



Legal Aid
Agency

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Advocates unused preparation (AU1) claim form guidance

September 2022



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Completing the form

You should download the most up to date version of the AU1 form from GOV.UK.

www.gov.uk/government/publications/af1-claim-for-advocate-graduated-fees

Section 1 – Case details

In this section, you need to confirm:

- your/counsel's name
- your/counsel's provider number
- MAAT number for the case

You must also tick to confirm that you have not requested remuneration for the work detailed within the claim elsewhere.

Below is an image of section 1 of the form. It includes a space for the advocate name, the provider number, the MAAT number and a tick box to confirm that the work detailed in the claim has not been requested for remuneration elsewhere.

Section 1 – Case Details:

Advocate Name	Provider Number	MAAT Number
<input type="text" value="Enter your name here"/>	<input type="text" value="Enter your provider number here"/>	<input type="text" value="Enter the MAAT number here"/>

The work detailed in this claim has not been requested for remuneration elsewhere:

Section 2 – Claim details

In this section you must provide details of:

- the type of unused material considered including:
 - documentary unused material - includes witness statements, documentary exhibits, and ROTIs

- electronic unused material, such as telephone downloads and raw data etc
- audio/video unused material
- the volume of unused material (either number of pages of documentary unused material, volume of unused electronic material and the run time of any audio/video unused material).
- how much time you have spent considering the unused material within your claim.
- the total number of hours you are claiming minus the three hour fixed fee

Below is an image of section 2 of the claim form. It contains a table with 6 rows and 3 columns.

The first column details the type of material. There is a row for documentary material, electronic material and audio/video material.

The second column allows you to confirm the number of pages of documentary material, the volume of electronic material and run time of audio/video material.

The third column allows you to confirm how much time you have spent considering each type of material. You must enter the time in hours and minutes.

Section 2 – Claim Details:

The first 3 hours unused preparation are payable by way of a fixed fee. Please record the total time spent considering unused material and ensure that the first 3 hours are then deducted from your unused preparation hourly rates claim.

Type of material	Volume of material considered (pages or hours/mins)	Time spent (hh:mm)
Documentary (paper)	350	4:00
Electronic (raw data, telephone downloads etc)	15,000	70:00
Audio-Video (CCTV, bodycam, etc.)		0
Minus 3 hours fixed fee		- 3:00
Total:		71:00

Explanation of the image

In the example above, counsel is claiming:

- 4 hours to consider 350 pages of unused documentary material
- 70 hours to consider 15,000 pages of electronic unused material
- no audio/video material is claimed so this row is left empty
- the first 3 hours are deducted as the fixed fee
- the final row details 71 hours unused preparation claimed in excess of the first 3 hours.

Section 3 – Document checklist

For all claims, you must provide:

- the schedule of unused material
- the Disclosure Management Document (if one has been provided) or any other documentation to show that the material is unused material

Important note

We require this information to validate the status of the material you are claiming unused preparation for. Failure to do so could result in your claim being rejected. If you have not been provided with these documents, you should provide further details within the background information located in Section 4.

For claims of more than 10 hours you must also submit a work log or attendance notes detailing the following information:

- the date the work was completed
- the start and end times of the preparation
- detail of the material considered
- how many pages were considered or the run time of the video/audio material
- detail as to the outcome of the consideration

Important note

The determining office reserves the right to request any further documentation they deem necessary to complete the assessment of your claim. It is important that you provide any documentation requested.

Section 4 – Background information/justification

- the claim is for 30 hours preparation or more, or
- where the reading time claimed exceeds the guideline rates per item, or
- electronic material has been claimed (further detail can be found at Section 5b).

This section is to be used to justify the hours claimed, the approach taken and the grade of the fee earner who completed the work. Examples of the background information you should provide includes but is not limited to:

- detail of the prosecution's case against the client
- the defendant's case and any specific instructions the client gave regarding the importance of the material
- whether anything was identified to either undermine the prosecution case or assist the defence case
- if claiming more than the guideline rate, what is it about the material that required more time to consider

Section 4 contains a free text box. Below is an example of the level of detail required for a low value claim.

