

Following the changes made to legal aid following the CLAR Accelerated Items work, the LAA have now issued guidance on how to claim the new 'sending fee' in the Magistrates Court. We previously sent a link to the new guidance but below we set out the key parts for ease of reference.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/926114/Crime_Lower_Codes_Guidance_-_Version_10_-_October_2020_-_FINAL.pdf

For ease of reference, matters that are sent to the Crown Court for sentence or end with a Newton Hearing should be given the Outcome Code that represents the actual outcome of the Matter in the magistrates' court. For instance, a client who was convicted of some Matters but acquitted of others, before a sentence or Newton Hearing, should have the Outcome Code CP05 –Trial: mixed matters

Where a case is sent to the Crown Court for trial under a magistrates' court representation order dated on or after 19 October 2020, a Sending Hearing Fixed Fee (and any disbursements incurred) may be claimed at the conclusion of the magistrates' court element of the case. The Claim is made as part of your Lower Crime Submission (ie CRM6). All other costs should continue to be claimed under the Litigator Graduated Fee Scheme at the conclusion of the Crown Court element of the case.

Transitional Arrangements for Sending Hearing Fixed Fee October 2020

For magistrates' court representation orders issued on or after 19 October 2020, a Sending Hearing Fixed Fee may be claimed where the case is sent to the Crown Court for trial. The fee should be claimed under a new stage claim /stage reached code (PROW) and the appropriate, new outcome code: CP27 (case sent to the Crown Court for trial on an either way offence) or CP28 (Case sent to the Crown Court for trial on an indictable only offence).

Claim Codes

The List of Claim Codes are shown below:

Criminal Proceedings

PROC Magistrates' court advocacy assistance

PROD Court duty solicitor session

PROE Representation order- lower standard fee

PROF Representation order – higher standard fee

PROG Representation order – non-standard fee (claimed on CRM7)

PROH Crown Court advocacy assistance

PROI High Court representation

PROJ Second claim for deferred sentence

PROK Revised Standard Fee (designated areas): Lower Standard Fee

PROL Revised Standard Fee (designated areas): Higher Standard Fee

PROM Revised Standard Fee (designated areas): Non-Standard Fee (claimed on CRM7)

PROP Pre-order cover

PROT Early cover

PROU Refused means test – form completion fee

PROV Fee for breach of part 1 injunctions under Anti Social Behaviour Crime and Policing Act

PROW Sending Hearing Fixed Fee

CP01 Arrest warrant issued/adjourned indefinitely

CP02 Change of solicitor

CP03 Representation order withdrawn

CP04 Trial: acquitted

CP05 Trial: mixed verdicts

CP06 Trial: convicted

CP07 Discontinued (before any pleas entered)

CP08 Discontinued (after pleas entered)

CP09 Guilty plea to all charges put – not listed for trial

CP10 Guilty plea to all charges put after case listed for trial

CP11 Guilty plea to substitute charges put – after case listed for trial

CP12 Mix of guilty plea(s) and discontinuance – Not listed for trial

CP13 Mix of guilty plea(s) and discontinuance – listed for trial

CP16 Committal: discharged

CP17 Extradition

CP18 Case remitted from Crown to magistrates' court for sentencing

CP19 Deferred sentence

CP20 Granted anti-social behaviour order / sexual offences order / other order

CP21 Part-granted anti-social behaviour order/ sexual offences order / other order

CP22 Refused anti-social behaviour order/ sexual offences order / other order

CP23 Varied anti-social behaviour order/ sexual offences order / other order

CP24 Discharged anti-social behaviour order/ sexual offences order / other order

CP25 Committal: election (Representation order dated before 6th April 2010)

CP26 Committal/transfer: direction (Representation order dated before 6 April 2010)

CP27 Case sent to the Crown Court for trial on an either way offence (Representation Order dated on or after 19 October 2020) - (on CWA E/W sent to Crown Ct)

CP28 Case sent to the Crown Court for trial on an indictable only offence

(Representation Order dated on or after 19 October 2020) - (on CWA Indict sent to Crown Ct)