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**NOTICE
GENERAL CRIMINAL CONTRACT (JANUARY 2008)**

**CONFIRMATION OF VAT TREATMENT OF FIXED FEES FOR POLICE
STATION ADVICE AND ASSISTANCE**

This notice is issued following correspondence with the Law Society, to add clarity for the assistance of our providers.

VAT and Police Station Advice and Assistance Fixed Fees

We confirm that the Fixed Fees for Police Station Advice and Assistance set out in the Annex to the Specification of the General Criminal Contract (January 2008) are inclusive of any VAT which may be payable in respect of them. VAT may not be claimed in addition to these fees.

**Police Station Advice and Assistance Fixed Fees – treatment of
VAT when calculating exceptional cases**

A Police Station Advice and Assistance Fixed Fee is paid for all cases that fall under the exceptional case limit – which is set at three times the fixed fee for each scheme. If the total recorded cost of the case exceeds the exceptional limit, the costs incurred above the limit are paid on top of the Fixed Fee.

As the Police Station Advice and Assistance Fixed Fees and the exceptional case limits have been calculated including VAT, it is the value of the case including VAT that determines whether a case is exceptional or not.

For reference, the rates used to calculate the cost of the case are set out below, excluding and including VAT. It is not necessary to use the VAT inclusive rates when calculating the case cost. If you use the VAT exclusive rates you can add VAT to your claim.

Police Station Advice and Assistance other than by telephone

	Excluding VAT		Including VAT	
	National	London	National	London
– Duty Solicitor (unsocial hours)	£69.05	£69.05	£81.13	£81.13
– Duty Solicitor (other hours)	£52.00	£56.20	£61.10	£66.04
– Own Solicitor	£52.00	£56.20	£61.10	£66.04
– Duty Solicitor – serious offences (unsocial hours)	£80.00	£80.00	£94.00	£94.00
– Duty Solicitor – serious offences (other hours)	£60.00	£65.00	£70.50	£76.38

Travelling and waiting

	Excluding VAT		Including VAT	
	National	London	National	London
– Duty Solicitor (unsocial hours)	£69.05	£69.05	£81.13	£81.13
– Duty Solicitor (other hours)	£52.00	£56.20	£61.10	£66.04
– Own Solicitor	£28.80	£28.80	£33.84	£33.84

Telephone Advice

	Excluding VAT		Including VAT	
	National	London	National	London
Police Station Telephone Advice fixed fee (including all telephone calls whether “routine” or “advice”, (except CDS Direct Pilot Cases for which no such fee may be claimed)).	£30.25 per Claim	£31.45 per Claim	£35.54 per Claim	£36.95 per Claim
Fixed Acceptance Fee (former CDS Direct Pilot Cases referred to a Duty Solicitor for Police Station Attendance only).	£8.00 per case	£8.00 per case	£9.40 per case	£9.40 per case

Worked Example – exceptional case:

Birmingham Scheme Police Station Advice and Assistance Fixed Fee: £243
Escape limit: £729

The case is a duty solicitor case that starts during antisocial hours, and continues the next day. A total of 12 hours of advice and assistance are given, 5 in unsocial hours and 7 in other hours. The case also requires two hours of travelling and waiting time in social hours, and a further 3 in other hours. The cost of the case is therefore:

5 hours advice and assistance at duty solicitor (antisocial hours) rate £69.05 = £345.25

7 hours advice and assistance at duty solicitor (other hours) rate £52.00 = £364.00

2 hours travel and waiting at duty solicitor (antisocial hours) rate £69.05 = £138.10

3 hours travel and waiting at duty solicitor (other hours) rate £52.00 = £156.00

=Total £1,003.35 + VAT@17.5% = £1,178.94

The case costs more than the escape limit and so is an exceptional case and will be paid:

Fixed fee = £243

Amount above exceptional limit = £1,178.94 - £729 = £449.94

=Total payment £692.94

Worked Example – Fixed Fee case:

Ealing Scheme Police Station Advice and Assistance Fixed Fee: £335 Escape limit £1,005

The case is an own solicitor case that requires 3 hours advice and assistance and a further 2 hours travelling and waiting time. The cost of the case is therefore:

3 hours advice and assistance at London own solicitor rate £56.20 = £168.60

2 hours travel and waiting at own solicitor rate £28.80 = £57.60

=Total £226.20 + VAT@17.5% = £265.79

The case costs less than the escape limit and is paid the Police Station Advice and Assistance Fixed Fee of £335



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