

# Introduction and Summary

Service Pack 34 carries some major changes to claiming crime lower and crown court matters. The police station fixed fees for many of the schemes in England and Wales have been reduced although the exceptional case threshold has remained the same. Claims for Committal hearings in the Magistrates' court have been revised with a fee being payable at the end of the crown court and claimed on the LF1. The advocates graduated fee module for producing claims on the 5144f has been revised to produce additional claims for confiscation hearings. A revision has been included to the claim for uplift on cases and the reduction to the fees payable where there was a retrial. This service pack also comprises recent changes to the Family forms and the April 2010 issues of Crime and immigration claim forms.

## SP34 Contents

### Crime Module:

1. Police Station Fixed Fee changes
2. Removal of CP14 & 15 and introduction of CP25 & 26 Outcome Codes
3. Committal Hearing Fee for Litigators Claims
4. Confiscation Hearing Fees for Advocates Graduated Fee Scheme
5. Advocates Graduated Fee
  - a. Revision to uplift
  - b. Revision to reductions for retrials

## Form Changes

### Crime April 2010

CDS14 v6	CDS18 v2
CDS15 v6	LF1 v4
CDS16 v6	LF2 v2

**Immigration** April 2010

CW2 (Imm)

CW3C v4

CW3A v4

CW4 v8

CW3B v4

EC Claim 1 (Imm) V5

**Family**

C1A

Form F

D8

Form G

D13b

M3

EX107

M4

EX160

M8

FL401

M19

Form B

M21

Form C

M33

Form D

APP 8

# Crime Module

## 1. Police Station Fixed Fee

### **Fixed Fee Reductions**

The fixed fees for 148 police station schemes have been reduced. This applies to all cases in the affected schemes where the date of the work first done is on or after 6th April 2010.

iLaw will show the reduced fee to matters:

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- where the police station selected is situated in one of the identified schemes
- where the UFN date section is equal to or later than 060410/001

You are able to check the police station fixed fee payable for a matter, prior to billing, by selecting the police station in *Client Details* and then going to the *Legal Aid* screen in *Case management*.

The fixed fee will be listed as the investigations limit exclusive of Vat. The Investigations limit also shows in *Time Records*. When the matter is billed you will see the fixed fee in *Section 5*.

*Police Station Fixed Fee Details*.

**Exceptional Case Thresholds remain**

The exceptional case threshold is not affected by the reduction in fees; therefore, the exceptional case calculation will be different from Police Station schemes that have had no reduction in fees. iLaw will continue to identify where an exceptional claim can be made and state this in Section 5 of the Pre-charge Investigations billing screen.

**2. Outcome code change for Committals in the Magistrates' Court**

**CP14 and CP15 Codes not available and CP25 and CP26 introduced**

From 6th April 2010 Committal hearings held at the Magistrates' Court will be paid via the Litigators fixed fee scheme. The outcome codes **CP14 Committal: election** and **CP15 Committal/transfer: direction** cannot be selected for matters where the UFN date section equals or is greater than 06042010 and the date of the representation order is on or after 6th April 2010. From 6th April 2010, two new outcome codes will be introduced for committal cases where the client was first attended before 6th of April 2010.

These are:

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- CP25: Committal: election (Representation order dated before 6th April 2010)
- CP26: Committal/transfer: direction (Representation order dated before 6th April 2010)

**CP16 Committal: discharged** is the only outcome code that can be used for committal hearings after 6th April 2010 for matters proceeding through the Magistrates' Court. This outcome code can only be used with the claim codes PROE, PROF, PROK and PROL.

### 3. Litigators Fee:

#### Committal Hearing Fee

The Litigators Fee billing screen has been revised to include the claim for the committal hearing fees when the final LF1 is submitted. The fee is £318 exclusive of Vat and can only be claimed on matters that have a representation order date on or after 6th April 2010. The date of the first committal hearing must be entered to activate the fee. If a second hearing has taken place a date for this must be entered in the second date field to activate a further fee.

#### Claiming a Committal hearing fee

Step 1. Make sure the representation order date has been entered in Section 1 and that it is on or after 6th April 2010.

Step 2. Enter the details of the matter selecting a fee earner, court and offence in section 1. Then select the trial and trial type in section 2 and enter any other details required.

Step 3. You will see a new checkbox, *Committal for Trial* situated in section 2. Check this and two hearing date fields show, *Date of Committal Hearing #1* and *Date of Committal Hearing #2*.

Committal For Trial  Date of Committal Hearing #1 04/03/2010 Date of Committal Hearing #2

Step 4. Enter the date for each committal hearing depending upon whether there was one hearing or two. You will see the fee show in the **Section 3: Case Totals grid**.

**Section 3 : Case Fee Totals**

Description	Details / Calculation	Amount
Basic Fee	Offence Group[A] & Case Type [Guilty Plea]	1,907.11
Length of Trial Proxy		0.00
PPE Proxy		0.00
Total Case Fee		£1,907.11
Defendant Uplifts		£0.00
Committal For Trial	1 Hearing claimed	£318.00
Overall total case fee		£2,225.11
VAT @ 17.5%		£389.39
Total inc VAT		£2,614.50

### Important Change in Process for MC Committals

Because the committal fee is being claimed as part of the LF1 process from 6<sup>th</sup> April 2010, it is important that you observe the changes in the way you record your time on a magistrates court case to avoid missing any disbursements when making your LF1 claim.

If you know the matter will be committed from the beginning of the case, record all your magistrates court hearing times and disbursements as Crown Court time

If the matter is unclear, record your time as magistrates court work. Once an election is made, amend all magistrates court time to Crown Court time in the Time Records screen and continue to post remaining magistrates court time as Crown Court.

