Title: Criminal Legal Aid – Proposal for Advocates' Graduated Fee Scheme Reform	**Impact Assessment (IA)**
IA No: MoJ010/2026	**Date: 15/07/2026**
RPC Reference No: n/a	**Stage:** Consultation
Lead department or agency: Ministry of Justice (MoJ)	**Source of intervention:** Domestic
Other departments or agencies: Legal Aid Agency (LAA)	**Type of measure:** Secondary Legislation
	Contact for enquiries: CriminalLegalAidConsult@justice.gov.uk
Summary: Intervention and Options	**RPC Opinion: Not Applicable**

Cost of Preferred (or more likely) Option (in 2026 prices)

Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
N/A	N/A	N/A	Not a Regulatory Provision

What is the problem under consideration? Why is government action or intervention necessary?

Building on extensive engagement with legal aid providers, the evidence indicates that, currently, some areas of the Advocates' Graduated Fee Scheme (AGFS) could more accurately reflect the complexity, skill, and preparation required by advocates in criminal proceedings. As a result, investment is required to support the sustainability of the criminal advocacy market and to help ensure that remuneration more closely aligns with the work undertaken. Changes are also required to ensure that work carried out at key stages of a case, such as early preparation, is more accurately reflected in remuneration, thereby supporting the efficient progression of cases and the Government's wider reform objectives for the criminal courts. Government intervention is required as changes to legal aid fees require secondary legislation.

What are the policy objectives of the action or intervention and the intended effects?

Our intention with the proposed measures is three-fold: to support the sustainability of the criminal advocate sector; to support the Government's wider reform objectives for the criminal courts, recognising the changing nature of criminal legal aid advocacy; and to help ensure that fees more accurately represent the complexity, skill, and preparation required in criminal proceedings.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0 / Do nothing - retaining the existing fees for AGFS;

Option 1: Implement the proposed package of AGFS measures:

1a. A general uplift of 6% to AGFS fees, excluding Daily Attendance Fees (DAFs)

Alongside a package of targeted measures (b-i):

1b. Introducing a fixed ratio of 65:100 between guilty plea and trial basic ("brief") fees for all offence types;

1c. Increasing the basic ("brief") fees for particular offence classes;

1d. Uplift the Plea and Trial Preparation Hearing (PTPH) fee by 25%;

1e. Increase fees for appeals from magistrates' courts and appeals to the Court of Appeal by 10%;

1f. Increase committal for sentence hearing fee by 25%;

1g. Targeted uplifts to some pre-trial hearings;

1h. Uplift fees for post-Crown Court trial sentencing hearings by 25%;

1i. Widen criteria for bands 1.1 and 1.2 to include cases where the victim or defendant is aged 17 years.

N.B. as is usual practice with Impact Assessments, other options considered but which did not ultimately

Is this measure likely to impact on international trade and investment?				No
Are any of these organisations in scope?	**Micro** No	**Small** No	**Medium** No	**Large** No
What is the CO2 equivalent change in greenhouse gas emissions? (Million tonnes CO2 equivalent)		**Traded:** 0		**Non-traded:** 0

Will the policy be reviewed? Yes	**If applicable, set review date:** After implementation

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible ______________ Date: 10/07/2026

-

Summary: Analysis & Evidence   Policy Option 1

Description: The proposed package of AGFS measures

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
2026	2026		**Low:** N/A	**High:** N/A	**Best Estimate:** N/A

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	1	£28m	N/A
High	N/A		£36m	N/A
Best Estimate	£0.3m		£31m	N/A

Description and scale of key monetised costs by 'main affected groups'

The additional steady state cost of the options being consulted on to the legal aid fund is estimated at £31m including VAT pa, within a range of £28 to £36m. Taking into account the 'expedited measures' with an estimated cost of £3.6m (£3.1m to £4.2m), **the total annual cost to the legal aid fund is estimated at £34m including VAT (£31m to £40m).** There will also be a one-off business cost of £0.3m for the Legal Aid Agency to implement the necessary changes.

Other key non-monetised costs by 'main affected groups' N/A

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	£28m	N/A
High	N/A		£36m	N/A
Best Estimate	N/A		£31m	N/A

Description and scale of key monetised benefits by 'main affected groups'

The measures being consulted on are estimated to result in an additional steady state annual benefit of £31m pa in steady state incl. VAT (central scenario) to advocates, within a range of £28m to £36m. Under the central scenario, barristers are expected to receive an increase of £28m pa in steady state (including VAT), with a range of £26m to £33m. Solicitor advocates £2.6m pa in steady state (including VAT), with a range of £2.4m to £3m.

Taking into account the expedited measures', with an estimated benefit of £3.6m pa (£3.1m to £4.2m), the total benefit to advocates is estimated at £34m pa (£31m to £40m). Under the central scenario, barristers are expected to receive an increase of £31m pa in steady state (including VAT), with a range of £28m to £37m. Solicitor advocates £2.9m pa in steady state (including VAT), with a range of £2.6m to £3.4m.

Other key non-monetised benefits by 'main affected groups' N/A

Key assumptions/sensitivities/risks Discount rate (%)	N/A

The key assumptions, sensitivities, and risks for the above estimates are presented below. For a full description please refer to the Risks and Assumptions section of this Impact Assessment.
The main risk associated with these estimates is that they are based on 2024-25 AGFS volumes and case mix. Changes in Crown Court volumes and case mix as a result of either natural year-on-year changes or potential changes in Government policy would affect these estimates. This impact is considered further in the sensitivity analysis section.

BUSINESS ASSESSMENT (Options 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs: N/A	**Benefits: N/A**	**Net: N/A**	

