee and hardship claims)
- Prosecution case summary or opening to show evidence of value, weight, or amount to support offence banding.
- Order in respect of Judicial Apportionment (for each defendant) where applicable.
- Invoices/receipts for accommodation and travel expenses (excluding mileage) required for all individual disbursements of £20 or more.
- Hardship supporting evidence (e.g. bank statements/ bank letter), please give details:  
  
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- Details of any and all fee advancements made previously including those made to any Instructed Advocate. You must provide the case reference number/court/advocate supplier number under which payment was made.
- Other supporting evidence. **A list of acceptable evidence** is set out in the Crown Court Fee Guidance
- For summary offence cases: Evidence of the magistrates' court decision that the case was unsuitable for summary trial.
- If your claim is submitted more than three months after the case concluded, please provide written justification in line with the relevant provision of any secondary legislation arising from the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

## Section 8 - Certification

I certify that:

*Please ensure that you only tick the relevant box.*

### **For Final Fee claims:**

I am the Trial Advocate as I attended the main Hearing:

### **All other claims:**

I certify that I am the Instructed Advocate as:

I notified the court, in writing, before the PCMH/PTPH that I was the Instructed Advocate.  
**A copy of the letter is attached.**

I attended the PCMH/PTPH [where the client was arraigned] and no other advocate wrote to the court prior to this to advise that they were the Instructed Advocate.

I attended the first hearing after the PCMH/PTPH and no other advocate attended the PCMH/PTPH or wrote to the court prior to this to advise that they were the Instructed Advocate.

The previous Instructed Advocate notified the Court in writing that they were no longer acting in this case and I was then instructed.

The case was a fixed fee (with a case number beginning with an S or A) and I attended the main hearing.

**All of the above options are in accordance with relevant provision of any secondary legislation arising from the Legal Aid, Sentencing and Punishment of Offenders Act 2012.**

- I certify that where I have represented more than one defendant in this matter, only one claim has been, and will be made, for all those defendants together, including where one defendant has transferred representation to another advocate.
- I certify that no interim, hardship or staged payment has been received by me or any other advocate on any case number within this matter other than the one under which this claim is made unless fully detailed (case number, court and advocate supplier number under which payment was made) within this claim.
- I certify that where there is a joined indictment, then all matters dealt with by me, as the Instructed Advocate, within that joined indictment are included in this claim.
- I certify that where there has been a transfer between one Crown Court and another, then no claim has been made separately for the work in the first Crown Court, all of the work in both Courts being included in this claim.
- I certify that this work has not been and will not be the subject of any other claim for remuneration from criminal legal aid.
- I certify that, in circumstances where I am claiming a staged payment, I will ensure that any subsequent trial advocate is advised of such payment, with all necessary claim/payment details.
- I certify that the information I have provided is correct and the work carried out by me has not been and will not be the subject of any other claim by me for payment from criminal legal aid. I understand that if information given by me is incorrect or misleading, payment may be recouped.

<p><b>Trial / Instructed Advocate's signature:</b></p> <p><b>Trial / Instructed Advocate's name:</b></p> <p><b>Date:</b></p>	<p>_____</p> <p>_____</p> <p>_____</p>
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## Form Guidance

The form may be used for claims relating to Guilty Pleas, Cracked Trials, Trials, Appeals against Conviction or Sentence, Committal for Sentence proceedings, Crown Court breach proceedings, hardship payments, interim payments, staged payments, and unexecuted bench warrants.

Only the Trial Advocate (as defined in criminal legal aid regulations) can claim for payment. The exception is where the claim is for a staged payment or a case with an unexecuted bench warrant and in those cases it is the Instructed Advocate who must claim. The Trial Advocate is the advocate who attended the Main Hearing: For Trials, this is attendance on the first day of trial; for Cracked Trials, the hearing where the case cracked; for Guilty Plea cases, the final plea hearing; for Appeals, the appeal hearing; for Committal for Sentence cases, the sentencing hearing; or for Crown Court breach cases, the breach hearing. The regulations for making a claim is set out in the Criminal Legal Aid (Remuneration) Regulations 2013 (as amended), and this is supported by the Crown Court Fee Guidance.