#### 4. Advocates Graduated Fee claim (GradFees Module users only)

##### Confiscation Hearings

The AGFS module for iLaw has been updated to cover the claim for pages of evidence for Confiscation hearings. The claim can only be made on matters that have concluded on or after 21st August 2009. It is a separate claim from the graduated fee made on the 5144F and entered on a separate form sent to the National Taxing Team regional office covering the appropriate Crown Court centre where the case was heard.

##### Confiscation Hearing and Pages of evidence Claims

Click on the *Confiscation Claims* link in the *Views* menu of the *Graduated Fees Crown Court claim* screen. You will be using this claim only for confiscation hearings where there are more than 50 pages and the hearing concluded on or after 21st August 2009. Each section represents a section on the claim form itself. You can clear the screen if you would like to start again by clicking on the *Erase* button.

#### Important: Please read before creating your Confiscation Claim

The *Advocate Category* must be selected for the Confiscation screen to calculate correctly. If the Advocate Category has not been selected in Section 1 of the graduated fee screens then a message will appear at the top of the Confiscation screen telling you to do this. The *Tax point date* must also be set for the Vat to be calculated on payments.

##### A. Pages of Evidence

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In **Section A**, enter the amount of pages for each of the three page types, A, B and C. These will be added in the final box and the fee determined. You still need to complete this section even if there are more than 1,000 pages and an hourly claim will be made instead in Section B. There is an information button that provides details of each page type.

The Total number of pages shows with the amount placed in the section 2 screen which acts as a guide to what was entered previously. The fees for pages of evidence are banded and then calculated depending on the Advocate Category entered in Section 1.

*Rate table for Section A*

Pages of Evidence	Fee for QC	Fee for leading Junior	Fee for Junior alone	Fee for led junior
51 - 250	£750	£625	£500	£375
251 - 500	£1,125	£938	£750	£562
501 - 750	£1,500	£1,250	£1,000	£750
751 - 1000	£2,250	£1,185	£1,500	£1,125

**B. Counsels Fees (Cases with over 1,000 pages only)**

If there are more than 1,000 pages you must complete the **Section B** grid for Counsels fees. This grid works in the same way as many of the other grids in iLaw. When you click on the blank row it will become active and a new blank row will appear underneath. You will need to enter the date when the work was done in the first column then enter a description of that work in the next column.

You can only enter a maximum of 23:59 for each date entered in the *Hours Claimed* column as this represents the hours or work performed per day. The *Amount claimed* calculates the *hour x*

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*rate* and the *VAT claimed* is calculated in the last column. The rates are based on your selection of the *Advocate Category* in Section 1 of the advocates Graduated fee screen.

Note that 25 hours will automatically be deducted from the total in section B to account for the fee for pages entered in section A.

*Rate table for Section B*

Preparation for work reasonable done over 1000 pages	Fee for QC	Fee for leading Junior	Fee for Junior alone	Fee for led junior
Hour Rates	£85	£65	£45	£45

**C. Fixed Payments for Additional Days/ Half Days**

You must enter the second and any subsequent full or half day hearings in this grid. Click on the blank row and then enter the date of the hearing in the first column. Select Full Day or Half Day from the *Full or Half Day* dropdown in the second column. When this is done, the rate can be determined with the advocate category set for section 1 of the Advocates Graduated Fee. The *Vat claimed* will automatically calculate on the *Amount claimed*.

*Rate table for Section C*

Daily and half day rates	Fee for QC	Fee for leading Junior	Fee for Junior alone	Fee for led junior
Half-daily rate	£300	£225	£150	£150
Daily rate	£575	£400	£275	£275

**D. Travel and Accommodation expenses**

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This claim section is only for confiscation hearings and not for the expenses made on the graduated fee claim. Enter the date of travel or start of accommodation. Next, enter a short description in the *Type of Expense* column. Enter the *Amount Claimed* for the expense. If there is a Vat element to this you will need to enter this manually in the *Vat Claimed* column.

If you have more than one expense to enter, click on the blank row to activate another. You can delete a row by using the right click pop-up menu

#### **Printing the Confiscation Form and raising the invoice in iLaw Accounts**

When you are happy that all the relevant sections have been completed the confiscation claim form can be printed. Click on the *Print Claim* link.

**Note.** This is the same link used to print the 5144f but when you are in the *Confiscation Claim* screen the link will print only the confiscation claim form.

If you are an **iLaw Accounts** user then you will be asked if this is the final version of the bill. Click *Yes* to post the Net total and the Vat total into iLaw Accounts client ledger. When you receive payment you can record the money being paid in using the Payments Wizard screen, *Pay in Office Money...On account of a client bill raised by you.*

#### **Tracking Confiscation hearing payments in the CC Summary**

Claims for confiscation hearings can be tracked in the *CC Summary* screen which allows you to enter the total allowed by the court centre. The CC Summary screen can be opened from the Litigators Fee screen or from Criminal Billing options.

**5 Graduated Fee Revisions:****a. Uplift on Cases**

Uplift on Cases is applicable to certain fees in Section 3 of the Graduated Fee Claim. There is 20% uplift payable for each case after the first one. Enter the amount of Cases in the *Case* field in *Section 2*. You will see the amount of case uplift show for the following fees in Section 3:

- Appeal to the Crown Court against Conviction
- Appeal to the Crown Court against Sentence
- Committals for Sentence
- Proceedings related to breach of an order of the crown court

**b. Retrial Reduction**

Reductions on retrials will be made to the following Section 2 fees, as well as the basic fee, when there is a Retrial claim for *Trial* claims.

- Number of Prosecution Witness uplift
- Evidence uplift (pages over 50)
- Plea and Case Management Hearing & uplift

A reduction will also be made to pages of evidence when the *Type of Case* is 'Cracked Trial' and the crack took place in the last two thirds.