Evidence Base

A. Background

1. The Advocates' Graduated Fee Scheme (AGFS) is the scheme by which advocates who represent legally aided defendants in the Crown Court are remunerated for their work. The fee is determined by a basic fee, and various proxy elements to ensure payments reflect the differing demands of individual cases.
2. Advocates are paid a basic trial ('brief') fee for preparing and conducting a trial. This fee is intended to reflect the essential work advocates undertake at the outset of proceedings, including all pre-trial preparation, the first day of trial, and conferences before trial. It is calculated using offence group (e.g. homicide, drugs, fraud), advocate type (Junior, Leading Junior, or Kings Counsel (KC)), and case outcome (guilty plea, cracked trial, or trial).
3. Daily Attendance Fees (DAFs) are paid for each additional day of trial advocacy after the first day. DAF rates also differ depending on advocate type, and offence category.
4. There are three main case outcomes in the AGFS – a guilty plea, a cracked trial, and a trial. A guilty plea outcome relates to cases where a plea is entered at or before the first hearing, usually at the Plea and Trial Preparation Hearing (PTPH). A cracked trial outcome relates to cases where a plea or withdrawal occurs between the PTPH and the first day of trial. A trial outcome relates to cases where the trial begins and until the conclusion of the proceedings, and is counted from its first day.
5. Further, advocates are remunerated separately for each hearing they attend outside of the trial itself, e.g. mention hearings, hearings on disclosure, PTPHs, sentencing hearings. There are additional arrangements for ancillary matters, for example Proceeds of Crime Act proceedings.
6. Additional payments can be made for special preparation (where the advocate had to consider a very unusual or novel point of law or factual issue, or the Pages of Prosecution Evidence (PPE) exceeded the prescribed threshold for cases of the relevant offence category), and wasted preparation (instances where the advocate undertook case preparation but was required to return the brief, through no fault of their own). Cases where the Court has directed application of the Special Measure provided for at s.28 of the Youth Justice and Criminal Evidence Act 1999 also qualify for discrete payment arrangements.
7. In 2021, the Criminal Legal Aid Independent Review (CLAIR) recommended that the MoJ examine the relativities between basic fees across offence classes to assess whether they accurately reflect the preparatory work required. Following that, the Criminal Legal Aid Advisory Board (CLAAB) AGFS sub-group undertook such work and provided indicative findings as to the preparatory activities undertaken across offence types.
8. In addition, both the Independent Review of the Criminal Courts (IRCC) and the Independent Review of Disclosure made recommendations as to changes that could be made to the AGFS to support earlier and more effective engagement by advocates.

B. Rationale and Policy Objectives

Rationale

9. The conventional rationale for government intervention is based on concerns over market failure, which causes detriment to welfare efficiency, or distributional concerns. The

government may consider intervening if these failures are, for example, monopolies overcharging debtors, or if pre-existing action is insufficient to deal with current failure, such as outdated regulations generating inefficiencies. In all cases, the proposed intervention should avoid generating a further set of disproportionate costs and spillover distortions.

10. In this instance, the main rationale for intervention is efficiency: to support the sustainability of the of the criminal advocacy market and to ensure that remuneration more closely aligns with the work undertaken.

Policy Objectives

11. Building on extensive engagement with legal aid providers, the evidence indicates that, currently, some areas of the AGFS could more accurately reflect the complexity, skill, and preparation required by advocates in criminal proceedings. As a result, the government considers the proposed measures are necessary to achieving our overarching policy objectives:

    - to support the sustainability of the criminal advocacy market;
    - to ensure that remuneration more closely aligns with the work undertaken, to help ensure that fees more accurately represent the complexity, skill, and preparation required in criminal proceedings, and;
    - to support efficient progression of cases and the Government's wider reform objectives for the criminal courts, by ensuring that work carried out at key stages of a case, such as early preparation, is more accurately reflected in remuneration.

12. Government intervention is required as changes to legal aid fees requires secondary legislation.

C. Main Stakeholder Groups, Organisations and Sectors

13. The option assessed in this IA will directly affect the following groups:

- Legal aid service providers:
  - Criminal barristers
  - Solicitors' firms (solicitor advocates)
- Legal aid clients
- The Legal Aid Agency (LAA) / Ministry of Justice (MoJ)
- Wider Criminal Justice System (CJS)

D. Options under Consideration

14. To meet the above policy objectives, the following options are considered in this IA:

- **Option 0 / Do nothing - retaining the existing fees for AGFS**
- **Option 1:** Implement the following:

    1a. A general uplift of 6% to AGFS fees, excluding DAFs

    Alongside a package of targeted measures (b-i):

    1b. Introducing a fixed ratio of 65:100 between guilty plea and trial basic ("brief) fees for all offence types

1c. Increasing the basic ("brief") fees for particular offence classes

1d. Uplift the Plea and Trial Preparation Hearing (PTPH) fee by 25%

1e. Increase fees for appeals from magistrates' courts and appeals to the Court of Appeal by 10%

1f. Increase committal for sentence hearing fee by 25%

1g. Targeted uplifts to selected pre-trial hearings

1h. Uplift fees for post-Crown Court trial sentencing hearings by 25%

1i. Widen criteria for bands 1.1 and 1.2 to include cases where the victim or defendant is aged 17 years

15. The measures in Option 1 (a-i), which are being consulted on, are separate to, but should be considered alongside, the package of expedited measures that the Government is implementing. The expedited measures will inject an estimated additional £3.6m per annum in steady state (central scenario). Annex A provides further information on the expedited measures.

16. The Government's preferred option is Option 1 (a – i), which alongside the expedited measures, best enables us to deliver the Government's commitment to invest in criminal legal aid advocacy.

Option 0: Do nothing - retaining the existing fees for AGFS.

17. This option would mean making no increase to any fees in AGFS. This option would therefore not address our stated aim in the consultation, which is to support the sustainability of the criminal legal aid advocate market and would also prevent us from addressing the wider objectives laid out in CLAIR, IRCC and the Independent Review of Disclosure, nor build on indicative findings from the CLAAB AGFS sub-group.

Option 1a: A general uplift of 6% to AGFS fees, excluding DAFs

18. Option 1a would uplift AGFS fees by 6%, excluding DAFs and expenses. This would mean that all advocates will receive a pay increase, regardless of seniority or specialism. When combined with the 15% increase in AGFS fees implemented in 2022, we consider that this further increase will support the workforce now and into the future, while reinforcing the overall attractiveness of criminal defence work.

19. The most recent published data shows that barrister numbers are increasing, after three consecutive years of growth. The number of "self-declared full practice barristers" (those whose workload is at least 80% criminal work) is the highest since the data became available, at 2,901 in 2024/25 compared to 2,727 in 2017/18, recovering from a low of 2,424 in 2020/21.[1]

20. Applying an across-the-board uplift would ensure that all advocates benefit, regardless of the particular mix of cases they undertake. This would help to support the sustainability of the whole advocate sector, while helping to maintain breadth within the criminal defence profession.

21. This uplift would apply to hourly rates, preparatory fees, trial advocacy, post-trial hearings and sentencing hearings, recognising the full lifecycle of a criminal case. The general uplift will support junior barristers, who may be more likely to undertake preparatory work.

---

[1] Criminal Legal Aid Data Share
https://app.powerbi.com/view?r=eyJrIjoiNjAxNGY2MDUtODU4Yi00NzE4LTgyNzgtMDdjYjAxMDAyZjIyIiwidCI6ImM2ODc0NzI4LTcxZTYtNDFmZS1hOWUxLTJlOGMzNjc3NmFkOCIsImMiOjh9&chromeless=1

22. Combined with our other proposals, this uplift should support recruitment, retention, and sustainability of the criminal legal aid advocate sector. Evidence from stakeholder engagement and representative bodies highlights ongoing challenges in the recruitment and retention of criminal advocates, particularly at junior and mid-career levels. A uniform uplift should help retain experienced advocates while improving the viability of criminal practice for those entering the profession.
23. We had considered including DAFs as part of the 6% general uplift. However, we consider that – compared to other advocate duties – attendance at court is proportionately well-remunerated, and that increasing those fees would not necessarily support our policy aim of supporting early preparation of cases.
24. Excluding DAFs from the general uplift would allow us to target more funding at the earlier stages of a case to support preparation, engagement between the parties, and pre-trial resolution of disputed legal issues.
25. We also considered different ways of applying a general uplift, including through staggered uplifts. The proposal for a single 6% uplift was settled on following engagement with relevant stakeholders.