### Case, Trial Advocate and Offence

**Trial Advocate details** - Claims must be made by the Trial Advocate (as defined in the Remuneration Regulations). It is important that the details match those that have been provided to the court during the case as payment will be made to the Trial Advocate only.

**Principal defendant** - If you represented more than one defendant you must select one as the principal. We will use this defendant's case to derive the case scenario. You only need to give details of additional defendants if you represented them. Details of co-defendants with separate counsel are not required.

**Types of case** - Which case scenario are you claiming? Cases on indictment can be: Guilty Plea, Cracked Trial, Discontinuance, Trial, Cracked before Retrial or Retrial. You can also claim for some hearings without an indictment, these are: Committal for Sentence, Contempt, Breach of a Crown Court Order, Appeal Against Sentence and Appeal Against Conviction. Detailed definitions of the case types are available in the AGFS section of Crown Court Fee Guidance.

For Cracked Trials, you must provide us with the date when the matter was first given a fixed or warned trial date, the date of that proposed fixed/warned trial, and the date the case cracked. This is so the system can calculate which third the crack occurred in.

**Offence banding and description** - You are able to select any charges included on the indictment for your case. If your case is an indictable only offence and was **Sent by the magistrates'** court, please make this clear in the relevant selection. This will entitle you to claim a graduated fee.

If your case was **Transferred/Directed by the magistrates'** court, this option must also be selected.

This is where the magistrates' court has deemed that the case was unsuitable for summary trial. If claiming a Cracked trial, Discontinuance or Guilty Plea graduated fee, where appropriate, please ensure that a Legal Aid Committal Form (LAC1) has been fully completed and certified by the correct magistrates' court. The instructing solicitor will have obtained a copy of this form at the Committal Hearing. Please ensure that your solicitor has attached a copy of the form to your instructions. Without this form your claim will be paid as a fixed fee. If the defendant Elected Crown Court AND the case didn't proceed to trial OR retrial, please select the relevant option.

### Basic Fee and Enhancements

Please provide total quantities of the relevant elements you are claiming; do not deduct any elements included in the basic fee as this will be done by the system.

**Uplift for Defendants** - Please ensure that you provide a copy of the Representation Orders for each defendant for which you are claiming an uplift.

**Number of case uplift** - Please provide the additional case number(s) at the front of the form in Section 1.

### Fixed Fees

If claiming a fixed fee please ensure that this section is completed, using the correct codes. We will use the information you provide to validate against information held on the court records. Where the defendant elected Crown Court trial OR retrial did not proceed, please select - Elected case not proceeded (ENP).

Elected case not proceeded Uplift (ENU) - If you are claiming an uplift because additional defendants please ensure that a representation order is provided for each defendant. If you are claiming an uplift for additional cases, please ensure that you include the additional case number in Section 1.

### **Miscellaneous fees**

Please ensure the correct code is selected when claiming a half day for any of the miscellaneous fees as this will be validated against information held on the court records.

For standard appearance fees, please provide total quantities using the same principle as section 2.

### **Section 5: Travel and Hotel Expenses**

For Guidance on claiming travel and hotel expenses, please refer to the AGFS section of Crown Court Fee Guidance.

#### **Travel & Hotel Expenses Breakdown**

Please provide a summary of any travel and hotel expenses you have incurred including dates and miles travelled where relevant. Where you are instructed to appear at a non-local court, please provide justification for attendance and amount claimed.

#### **Travel Time to Conference and Views Total Breakdown**

Please provide a detailed breakdown of any travel to conference and views you have incurred including dates and miles travelled where relevant.

Please provide full destinations e.g. HMP Walton, so that reasonable time and expenses can be determined.

### **Section 6: Claim Summary**

For guidance on VAT please refer to HM Revenue and Customs.

Please ensure you tick the relevant box if you wish to receive a single payment for your claim as opposed to individual payments for each element.

**Enclosure Check List** - Please ensure you have provided all the relevant materials to support your claim.

**Additional information** - Please give us any further information here that will allow us to process your claim. If there was anything out of the ordinary in your case, please provide sufficient detail to properly explain what happened.