



Legal Aid
Agency

Advocates' Graduated Fee Scheme

Guidance on the Completion of the AF1

Version:	Issue date:	Last review date:	Owned by:
3	April 2013	April 2013	Crime Case Managment

Version History

Version:	Date	Reason
1	Jan 2011	Introduction of form
2	Oct 2011	Legal Aid Reforms

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1. Overview

This guide has been produced to help you complete the AF1 form. If you have any further questions you can contact a member of the Advocates Fee team in Nottingham on 0115 908 4210.

Chambers Firm & Address – It is important that these details are completed and are accurate as they will be used to return your paper work to you. The LAA cannot take responsibility for paper work lost due to incorrect address details provided on the claim form.

2. Case, Instructed Advocate & Offence

- Instructed Advocate details – it is important that these details match those that have been provided to the court during the case, payment will be made to the Instructed Advocate only.
- Additional Case Number - If you wish to claim a case uplift, please ensure that all additional case numbers are provided.
- Principal Defendant – if you have more than one defendant you must select one as the principal. We will then 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 re-trial or re-trial. 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 all of these scenarios are available from the AGFS section of the 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 we can calculate which 3rd the crack occurred in.
- Offence class & 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 tick the relevant box. This will entitle you to claim a graduated fee.
- If your case was Transferred/Directed by the magistrates' court, please tick the relevant box.

- This will be where it was deemed by the magistrates' court that the case was unsuitable for summary trial. If claiming a Cracked trial, Discontinuance or Guilty Plea graduated fee, 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 tick the relevant box. Please ensure that section 3 has been completed, as a Fixed Fee is payable.

3. Basic Fee & 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 a caseworker when assessing your claim.
- E.g. if you have 12 witnesses do not deduct the 10 included in the basic fee and enter 2. Enter 12 and the caseworker will deduct the 10 included in the basic fee. This also applies in relation to Daily Attendance fees (DAF) and Pages of Prosecution witnesses (PPE)
- Number of defendants uplift - 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.
- For a list of the relevant rates please refer to the Criminal Defence Service Funding Order and its amendments.

4. 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 representation order is dated on or after 3 Oct 2011 AND 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.

- For a list of the relevant rates please refer to the criminal defence service funding order and its amendments.

5. Miscellaneous fees

- Please ensure the correct code is selected when claiming a half day for any of the miscellaneous fees as we will validate this against information held on the court records.
- For standard appearance fees please provide total quantities using the same principle as section 2.
- For a list of the relevant rates please refer to the criminal defence service funding order and its amendments.
- Where the representation order is dated on or after 3 October 2011, Sentence Hearings are to be treated as Standard Appearances. For all such cases that include a Sentence Hearing complete the Standard Appearance section (SAF) rather than the Sentence Hearing section (SHR).

6. Travel and Hotel Expenses

- For Guidance on applicable travel rates please refer to the AGFS section of the 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.
- If you are registered for VAT, all expenses must be claimed exclusive of VAT
- 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.

7. 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 you 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 explain what happened in as much detail as you can

8. Certification

- It is important that the form is signed by the instructed advocate as they are assuming responsibility for the accuracy of the information being supplied to us.

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