Targeted investment under Options 1b to 1i

26. The targeted AGFS uplifts, set out in detail below, are in addition to the 6% general uplift under option 1a above. The targeted proposals have been informed by detailed policy work, engagement with stakeholders, and draw on evidence on workload and current remuneration levels, as well as aligning with themes across both parts of the IRCC.
27. The proposals aim to target funding at those areas of the AGFS where current remuneration could better reflect the work involved. By doing so, we seek to strengthen the viability of under-resourced parts of criminal advocacy and, in turn, support the long-term sustainability of the sector as a whole.
28. To support the Government's wider court reform priorities to improve court efficiencies and deliver swifter justice for victims, we have focused investment on preparatory fees, while also recognising stakeholder feedback that additional funding is required for specific offence groups and for post-trial work.
29. The AGFS sub-group of the CLAAB undertook a detailed information-gathering exercise to chart the preparatory tasks typically undertaken by advocates across a broad range of case (offence) and hearing types, and to estimate the time required for these tasks. The findings of this exercise indicated that some fees did not fully reflect the work involved; these findings have shaped the targeted investment proposals in this consultation.
30. As the proposed targeted fee increases under options 1b to 1h would apply on top of the 6% general uplift under Option 1a, some fees would receive both the general 6% uplift and the specific proposed fee increases in Options 1b to 1i. In addition, some of the other options (other than 1a) interact with one another, resulting in certain fees being affected by more than two of the proposed changes. For example, guilty plea fee rates are impacted by option 1a, 1b and 1c.
31. The following sections describe the individual proposed fee changes under Option 1b to 1i in isolation, i.e., without taking account these interactions. The next section (referred to as 'combined impacts) then sets out the overall combined impact of Option 1a to 1i together i.e. taking into account the interactions across the different proposed fee increases.

Option 1b: Introducing a fixed ratio of 65:100 between guilty plea and trial basic (“brief) fees for all offence types

32. This option proposes to increase the guilty plea to trial fee ratio from 50:100 to 65:100. This would mean that, for all offence categories, the basic fee payable for a guilty plea would increase from 50% to 65% of the equivalent trial fee. This would increase the basic fee of guilty pleas by around 30%.

33. While guilty plea cases conclude without a trial, they can involve significant work at the outset, much of which takes place before the decision to plead guilty is reached. This change reflects the substantial preparatory work undertaken by advocates ahead of guilty pleas and recognises the role that early, well-advised resolution plays.

34. Based on the evidence available to us, this adjustment supports earlier and more thorough consideration of cases and may lead to more cases being resolved at an earlier stage, where appropriate, contributing to a more efficient court system.

35. This increase to the guilty plea fee also aligns with recent reforms to the Litigators’ Graduated Fee Scheme (LGFS), ensuring a more consistent approach across fee schemes in recognising the importance of early case preparation and resolution.

Option 1c: Increasing the basic (“brief”) fees for particular offence classes

36. Option 1c would increase the basic (“brief”) fees for select offence classes as set out in table 1 below.

37. Working in collaboration with the Bar, it was found that in certain offence categories the basic fees could better reflect the number of hours typically required to prepare cases, compared to other offence types. These Homicide (bands 1.3 and 1.4 only), Serious Violence, Rape and Serious Sexual Offences (RASSO), Offences Against the Public Interest, Driving Offences, Burglary & Robbery, Firearms, Kidnapping, False Imprisonment, & Blackmail, Exploitation/Human Trafficking.

38. There is a smaller number of offence categories for which we are not proposing a targeted basic fee uplift, though these would still benefit from the general 6% increase proposed across AGFS fees. In some instances (notably drugs offences) fees already more closely reflect the preparatory workload. For category 17 (“Standard” offences), it was not possible to identify a “typical” case to analyse as the category spans a very diverse cohort of offences.

39. One-off increases for targeted offence bands would help ensure the fees better reflect the work undertaken and attract more advocates to cases of these types, potentially alleviating advocate supply issues (notably in RASSO matters).

40. Uplifting RASSO fees will also align with the Government’s mission to reduce serious harm and halve Violence Against Women and Girls in a decade.

Table 1: Proposed increase in basic (“brief”) fees under option 1c (without interactions)

Offence Bands	Offence Description	Proposed percentage uplift under option 1c
1.3	All other cases of murder	9%
1.4	All other cases of manslaughter	9%
Offence Band 3 (3.1, 3.2, 3.3, 3.4, 3.5)	Serious Violence	7%
Offence Band 4 (4.1, 4.2, 4.3)	Sexual Offences (children) – defendant or victim a child at the time of offence	8%

Offence Bands	Offence Description	Proposed percentage uplift under option 1c
Offence Band 5 (5.1, 5.2, 5.3)	Sexual Offences (adult)	7%
Offence Band 8 (8.1)	Offences Against the Public Interest	8%
Offence Band 10 (10.1)	Driving Offences	5%
Offence Band 11 (11.1, 11.2)	Burglary & Robbery	6%
Offence Band 12 (12.1, 12.2, 21.3)	Firearms Offences	5%
Offence Band 13 (13.1)	Other offences against the person	8%
Offence Band 14 (14.1)	Exploitation / human trafficking offences	8%
Offence Band 15 (15.1, 15.2, 15.3)	Public Order Offences	5%

Option 1d: Uplift the Plea and Trial Preparation Hearing (PTPH) fee by 25%

41. Option 1d would increase the Plea and Trial preparation Hearing (PTPH) fee by 25%.
42. The CLAAB's work to chart the activities undertaken by advocates in case preparation indicated that most PTPHs conclude at court between 20 minutes and two hours, depending on factors such as case complexity, judicial approach, and the preparedness of the parties. PTPHs very seldom attract a second daily fee (e.g. of £145 for a Junior Alone or Led Junior). Qualitative evidence from defence advocates suggested that there has historically often been a lack of opportunity to engage with the prosecution ahead of the hearing, and a limited amount of case material to consider. In combination, these factors may create negative expectations amongst the defence relating to the likely effectiveness of the PTPH, and deter detailed completion of the PTPH form beyond required minima. The current hearing fee, equating to just over three hours of work, yet intended to cover both preparation for and advocacy at the PTPH, further disincentivises preparation for this key hearing.
43. The IRCC acknowledges that procedural court reforms must be underpinned by changes in practice, if they are to successfully reduce the volume of outstanding cases, and emphasises that legal aid fees should better reward early case preparation and engagement. The IRCC made two PTPH-specific recommendations:
    - Recommendation 25 of Part 1 invited the MoJ to adjust legal aid fees to recognise the work advocates do in order to prepare for the PTPH;
    - Recommendation 105 of Part 2 urges the MoJ to amend fee structures so that attendance by the advocate at the pre-Plea and Trial Preparation Hearing advocates meeting qualifies for an early-engagement payment, irrespective of when paid.
44. We think that an increase to the PTPH fee of 25% (on top of the 6% general uplift), taking the Junior Alone or Led Junior fee from £145 (per day) to £192 excluding VAT, as an example, will promote earlier preparation and engagement (although it is not a direct payment for attendance at a pre-PTPH meeting, as described in IRCC Recommendation 105) and support the Government's wider aims for Court Reform.

