



Legal Aid  
Agency

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# Your Questions Help Us Say Yes Webinar: Litigator Graduated Fee Scheme

## Claims for Crown Court Defence

27 September 2022



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## Interim fees and disbursements

**Q: Are the hardship / interim payment scenarios on [GOV.UK](https://www.gov.uk) still valid?**

**A:** These hardship scenarios are still in force and claimable. There are also interim fees for effective Plea and Case Management Hearing (PCMH) / trial starts.

**Q: Is it possible to claim a disbursement without prior authority by providing justification for why that disbursement has been incurred?**

**A:** It is not possible to claim a disbursement without prior authority at the interim claim stage. However, it is possible to claim a disbursement without prior authority when submitting a final bill if sufficient justification is provided and the rates claimed fall within the expert fee guidelines.

**Q: Can travel expenses for experts be claimed at the interim claim stage?**

**A:** Travel expenses for experts can be claimed at the interim claim stage if travel has been approved on the prior authority obtained. However, travel expenses for litigators on effective PCMH / trial start claims cannot be claimed at the interim claim stage. Travel expenses for litigators should be claimed at the final bill stage.

**Q: As part of COVID19 contingency measures, can travel expenses still be claimed from a home address rather than the office?**

**A:** Yes, travel expenses can be claimed from a home address in some circumstances. You should provide the relevant postcode and full justification of why travel originated from a home address. When using private transport, you should record why this was necessary on each occasion. These reasons should be submitted with your claim.

## Electronic pages of prosecution evidence

**Q: Do electronic pages of prosecution evidence (EPPE) still need to be uploaded to Galaxkey if caseworkers can access Egress?**

**A:** You should upload the evidence to Galaxkey so that caseworkers can review it straight away. Although caseworkers can access Egress, they must be invited individually to view each case. This means that once a claim is submitted and allocated, the caseworker assessing the claim would need to email the litigator to request access. This causes a delay.

**Q: What happens to the pages of prosecution evidence (PPE) count where the Crown reduces text size (so it is unreadable) without increasing text size (which increases the page count)?**

**A:** The caseworker will assess the evidence and make a judgment by considering the nature of the documentation and all the relevant circumstances and submissions.

**Q: Why, when submitting a claim for PPE, and providing an LAA report showing the evidence has been served, is the EPPE removed from the total? We are then asked to submit this separately, despite the evidence being available on the digital case system.**

**A:** As a lot of electronic evidence is served on the digital case system rather than in the form of a physical disc or USB the caseworker needs to be able to see the electronic evidence served to do a full assessment. As a result, you should provide:

- Electronic evidence
- Notice of additional evidence / Crown Prosecution Service (CPS) paginated index / digital case system LAA report showing service
- Detailed schedule of pages claimed
- Written submissions
- Case summary

**Q: If the CPS has served a phone download as evidence, and it has been considered as such, why can you not accept the full download as evidence?**

**A:** The basic position under the Regulations is that “*electronically served exhibits can only be remunerated as PPE if the determining officer decides that it is appropriate to do so, taking into account the nature of the documentation and all the relevant circumstances*”. Whether electronically served material should be included within the PPE depends upon its substance, relevance, importance, and context. The fact that material was served and

may have contained relevant data, or data supportive of the defendant's case, is not, by itself, sufficient basis for inclusion within the PPE. Therefore, it is pivotal to explain why the material was relevant to your client's case, along with which pages were specifically relevant.

## Pages of prosecution evidence

**Q: When submitting a claim that includes PPE do, we need to identify any duplications / cover sheets and adjust the PPE accordingly?**

**A:** When claiming PPE, any cover sheets, multimedia evidence and any duplicates are not payable. The figure you claim for PPE should have these types of evidence removed.

**Q: When submitting claims for PPE how can we avoid having cases reduced or rejected due to 'incorrect' page count?**

**A:** The figure claimed for PPE should be calculated with any cover sheets, multimedia evidence and duplicates removed. Also, it would be helpful to provide a breakdown of the PPE to assist the caseworker (e.g., a taxation note, providing detail in the additional information box, or by sending a message using the messaging facility on Crown Court Defence (CCD)).

**Q: If you have a multi-handed case and several of them transfer, do you claim for the transferred cases straight away or at the end of the case for all?**

**A:** Where some of the defendants have transferred, but the case for the defendant/s you are still representing has concluded (e.g., because they have pleaded guilty), then you would be able to submit a claim for them straight away (preferably within three months), even if the case for the other defendants is still ongoing. However, where some of the defendants have transferred, but the case for defendant/s that you are still representing is ongoing (e.g., proceeding to trial), then you would need to wait until the case has concluded before submitting your final bill.

## Claim submission on Crown Court Defence

**Q: How do we calculate the uplift payable for multiple Defendants?**

**A:** A 20% uplift is payable for up to four defendants. For five defendants or more a 30% uplift is payable.

**Q: We do not have an S or T case number, only a URN. Can we use the URN to submit our claim?**

**A:** A URN can be used as a case number if the case is proceeding through the common platform system. If it is not the claim should be submitted with the relevant S or T case number. This is to enable the caseworker to locate the case on the court system.

**Q: Would it be classed as Armed robbery - if a defendant steals a car with force (robbery) and drives it at the victim in his getaway?**

**A:** No, it wouldn't be classed as armed robbery because the defendant wouldn't be deemed to have used an offensive weapon in the commission of the offence.



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