

Crown Prosecution Service

Claim and appeal procedure for the Prosecution Graduated Fee Scheme

1. This document provides a step-by-step guide to process graduated fee claims and the appeal procedure.
2. The case concludes at court.
3. The caseworker sends the completed Fees Information Sheet (FIST) to the CPS Fees Clerk.
4. The advocate sends a completed Graduated Fee Claim (GFC) to the Fees Clerk
5. The Fees Clerk matches the FIST with the GFC and if they agree forwards the documents to the National Finance Business Centre (NFBC) for processing and payment.
6. If the FIST and GFC do not agree the Fees Clerk takes the following action:
 - a. The Fees Clerk checks the file and amends the FIST if appropriate.
 - b. The Fees Clerk refers the query to the caseworker, who amends the FIST as necessary and returns it to the Fees Clerk.
 - c. The Fees Clerk discusses the difference with chambers to resolve the difference.
7. If, after taking the actions at (a) and/or (b), the FIST and GFC agree, the Fees Clerk sends the documents to the NFBC for payment.
8. If, after taking the action at (c) chambers accepts the CPS view, they submit a fresh GFC and the Fees Clerk sends the agreed documents to the NFBC for payment.
9. If, after taking the actions at (a), (b) and (c), agreement is not reached, the advocate submits a revised GFC that matches the FIST, together with brief written reasons to support a higher claim.
10. The Fees Clerk sends the matched FIST and GFC to the NFBC for payment and at the same time refers the advocate's request for a higher fee to the Trial Unit Business Manager (TUBM).
11. If the TUBM supports the advocate's claim in whole or in part, chambers are invited to submit a revised GFC. The Fees Clerk raises a revised FIST that matches the GFC and sends both to the NFBC to pay the balance to the advocate.
12. If the TUBM does not support the advocate's claim he/she will inform chambers in writing.
13. If the advocate remains dissatisfied he/she applies to the CPS for reassessment of the fees proposed by the CPS. The application for reassessment must set out in writing the matters in respect of which an application is to be made to a Costs Judge and the grounds of objection.
14. Upon receipt of an application for reassessment, the TUBM, in consultation with the Area Business Manager (ABM), shall notify chambers of the fees it finally proposes to pay and shall set out in writing the reasons for its decision. The ABM must always seek advice and

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guidance from External Relations and Performance Branch (ERPB) when responding to such applications;

15. Upon receipt of the notification from the CPS, the advocate may apply to have the fees determined by a Costs Judge. The application should be made to the Area and must be accompanied by a cheque for £100 made payable to HM Courts Service (HMCS).
16. The TUBM, in consultation with the ABM, prepares the necessary paperwork and the ABM will forward it to ERPB.
17. Upon receipt of the application to have fees determined by a Costs Judge, ERPB sends to the Supreme Court Costs office the relevant papers in the case together with the advocate's written application for reassessment and the CPS written reasons for its decision. ERPB notifies the advocate that the case has been forwarded to the Supreme Court Costs office.
18. The Supreme Court Costs office may seek further information and, where necessary, may set a date for a hearing. Both the advocate and CPS have the right to make representation to the Costs Judge in writing or orally, but unless the Costs Judge otherwise directs no further evidence will be received on the hearing of the application and no ground of objection shall be valid which was not raised in the advocate's written application for reassessment and the CPS written reasons for its decision;
19. The decision of the Costs Judge as to the fees to be paid will be sent to both sides in writing and shall be final. Where he confirms or decreases the fees which the CPS finally proposed to pay, the Costs Judge may allow the advocate a sum in respect of part or all of any reasonable expenses (including any reasonable fee for an advocate instructed to represent the applicant and the fee payable in respect of the application) incurred by him in connection with the application;
20. Upon receipt of a Costs Judge's decision, chambers issues a GFC for the fees payable, including any sum in respect of expenses. The CPS raises a corresponding FIST and forwards the claim to the NFBC.