Option 1e: Increase fees for appeals from magistrates' courts and appeals to the Court of Appeal by 10%

45. Option 1e would uplift all fees for appeals work against conviction and/or sentence from the magistrates' court to the Crown Court and from the Crown Court to the Court of Appeal for advocates by 10%.

46. These fees play a critical role in ensuring that defendants have access to high-quality representation when seeking to challenge decisions made at first instance or on indictment.

47. The CLAAB reviewed the fixed fees for appeals to the Crown Court against conviction (currently £380 per day excluding VAT for a Junior Alone or Led Junior, for example) and sentence (currently £288 per day excluding VAT for a Junior Alone or Led Junior, for example). Evidence gathered indicated that the fee for an appeal against conviction is currently set at a level that is low relative to the amount of preparation typically required, whereas the fee for an appeal against sentence better reflects the work involved on average. However, advocates who contributed to the research reported wide variations in the amount of time needed to prepare for appeals, which could be significantly higher where the defendant has changed solicitor following conviction.

48. Introducing a 10% uplift would help strengthen remuneration for appeals work, helping to make these cases more attractive for advocates to take on, which will help meet anticipated future demand. Increases to fees for appeals to the Crown Court could also foster wider sustainability, as this work often constitutes an important part of a junior's caseload.

49. The Government has also implemented a 10% uplift to appeals fees for solicitors and, as such, we are considering an equivalent uplift for advocates to ensure that fees remain fair, balanced and aligned across the system.

Option 1f: Increase committal for sentence hearing fee by 25%

50. Option 1f would increase the Committal for Sentence Hearing fee by 25%.

51. We have found no evidence that existing legal aid remuneration structures create a financial incentive for lawyers to promote election for Crown Court trial to their clients. Practitioners are duty-bound to act in their clients' best interests. Encouraging a client to elect for Crown Court trial where the presenting case facts indicate a guilty plea at the earliest opportunity risks a loss of sentence credit, and would clearly not be in the client's interests.

52. Even if the evidence for a financial disincentive to early resolution were strong, it would be difficult to justify increasing AGFS committal for sentence fees to the level recommended by the IRCC (an increase of at least 240%, depending on offence class) as an effective and proportionate remedy. It is rare for an advocate to be instructed on a case while it remains in the magistrates' court's jurisdiction, and therefore election decisions are made by the defendant following consultation with their solicitor, without advocate involvement.

53. Nonetheless, we recognise that reducing the disparity between committal for sentence fees and Crown Court Guilty Plea fees could promote earlier resolution of cases, where it is in the interests of justice for a plea to be taken at the magistrates' court.

54. We also acknowledge that reforms resulting from IRCC are expected to result in a higher overall caseload in the magistrates' court, and an associated increase in the number of cases committed to the Crown Court for sentence only, notwithstanding the planned increase to magistrates' court sentencing powers. There is therefore a need to ensure committal for sentence fees continue to attract sufficient numbers of advocates to this

work. Similar to appeals to the Crown Court, committals for sentence represent a crucial source of fee income for juniors of limited years of call, so uplifting fees should help to foster greater sustainability.

55. This is an area we will continue to keep under review, however, for these reasons we consider that implementing a substantial uplift of 25% to committal for sentence fees is likely to support the IRCC's aims whilst also providing a better reflection of the intrinsic amount of preparation typically required for this important work.

Option 1g: Targeted uplifts to selected pre-trial hearings

56. Option 1g would increase the following pre-trial hearings as follows:

Table 2: Pre-trial hearing percentage fee uplifts under option 1g (without interactions)

Pre-trial hearing	Proposed percentage uplift under option 1g
Abuse of process	50%
Hearing relating to disclosure	50%
Admissibility of evidence	50%
Ground rules hearings	50%
Hearings on withdrawal of GP	100%
Further case management hearing	25%
Proceedings related to breach of CC order	10%
Adjourned appeals, committals for sentence and breach hearings	10%
Second and subsequent days of an application to dismiss	50%
Noting brief	10%

57. Many pre-trial hearings can determine the shape of the trial and can resolve key disputes that would otherwise occupy considerable court time at the start of the trial. Increasing remuneration in this area therefore may support more efficient case management by encouraging advocates to address legal issues earlier. A targeted uplift also aligns with recommendations in the Independent Review of Disclosure and Fraud Offences.

58. Judicial feedback indicates that timely directions on disputed legal issues can prompt earlier guilty pleas, reducing unnecessary trial listings and improving overall court efficiency. Similarly, hearings on withdrawal of a guilty plea require particularly nuanced preparation and advocacy, and the PDS has reported an increasing number of requests from courts to "step in" when privately instructed advocates decline these hearings due to their uneconomic nature. An uplift for these hearings is therefore aimed at ensuring sufficient availability of suitably experienced advocates.

59. Together, these changes are expected to improve the efficiency of Crown Court proceedings, support earlier and more effective engagement by advocates, and address evidenced gaps in the current AGFS structure.

Option 1h: Uplift fees for post-Crown Court trial sentencing hearings by 25%

60. Option 1h would increase the post-Crown Court trial sentencing hearings fees and deferred sentencing hearings by 25%

61. This is a substantial increase, designed both to reflect the increasing levels of preparation now demanded of defence advocates by the court, and to promote the

supply of advocates willing to undertake sentencing work. The Crown Court will be sitting at record levels to help address the existing backlog of outstanding cases, and the volume of sentencing hearings is expected to increase as caseloads grow.

62. Improved remuneration would enable advocates to dedicate the necessary time to prepare sentencing submissions, enhancing the quality and timeliness of sentencing hearings. This would support the efficient conclusion of cases in the Crown Court.

