



MAGISTRATES' COURTS FEES

1. This fees bulletin outlines the CPS fee arrangements in respect of work undertaken by agent prosecutors in magistrates' courts and the Youth Court.

Sessional fees

2. The table below sets out the fee rates which apply to all magistrates' courts and Youth Court sessions with effect from 1 February 2020.

Court	Hearing type	Rate
Magistrates' Court	Half day session	£150 per half day
	Full day session	£300 per day
Youth Court	Half day session	£200 per half day
	Full day session	£400 per day

3. The half-day session rates apply where the advocate is instructed to prosecute a half day court session which either:
 - a) commences in the morning and concludes at or before the luncheon adjournment
 - b) commences after the luncheon adjournment
4. The full-day session rates apply where the advocate is instructed to prosecute a court session which commences in the morning and concludes in the afternoon. There is no additional payment if the court sits beyond 17.30 hours.
5. Where the advocate is booked to prosecute a one day sessional trial which runs into a second day, the sessional rate will apply to both days. The Special Fee Trial fees do not apply retrospectively in these circumstances.

Special Fee Trials – magistrates' court

6. The table below sets out the fee rates which apply from 1 February 2020 to all new instructions in respect of **magistrates' court trials** estimated to last 1, 2 or 3 days

Hearing type	Rate
Single trial listed for a full day	£330 per day
Single trial listed for 2 days	£340 per day
Single trial listed for 3 days	£350 per day

7. The Special Fee Trial rates only apply to one day trials where exceptional preparation time is required and to all two-day and three-day trials. They should not be applied to one-day trials listed as part of a typical magistrates' court session.



8. Where a Special Fee Trial cracks, or finishes early in the day, the advocate will be paid the full fee for the day they attend. The advocate will not receive a fee for days on which a case may have been listed for trial but they are not required to attend due to the case cracking or finishing early. For example:
 - a) where a special fee one day trial cracks at 11am, £330 will be paid regardless of whether the advocate undertakes additional work to assist neighbouring courts
 - b) where a special fee two-day trial cracks on the first day, the advocate shall be paid £340 for the first day with no payment for their non-attendance on day two
 - c) where a special fee three-day trial cracks on the first day, the advocate shall be paid £350 for the first day with no payment for the non-attendance on days two and three
 - d) where a special fee three-day trial ends early on day two, the advocate shall be paid £350 + £350 for the first two days with no payment for the non-attendance on day three.
9. There is no additional payment made to the advocate in Special Fee Trials where the court sits beyond 17.30 hours.
10. Where the advocate is booked to undertake a one, two or three day trial which runs into subsequent days the original daily rate will be maintained. For example:
 - a) where a special fee one-day trial runs two days, the advocate shall be paid at £330 + £330.
 - b) where a three-day Special Fee Trial runs five days will be paid at £350 + £350 + £350 + £350 + £350. The case will not fall to be paid under VHCC.
11. Magistrates' courts in some CPS Areas double book or stack trials in order to maximise court sitting time. In these circumstances it may therefore be necessary for the advocate to read and prepare more than one trial.
12. The daily rates are intended as fair and reasonable payment to the advocate for preparing the case for trial and attending court. There is no provision for an extra fee in sessional trials or Special Fee Trials to take into account any preparation time in relation to second or third trials that are listed as back-up trials and are ineffective. If a trial is ineffective and the advocate retains the brief they will receive payment for these trials when they are finally dealt with.
13. It follows that there may be occasions where the advocate is dealing with double-booked trials that attract different fees i.e. a two-day Special Fee Trial and a sessional trial. In these circumstances, the advocate shall be paid for the first day based on the rate applicable to the principle case i.e. the Special Fee Trial. Payment for any subsequent days shall be paid at the rate applicable to the effective case whether it is a Special Fee Trial or a sessional trial. For example:
 - a) a two-day Special Fee Trial and a sessional trial are listed together. The Special Fee Trial runs for the full two days and as a consequence, the sessional trial is adjourned to a later date. In these circumstances, the advocate shall be paid £340 for each day of the Special Fee Trial and but receives no separate fee in respect of the sessional trial.



- b) a two-day Special Fee Trial cracks on the first day. The back-up sessional trial commences the same day and runs into a full second day. In these circumstances, the advocate shall receive a fee of £340, the Special Fee rate for the first day and £300, the daily sessional fee for the second day (unless the second day finishes before the luncheon adjournment in which case the half-day rate will apply).
- c) a three-day Special Fee Trial cracks on the first day. Following the crack, the court takes additional sessional work from neighbouring courts, which the advocate prosecutes. The advocate's services are retained to prosecute sessional work on day two. The advocate is not required to attend on the third day. In these circumstances, the advocate shall be paid £350, the three-day Special Fee rate for the first day and a daily sessional fee for the second day. The advocate will receive no payment for the third day when not required to attend.
- d) A two-day Special Fee Trial cracks on the first day. On the same day, the advocate prosecutes a sessional 'back-up' trial to its conclusion. On day two the advocate's services are retained and they prosecute a court list of sessional work. In these circumstances, the advocate shall be paid £340, the two-day special fee rate for day 1 and £300, the daily sessional fee for day 2.

Trials estimated to last 4 or more days – magistrates' courts and Youth Court

- 14. Where a trial in either a magistrates' court or the Youth Court is estimated by the court to last four days or more the CPS VHCC arrangements will apply.
- 15. Additionally, there is discretion – in exceptional and complex cases where significant levels of preparation are necessary – for the advocate to seek, at the time of instruction, to be paid under VHCC arrangements.
- 16. In determining whether a case should be paid under the VHCC arrangements, consideration should be given to the gravity of the offence(s), the complexity of the case, the estimated level of preparation required and the seniority of the advocate instructed.

Travel expenses

- 17. Reasonable travelling expenses will be paid where the advocate is instructed to appear in a court which is further than 25 miles (40 kilometres) from chambers. The journey will be deemed to start from chambers unless the actual starting point is nearer e.g. from home.
- 18. Travel expenses will be remunerated at the standard fare rate for travel by public transport. Mileage will be paid at the CPS public transport rate.
- 19. Should you have any queries regarding this bulletin or any other fee related matter, please contact your Case Auditor or the CBU@cps.gov.uk.

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