

# Fees Bulletin No.1 of 2016

## Unduly Lenient Sentences



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### Remuneration of QCs or Level 4 advocates for Unduly Lenient Sentence (ULS) hearing preparation and advocacy

#### 1. Introduction

Gateway notice (Ref.: Operations/1281) was issued on 30 December 2015 and details new provisions whereby Unduly Lenient Sentence (ULS) preparation and advocacy will no longer be exclusively conducted by Treasury Counsel, but will be extended to the trial advocate provided they are QCs and level 4 advocates. The Attorney General has now decided on the terms of the extension which began on the 4 January 2016.

The procedure will be for an initial period of 6 months and the instruction of the trial advocate will be limited to level 4 prosecutors and QCs. The decision whether the trial advocate is instructed will be a matter for the Law Officers on a case by case basis. Officials at the AGO will monitor performance of the trial advocate.

This fees bulletin details the position in relation to the remuneration of advocates, should a QC or level 4 advocate be instructed to conduct this work.

#### 2. Initial advice

At the end of the substantive case, the trial advocate will have provided an advice in relation to whether the sentence was considered to be unduly lenient. This is paid under the Graduated Fees Scheme, using the GFS hourly rate applicable to the level of advocate providing the advice.

This advice will still be paid, but only in circumstances where the matter is not referred to the Court of Appeal. If the matter is referred to the Court of Appeal and the trial advocate is instructed to conduct the unduly lenient sentence referral, the GFS advice fee will not be paid and will be assumed in the preparation fee the advocate will receive for preparing the unduly lenient sentence hearing (see below).

In the event the case is not referred, the initial ULS advice should then be paid as an additional payment.

#### 3. Unduly Lenient Sentence fee rates

##### Preparation

A fixed fee will be payable to the advocate for the preparation work involved in preparing the unduly lenient sentence reference for the hearing. The rates (exc. VAT) payable are as follows:

*Senior Treasury Counsel / QC - **£1,000***

*Junior Treasury Counsel / Level 4 advocate - **£650***

This fee is assumed on the basis that there will be no more than 10 hours of preparation.

If preparation exceeds 10 hours, any reasonable additional hours of preparation will be paid at the following rates:

*Senior Treasury Counsel / QC - **£110 per hour***

*Junior Treasury Counsel / Level 4 advocate - **£80 per hour***

If additional hours are required, they must be authorised by the ULS team/AGO in advance of the work being done.

Daily advocacy rate

In relation to the court hearing, a fixed fee is paid that includes the court hearing and all preparation on the hearing date. The rate payable is as follows:

*Senior Treasury Counsel / QC - **£1,000***

*Junior Treasury Counsel / Level 4 advocate - **£650***

Travel and subsistence

Travel and subsistence expenses will be paid in accordance with the usual provisions as set out in the VHCC terms of appointment.

**Court Business Unit  
Operations Directorate**

**This bulletin has been posted on the CPS Infonet and CPS website and can be shared with chambers.**