Option 1i: Widen criteria for bands 1.1 and 1.2 to include cases where the victim or defendant is aged 17 years

63. Option 1i would re-define bands 1.1 and 1.2 cases (offence bands for murder and manslaughter) so that it would also include cases where the victim or defendant is aged 17 years – they currently include victim or defendants who are 16 years old or younger.

64. This aligns with internationally-recognised definitions of child defendants and victims and that their involvement, whether as a victim or defendant, raises comparable issues of vulnerability, seriousness and safeguarding to those already recognised within the current banding framework. This position is also consistent with the youth justice system, which deals with children up to the age of 18 years.

65. Extending the criteria would also help ensure that advocacy in homicide cases involving older children is properly remunerated, aligning payment with the level of complexity, preparation and specialist skill required in such cases.

66. This change aims to promote fairness and better reflect the realities of practice where child victims or defendants aged 17 present needs and challenges equivalent to those captured by the current 16-and-under rule.

Combined impact of option 1(a to i)

67. As noted above, some of the measures interact with one another. For example, the current basic fee for a trial at junior level for offence band 1.3 is £2,961 (excl. VAT). Under Option 1a this fee would increase by 6% resulting in a new proposed fee of £3,138.66. Under Option 1b, the same fee would increase by a further 9%. Applying the 9% increase to the fee already increased by 6% results in a combined proposed fee of £3,421.14. This equates to an overall increase 16% (this is slightly above simply adding the 6% + 9% due to the compounding effect of applying the increases sequentially).

68. For fees that are impacted by more than one option, the following tables show the current fees and the proposed new fees once the impact of option 1 (a to i) have been combined. The fees are presented in the format they would appear in regulations – it is important to note that these fees exclude VAT as this is how they appear in the regulations.

69. The following table shows the current and proposed new basic ("brief") fees for trials and cracked trials

Table 3: Current and proposed new basic fees for trials and cracked trials under options 1a to 1i combined

Offence Band	Junior Alone			Leading Junior			King's Counsel		
	Current fee	New fee with all proposed uplifts	Total % increase	Current fee	New fee with all proposed uplifts	Total % increase	Current fee	New fee with all proposed uplifts	Total % increase
1.3	£2,961	£3,421.14	16%	£ 4,445	£ 5,135.75	16%	£ 5,923	£ 6,843.43	16%
1.4	£2,467	£2,850.37	16%	£ 3,703	£ 4,278.45	16%	£ 4,934	£ 5,700.74	16%
3.1	£4,065	£4,610.52	13%	£ 6,101	£ 6,919.75	13%	£ 8,131	£ 9,222.18	13%
3.2	£2,323	£2,634.75	13%	£ 3,485	£ 3,952.69	13%	£ 4,646	£ 5,269.49	13%
3.3	£1,380	£1,565.20	13%	£ 2,070	£ 2,347.79	13%	£ 2,760	£ 3,130.39	13%
3.4	£978	£1,109.25	13%	£ 1,466	£ 1,662.74	13%	£ 1,955	£ 2,217.36	13%
3.5	£863	£978.81	13%	£ 1,294	£ 1,467.65	13%	£ 1,725	£ 1,956.50	13%
4.1	£2,323	£2,659.37	14%	£ 3,485	£ 3,989.63	14%	£ 4,646	£ 5,318.74	14%
4.2	£1,800	£2,060.64	14%	£ 2,703	£ 3,094.39	14%	£ 3,600	£ 4,121.28	14%
4.3	£1,742	£1,994.24	14%	£ 2,616	£ 2,994.80	14%	£ 3,485	£ 3,989.63	14%
5.1	£2,185	£2,478.23	13%	£ 3,278	£ 3,717.91	13%	£ 4,370	£ 4,956.45	13%
5.2	£1,627	£1,845.34	13%	£ 2,444	£ 2,771.98	13%	£ 3,255	£ 3,691.82	13%
5.3	£1,162	£1,317.94	13%	£ 1,742	£ 1,975.78	13%	£ 2,323	£ 2,634.75	13%
8.1	£1,392	£1,593.56	14%	£ 2,087	£ 2,389.20	14%	£ 2,783	£ 3,185.98	14%
10.1	£2,553	£2,841.49	11%	£ 3,830	£ 4,262.79	11%	£ 5,106	£ 5,682.98	11%
11.1	£1,610	£1,809.00	12%	£ 2,415	£ 2,713.49	12%	£ 3,220	£ 3,617.99	12%
11.2	£920	£1,033.71	12%	£ 1,380	£ 1,550.57	12%	£ 1,840	£ 2,067.42	12%
12.1	£2,438	£2,713.49	11%	£ 3,657	£ 4,070.24	11%	£ 4,876	£ 5,426.99	11%
12.2	£1,512	£1,682.86	11%	£ 2,271	£ 2,527.62	11%	£ 3,025	£ 3,366.83	11%
12.3	£1,047	£1,165.31	11%	£ 1,570	£ 1,747.41	11%	£ 2,093	£ 2,329.51	11%
13.1	£2,070	£2,369.74	14%	£ 3,105	£ 3,554.60	14%	£ 4,140	£ 4,739.47	14%
14.1	£2,674	£3,061.20	14%	£ 4,014	£ 4,595.23	14%	£ 5,348	£ 6,122.39	14%
15.1	£1,857	£2,066.84	11%	£ 2,789	£ 3,104.16	11%	£ 3,715	£ 4,134.80	11%
15.2	£1,610	£1,791.93	11%	£ 2,415	£ 2,687.90	11%	£ 3,220	£ 3,583.86	11%
15.3	£978	£1,088.51	11%	£ 1,466	£ 1,631.66	11%	£ 1,955	£ 2,175.92	11%

New fees shown as they would appear in regulations: excluding VAT and shown to two decimal places

70. The following table shows the current and proposed new basic ("brief") fees for guilty pleas

Table 4: Current and proposed new basic fees for guilty pleas under options 1a to 1i combined

Offence Band	Junior Alone			Leading Junior			King's Counsel		
	Current fee	New fee with all proposed uplifts combined	Total % increase	Current fee	New fee with all proposed uplifts combined	Total % increase	Current fee	New fee with all proposed uplifts combined	Total % increase
1.1	£4,939	£6,802.50	38%	£7,406	£10,205.47	38%	£9,873	£13,604.99	38%
1.2	£2,473	£3,402.97	38%	£3,703	£5,106.87	38%	£4,939	£6,806.63	38%
1.3	£1,484	£2,223.74	50%	£2,220	£3,338.24	50%	£2,961	£4,448.23	50%
1.4	£1,236	£1,852.74	50%	£1,852	£2,780.99	50%	£2,467	£3,705.48	50%
2.1	£4,939	£6,802.50	38%	£7,406	£10,205.47	38%	£9,873	£13,604.99	38%
2.2	£1,484	£2,040.13	37%	£2,220	£3,062.61	38%	£2,961	£4,080.95	38%
3.1	£2,036	£2,996.84	47%	£3,048	£4,497.84	48%	£4,065	£5,994.42	47%
3.2	£1,162	£1,712.59	47%	£1,742	£2,569.25	47%	£2,323	£3,425.17	47%
3.3	£690	£1,017.38	47%	£1,035	£1,526.07	47%	£1,380	£2,034.75	47%
3.4	£489	£721.01	47%	£736	£1,080.78	47%	£978	£1,441.28	47%
3.5	£431	£636.23	48%	£650	£953.98	47%	£863	£1,271.72	47%
4.1	£1,162	£1,728.59	49%	£1,742	£2,593.26	49%	£2,323	£3,457.18	49%
4.2	£903	£1,339.42	48%	£1,351	£2,011.36	49%	£1,800	£2,678.83	49%
4.3	£874	£1,296.26	48%	£1,305	£1,946.62	49%	£1,742	£2,593.26	49%

