

**Summary of the changes to be implemented on October 3<sup>rd</sup> 2011**

The following summary tables cover the changes to remuneration for Legal Aid as detailed in the Ministry of Justice’s (MoJ’s) response to the consultation paper.

Regarding the remaining proposals, the LSC is in the process of assessing the MoJ’s consultation response and determining what the impacts will be on the Commission and Legal Aid providers. We are therefore still investigating when we will implement the other elements of the Legal Aid Reforms including Family fees, Scope and Eligibility changes.

<b>Crime changes</b>	
Fees for guilty pleas and cracked trials	For indictable only and either way cases committed for trial in the Crown Court by the bench, we propose to: <ul style="list-style-type: none"> <li>• Reduce fees for a cracked trial by 25%</li> <li>• Harmonise PPE Uplifts for 2nd and final third cracks and cut basic fees for these by 11%</li> </ul>
Fees in either way cases suitable for summary trial	We propose to pay a fixed fee of £362 to litigators and £203 to advocates for either way cases in the Crown Court which: <ul style="list-style-type: none"> <li>• The bench determined were suitable for summary trial; but</li> <li>• The defendant elected for trial by jury; and</li> <li>• Subsequently changed the plea to guilty</li> </ul> At the same time, we propose to: <ul style="list-style-type: none"> <li>• Remove the separate committal fee; and</li> <li>• Enhance the Lower Standard fee paid for guilty pleas in the magistrates courts by 23% and the Higher Standard fee by 8.3%</li> </ul>
Fees for murder and manslaughter	Harmonise fees for Crown Court cases paid under category A (murder and manslaughter) so that they are paid the same as cases paid under category J (serious violence)
Ancillary payments to advocates	<ul style="list-style-type: none"> <li>• Remove ancillary payments for sentencing hearings, which would be treated as one of the 5 appearances covered within the standard graduated fee</li> <li>• An additional appearance fee would be payable separately for sentencing if that hearing was a sixth or subsequent standard appearance</li> <li>• Payments for committals for sentence and appeals from the magistrates' court would remain as these are fixed fees for stand-alone pieces of work rather than "bolt-ons" to the overall graduated fee</li> </ul>
Fees for offences of dishonesty	<ul style="list-style-type: none"> <li>• In the Crown Court, remove the distinction in fee payments for cases involving offences of dishonesty worth less than £30k, and those worth between £30k and £100k, so that they attract the same (category F) fee</li> <li>• Offences of dishonesty worth more than £100k will continue to be paid at a higher fee (category K)</li> </ul>
Fees in magistrates’ courts cases in London	Remove the premium paid to litigators for magistrates’ courts cases in London, so that they are paid the same rates as in other urban areas
Fees for Very High Cost Criminal Cases	Continue to issue individual VHCC contracts to firms taking on 41-60 day cases in the short term, but that these contracts will specify that payment is to be made in accordance with the LGFS, rather than the existing VHCC hourly rates.

<b>Civil changes</b>	
Codify barrister rates	Codify barristers rates and reduce by 10%
Fee reduction	<p>Implement the proposed 10% reduction in all fees paid under the civil legal aid scheme (with the exception of telephone advice and CLAC/Ns).</p> <p>Please note that providers operating still under the Unified Contract will not be subject to this reduction (for all their Family, Housing &amp; Tolerance work).</p>
Enhancements	<p>Agree that the level of enhancements available in civil and family cases will be capped at a maximum of 100% in the Upper Tribunal, High Court, Court of Appeal and Supreme Court and 50% in all other proceedings, on the basis that they will not result in a pro-rata reduction in the level of enhancements currently awarded below these levels.</p>
Use of QCs	<p>Limit the use of Queen's Counsel in family cases to cases where provisions similar to those in criminal cases apply.</p>

<b>Experts changes</b>	
Codify expert rates	<p>Codify the benchmark rates for experts, and reduce by 10%, with provision for exceptional cases; continue to develop a longer term framework towards a fixed and graduated fee scheme.</p>