Client charged with two others with conspiracy to supply class A drugs. CPS disclosed 100 pages of unused witness statements and 250 pages of unused documentary exhibits. 4 mobile phones were seized, one belonging to each defendant plus one burner phone. Client's instructions were that he was school friends with the co-defendants and was in contact with them about upcoming jobs on building sites. Any discussions about money relates to potential pay and locations relate to job sites. Had to go through phone data to corroborate this. Guideline rates claimed for documentary material.

Explanation of the image

Client charged with two others with conspiracy to supply class A drugs. CPS disclosed 100 pages of unused witness statements and 250 pages of unused documentary exhibits. 4 mobile phones were seized, one belonging to each defendant plus one burner phone. Client's instructions were that he was school friends with the co-defendants and was in contact with them about upcoming jobs on building sites. Any discussions about money relates to potential pay and locations relate to job sites. Had to go through phone data to corroborate this. Guideline rates claimed for documentary material.

Important note

The larger your claim, the more detailed background/justification we would expect to see. We only have the information that is provided alongside the claim to make an assessment. It is essential that you provide detailed justification.

You may also upload key documents such as the case summary, skeleton arguments or defence case statement to support your claim.

Section 4b – Electronic unused material

This section is mandatory where electronic unused material is claimed.

You need to confirm:

- the type of electronic unused material which was considered, such as phone download/call records, cell records
- the format of the electronic unused, for example, Excel, PDF, JPEG.
- if there was any duplication of the material
- what approach was taken to viewing the electronic material, such as key word searching

You must also confirm if the material has been uploaded to the Secure File Exchange or the Crown Court Digital Case System. Enter a tick in the box to confirm if the material has been uploaded to either system.

Section 5b contains a free text box. Below is an example of the level of detail required for a low value claim.

Telephone data included in/out call data and two full phone download reports (the other two phone download reports were served as evidence). The phone material was disclosed in PDF format, there is some duplication in Excel. PDFs used to calculate page count where possible. Material was considered in Excel format where available. Used electronic search techniques to focus on key dates set out by the prosecution. Client also provided key dates and locations to prove he was not involved in the conspiracy but was actually looking for work.

Has this material been uploaded to
 (a) the Secure File Exchange?
 (b) Crown Court Digital Case System?

Explanation of the image

Telephone data included in/out call data and two full phone download reports (the other two phone download reports were served as evidence). The phone material was disclosed in PDF format, there is some duplication in Excel. PDFs used to calculate page count where possible. Material was considered in Excel format where available. Used electronic search techniques to focus on key dates set out by the prosecution. Client also provided key dates and locations to prove he was not involved in the conspiracy but was actually looking for work.

A tick has been entered to confirm that material has been uploaded to the Secure File Exchange and the Crown Court Digital Case System.

Section 5 – Hourly rates

This section details the hourly rates applicable for unused preparation claims.

There is a table with two columns detailing:

- Advocate KC - £74.74 per hour
- Advocate Leading junior £56.56 per hour
- Advocate Junior alone or led junior £39.39 per hour

Section 5 – Hourly Rates Table:

Grade of Fee Earner	Unused Preparation Hourly Rate
Advocate – KC	£74.74
Advocate – Leading Junior	£56.56
Advocate – Junior Alone or Led Junior	£39.39

Section 6 – 0-3 hours fixed fee

This section details the fixed fee for the first 0-3 hours unused preparation.

There is a table with two columns detailing:

- Advocate KC - £112.11
- Advocate Leading junior - £84.84
- Advocate Junior Alone or Led Junior - £59.09

Where the representation order is dated between 17 September 2020 and 18 February 2021 the fixed fee for junior alone or led junior counsel is £59.01.

Section 6 – 0-3 hours fixed fee

Grade of Fee Earner	Unused fixed fee for 0-3 hours
Advocate – KC	£112.11
Advocate – Leading Junior	£84.84
Advocate – Junior Alone or Led Junior	£59.09

For representation orders dated between 17 September 2020 and 18 February 2021 the fixed fee for a junior alone or led junior is £59.01



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