Offence Band	Junior Alone			Leading Junior			King's Counsel		
	Current fee	New fee with all proposed uplifts combined	Total % increase	Current fee	New fee with all proposed uplifts combined	Total % increase	Current fee	New fee with all proposed uplifts combined	Total % increase
5.1	£1,093	£1,610.85	47%	£1,639	£2,416.64	47%	£2,185	£3,221.70	47%
5.2	£817	£1,199.47	47%	£1,219	£1,801.79	48%	£1,627	£2,399.68	47%
5.3	£581	£856.66	47%	£874	£1,284.25	47%	£1,162	£1,712.59	47%
6.1	£4,882	£6,723.26	38%	£7,320	£10,086.96	38%	£9,758	£13,446.52	38%
6.2	£4,428	£6,101.10	38%	£6,641	£9,151.99	38%	£8,855	£12,202.19	38%
6.3	£1,645	£2,261.99	38%	£2,461	£3,395.39	38%	£3,283	£4,524.66	38%
6.4	£581	£800.62	38%	£874	£1,200.24	37%	£1,162	£1,600.55	38%
6.5	£466	£642.15	38%	£702	£962.53	37%	£932	£1,283.61	38%
7.1	£817	£1,121.00	37%	£1,219	£1,683.92	38%	£1,627	£2,242.70	38%
7.2	£466	£642.15	38%	£702	£962.53	37%	£932	£1,283.61	38%
7.3	£437	£602.19	38%	£656	£903.28	38%	£874	£1,204.37	38%
8.1	£696	£1,035.82	49%	£1,047	£1,552.98	48%	£1,392	£2,070.89	49%
9.1	£3,370	£4,643.17	38%	£5,054	£6,965.10	38%	£6,739	£9,286.34	38%
9.2	£2,323	£3,201.09	38%	£3,485	£4,801.64	38%	£4,646	£6,402.19	38%
9.3	£1,742	£2,401.17	38%	£2,616	£3,601.40	38%	£3,485	£4,801.64	38%
9.4	£1,524	£2,100.07	38%	£2,289	£3,149.42	38%	£3,048	£4,199.46	38%
9.5	£932	£1,279.47	37%	£1,392	£1,921.62	38%	£1,857	£2,559.64	38%
9.6	£696	£959.09	38%	£1,047	£1,437.94	37%	£1,392	£1,917.49	38%
9.7	£466	£642.15	38%	£702	£962.53	37%	£932	£1,283.61	38%
10.1	£1,277	£1,846.97	45%	£1,915	£2,770.81	45%	£2,553	£3,693.94	45%
11.1	£805	£1,175.85	46%	£1,208	£1,763.77	46%	£1,610	£2,351.69	46%
11.2	£460	£671.91	46%	£690	£1,007.87	46%	£920	£1,343.83	46%
12.1	£1,219	£1,763.77	45%	£1,829	£2,645.66	45%	£2,438	£3,527.54	45%
12.2	£759	£1,093.86	44%	£1,133	£1,642.95	45%	£1,512	£2,188.44	45%
12.3	£523	£757.45	45%	£788	£1,135.82	44%	£1,047	£1,514.18	45%
13.1	£1,035	£1,540.33	49%	£1,553	£2,310.49	49%	£2,070	£3,080.66	49%
14.1	£1,340	£1,989.78	48%	£2,007	£2,986.90	49%	£2,674	£3,979.55	49%
15.1	£932	£1,343.45	44%	£1,392	£2,017.70	45%	£1,857	£2,687.62	45%
15.2	£805	£1,164.75	45%	£1,208	£1,747.13	45%	£1,610	£2,329.51	45%
15.3	£489	£707.53	45%	£736	£1,060.58	44%	£978	£1,414.34	45%
16.1	£1,277	£1,759.02	38%	£1,915	£2,638.87	38%	£2,553	£3,518.03	38%
16.2	£932	£1,279.47	37%	£1,392	£1,921.62	38%	£1,857	£2,559.64	38%
16.3	£581	£800.62	38%	£874	£1,200.24	37%	£1,162	£1,600.55	38%
17.1	£420	£574.63	37%	£627	£864.01	38%	£834	£1,149.25	38%

Fees reflect as they would appear in regulations – exclude VAT and shown to two decimal places

71. The following table shows the current and proposed new PTPH fees:

Table 5: Current and proposed new PTPH under options 1a to 1i combined

	Junior Alone or Led Junior	Leading Junior	King's Counsel
Current	£145 per day	£221 per day	£291 per day
New fee with all proposed uplifts combined	£192.13 per day	£292.83 per day	£385.58 per day
Total % increase	33%	33%	33%

Fees reflect as they would appear in regulations – exclude VAT and shown to two decimal places

72. The following table shows the current and proposed new appeal to sentence and appeal to conviction fees:

Table 6: Current and proposed new appeal to sentence and appeal to conviction fees under options 1a to 1i combined

Fees:	**Junior Alone**			**Leading Junior**			**King's Counsel**		
	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase
Appeals to sentence	£288	£335.81	17%	£429	£500.21	17%	£573	£668.12	17%
Appeals to conviction	£380	£443.08	17%	£570	£664.62	17%	£760	£886.16	17%

Fees reflect as they would appear in regulations – exclude VAT and shown to two decimal places

73. The following table shows the current and proposed new Committal for Sentence Hearing fees:

Table 7: Current and proposed new Committal for Sentence Hearing fees under options 1a to 1i combined

	Junior Alone or Led Junior	Leading Junior	King's Counsel
Current fee	£175 per day	£261 per day	£348 per day
New fee with all proposed uplifts combined	£231.88 per day	£345.83 per day	£461.10 per day
Total % increase	33%	33%	33%

Fees reflect as they would appear in regulations – exclude VAT and shown to two decimal places

74. The following table shows the current and proposed new fees for pre-trial hearings:

Table 8: Current and proposed new pre-trial hearings under options 1a to 1i combined

Fee:	Junior Alone			Leading Junior			King's Counsel		
	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase
Abuse of process	276	438.84	59%	401	637.59	59%	577	917.43	59%
Hearing relating to disclosure	276	438.84	59%	401	637.59	59%	577	917.43	59%
Admissibility of evidence	276	438.84	59%	401	637.59	59%	577	917.43	59%
Ground rules hearings	276	438.84	59%	401	637.59	59%	577	917.43	59%
Hearings on withdrawal of GP	276	585.12	112%	401	850.12	112%	577	1,223.24	112%
Further case management hearing	116	153.7	33%	175	231.88	33%	232	307.4	33%
Proceedings related to breach of CC order	125	145.75	17%	176	205.22	17%	251	292.67	17%
Adjourned appeals	101	117.77	17%	151	176.07	17%	201	234.37	17%
Second and subsequent days of an application to dismiss	276	438.84	59%	401	637.59	59%	577	917.43	59%
Noting brief	276	321.82	17%	401	467.57	17%	577	672.78	17%

Fees reflect as they would appear in regulations – exclude VAT and shown to two decimal places

75. The following table shows the current and proposed uplift to post-Crown court sentencing hearing fees:

Table 9: Current and proposed new post-Crown Court sentencing hearing fees under options 1a to 1i combined

Fees:	Junior Alone			Leading Junior			King's Counsel		
	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase	Current fee per day	New fee with all proposed uplifts combined per day	Total % increase
Sentencing hearing	£145	£192.13	33%	£221	£292.83	33%	£291	£385.58	33%
Deferred Sentencing hearing	£201	£266.63	33%	£276	£365.70	33%	£376	£498.20	33%

Fees reflect as they would appear in regulations – exclude VAT and shown to two decimal places

E. Cost and benefit analysis

76. This IA follows the procedures and criteria set out in the IA guidance and is consistent with the HM Treasury Green Book.
77. This IA identifies impacts on individuals, groups and businesses in England and Wales, with the aim of understanding what the overall impact to society will be from implementing the above measures. IAs place a strong emphasis on valuing the costs and benefits in monetary terms (including estimating the value of goods and services that are not traded). However, there are important aspects that cannot sensibly be monetised which might include how the policy impacts differently on particular groups of society or changes in equity and fairness.
78. The costs and benefits of each option are usually compared to the 'do nothing' or baseline option (Option 0), to demonstrate the potential impacts of reform. In this case the 'do nothing' option is making no changes to the criminal legal aid fee schemes. This 'do nothing' option is a useful baseline for comparison purposes as it demonstrates where additional expenditure will be targeted.
79. The costs and benefits in this IA are presented in nominal prices in steady state and include VAT.
80. The estimated impacts of Option 1 (a-i) are presented at expected steady state values, which have been assessed against the volumes and mix of claims (volume and proportion of total AGFS claims) in 2024-25. Published 2024-25 data has been used as this reflects the most recent caseload.[2]
81. AGFS volumes are expected to remain relatively stable, so no separate increase has been applied to reach steady state. Expected steady state values in this IA also do not account for any potential increase in sitting days resulting from future Government policies.
82. Any one-off costs are assumed to be incurred in the financial year 2025-26. No optimism bias is applied to any of the steady state costs or benefits, as they are based on known fixed fees. Estimates for the implementation costs have been rounded up to allow for optimism bias. More details are given in the methodology section.
83. Sensitivity analysis has been performed in section F on the cost estimates reflecting uncertainty in the estimates. Two scenarios are analysed: (A) where modelling assumptions are taken to the values which will give the highest costs and benefits; and (B) where modelling assumptions are taken to the values which will give the lowest costs and benefits. The assumptions under these two scenarios are not symmetrical and reflect a higher upward than downward perceived risk.
84. Any changes that arise as a result of the increased cost of legal aid are assumed to amount to a transfer between the LAA and legal aid providers and, as such, net present values (NPV) have not been included in this IA.
85. The cost estimates are based on the LAA billing data. The analysis in this IA is based on closed case expenditure and volumes in 2024-25.
86. The expenditure estimates in this IA have been rounded as follows: The expenditure estimates in this IA have been rounded as follows: estimates below £100,000 have been rounded to the nearest £10,000; estimates below £5m have been rounded to the nearest £100,000; all other figures have been rounded to the nearest £1m. However, in a few instances, we have deviated from these rounding rules and applied a consistent rounding

[2] Legal aid claims for 2024-25 are based on the latest published data: https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025

within the same table columns or sections. Percentage values have also been rounded. Consequently, some totals may not agree due to rounding. All figures include VAT unless otherwise stated.

87. Further details on the methodology assumptions and risks can be found in section F.

Costs of Option 1 (a-i): Proposed package of AGFS measures.

88. The key costs of the AGFS option 1 (a-i) are described below.

Legal aid service providers: Criminal Barristers

89. No or only low administrative and familiarisation costs are expected as these fee increases are applied to existing fees which criminal barristers already claim for.

Legal aid service providers: Solicitors' Firms (solicitor advocates)

90. No/low administrative and familiarisation costs are expected as these fee increases are applied to existing fees which solicitors already claim for.

Legal Aid clients

91. Clients would still have access to the same criminal legal aid services as they do now, provided the interests of justice and means tests are satisfied. However, where defendants facing trial proceedings in the Crown Court are currently required to pay contributions, the amount of these contributions might change, depending on their income and capital.
92. Given the lack of available data, we have been unable to undertake a detailed analysis of the impacts on clients; however, these are likely to be limited.
93. Annually, about 9,000 to 10,000 defendants at the Crown Court are required to pay an income contribution order (ICO). In many cases, the income contributions do not meet the full defence costs of the case and therefore the client's income contributions will not be affected by an increase in fees. Approximately 1,500 to 2,000 Capital Contribution Orders (CCOs) are also issued each year, representing between 2% and 3% of the legally aided population at the Crown Court.
94. As Option 1a-i will result in an overall increase in Crown Court spend via AGFS, the total value of the contributions that defendants will need to make could increase. This will be the case for those individuals that currently pay the full cost of their defence and have income and capital sufficient to pay a higher contribution.
95. As such, we anticipate that this option will only affect a small proportion of legal aid clients, with the overall AGFS case fee increase being 11%. Furthermore, since the contribution levels are subject to means testing and are intended to recover a proportion of the cost of providing legal aid services, we consider any differences in impact to be proportionate to the legitimate aim of supporting the sustainability of the market and properly compensating for work done.

Legal Aid Agency/Ministry of Justice

<u>Operational Costs</u>

96. The LAA would need to implement these changes, with an additional one-off delivery cost of around £0.3m. This is mainly due to necessary digital changes.

Steady state costs

97. The cost of implementing Option 1 (a-i) is estimated to be around £31m per annum (including VAT) based on 2024-25 steady state volumes and spend (with a range of £28m to £36m). This spend goes up £34m pa (£31m to £40m pa) when the expediated measures are included. These costs include interactions.

Table 10: Estimated steady state costs for Option 1 (a-i) including interactions and VAT, £m

Option	**Steady State Cost, £m - Central Scenario**
1a. A general uplift of 6% to1AGFS fees, excluding DAFs	11
1b. Increasing the basic (“brief”) fees for particular offence classes	5
1c. Introducing a fixed ratio of 65:100 between guilty plea and trial basic (“brief) fees for all offence types	7
1d. Uplift the Plea and Trial Preparation Hearing (PTPH) fee by 25%	1.9
1e. Increase fees for appeals from magistrates’ courts and appeals to the Court of Appeal by 10%	0.3
1f. Increase committal for sentence hearing fee by 25%	1.0
1g. Targeted uplifts to selected pre-trial hearings	1.0
1h. Uplift fees for post-Crown Court trial sentencing hearings by 25%	1.7
1i. Widen criteria for bands 1.1 and 1.2 to include cases where the victim or defendant is aged 17 years	1.4
TOTAL CONSULTED MEASURES	**31**
Expedited measures (summer 2026 implementation)	*3.6*
TOTAL	***34***

*Figures may not sum due to rounding
*Figures include VAT

Benefits of Option 1 (a-i) – Proposed package of AGFS measures

Legal aid service providers: Criminal Barristers and Solicitors’ Firms (solicitor advocates)

98. There would be additional fee income for criminal barristers and solicitors’ firms working on AGFS. Under the central scenario, barristers are expected to receive an increase of £28m per annum (including VAT) in steady state (with a range of £26m to £33m) and solicitor advocates £2.6m per annum (including VAT) (with a range of £2.4m to £3.0m).

99. Taking into account the 'expedited measures’, under the central scenario, barristers are expected to receive an increase of £31m pa in steady state (including VAT), with a range of £28m to £37m. Solicitor advocates £2.9m pa in steady state (including VAT), with a range of £2.6m to £3.4m.

Table 11: Additional fee income from 2024/25 baseline, steady state (Incl. VAT)

	Barrister		Solicitor Advocate		Total	
	Increase (£m)	% Increase	Increase (£m)	% Increase	Increase (£m)	% Increase
Option 1 (a-i)	28	11%	2.6	11%	31	11%
Total (Including 'Expedited Measures')	*31*	*11%*	*2.9*	*11%*	*34*	*11%*

Legal Aid clients

100. The key aim of Option 1 (a-i), alongside the expediated measures, is to improve the sustainability and efficiency of the legal aid market. It is likely that this option will have a positive effect on legal aid clients for whom a well-functioning and sustainable legal aid market, which provides a good quality service, is vital. However, these potential benefits are non-monetised.

Legal Aid Agency

101. Legal aid clients currently contributing towards their defence costs may have to make a higher level of contribution, which would represent a benefit to the legal aid fund. Given the lack of available data this cannot be monetised.

Wider criminal justice system

102. As mentioned in the IRCC, there could be wider benefits if this option helps facilitate a more efficient and better functioning CJS, able to respond to forecast increased demand levels, and to reduce the backlog.

F. Methodology, Assumptions, Risks and Sensitivity Analysis

Methodology

103. This section sets out the methodology used to assess the proposed changes to the Advocates Graduated Fee Scheme (AGFS). It outlines how the costs of the measures (a-i) have been estimated, and includes explanations on how the interactions between the measures have been taken into account.

AGFS cases and spend

104. As described above, the costs and benefits of the preferred measures are based on 2024-25 volumes and spend data from the published statistics.[3] It is assumed that the distribution of cases by outcome will be similar to that in the published statistics.

105. The spend data is based on the closed cases measure of expenditure which shows the total value of payments made to legal aid providers in relation to cases that are completed in FY 2024-25, even where a portion of the work may have taken place and paid over previous periods.

[3] Legal aid statistics quarterly: January to March 2025 - GOV.UK

Table 12 – Total Volume and value (incl. VAT) by outcome/case type 2024-25

Case Type	Volume	Value incl. VAT (£'000)	Value incl. VAT and excl. expenses (£'000)
Trial	16875	188,295	185,197
Cracked Trial	27748	72,964	72,490
Guilty Plea	24304	27,853	27,617
Committal for Sentence	17190	5,257	5,175
Appeal	1025	538	532
Other	5493	1,541	1,526
Total (as published stats)	**92635**	**296,448**	**292,537**

Impact of a general uplift of 6% to AGFS fees, excluding DAFs – Option 1a

106. It has been estimated that implementing a general uplift of 6% to all AGFS fees, excluding expenses but including the expedited measures, would cost approximately an additional £11m pa in steady state spend. To estimate this cost, the estimated cost of the expedited measures was added to the total AGFS spend (incl. VAT but excl. expenses) from the billing dataset. Then a 6% increase was applied.

Introducing a fixed ratio of 65:100 between guilty plea and trial basic (“brief) fees for all offence types – Option 1b

107. Guilty plea Basic (“brief”) fees would receive an uplift, introducing a fixed ratio of 65:100 between guilty plea and trial basic fees. This uplift would be implemented in conjunction with the 6% general uplift under option 1a and the targeted brief fee increases under option 1c below. Implementing this fixed ratio after applying the fee increases under option 1a and 1c is estimated to cost an additional £7m pa in steady state (including VAT).

108. It is important to note that the percentage increases shown in the table below reflect only the increases attributable to option 1b and do not represent the total combined increase from options 1a to 1i. As the proposed uplifts under option 1b would be applied to fees that have already been increased by 6% under option 1a and the relevant uplift in option 1c, there is a compound effect.

109. For example, for offence band 1.3, the 30% uplift under option 1b is applied to a fee that has already increased by 6% under option 1a and 9% under option 1c, resulting in an effective uplift of 35% (30% x 1.06 x 1.09) – this is what the ‘compounded percentage uplift’ column represents. These percentage uplifts do not represent the total combined 1a to 1i uplift – this is to avoid double-counting as the expenditure impact of the 6% uplift is captured separately under the option 1a cost section.

Table 13 – Basic ("Brief") fee increases for guilty pleas

Offence Bands	Basic fee spend for guilty pleas, £m	Proposed percentage uplift under option 1b	Compounded percentage uplift	Estimated spend increase, £m*
1.1	0.1	30%	32%	0.03
1.2	0.1	30%	32%	0.03
1.3	0.2	30%	35%	0.07
1.4	0.02	30%	35%	0.01
Offence Band 2 (2.1, 2.2)	0.02	30%	32%	0.01
Offence Band 3 (3.1, 3.2, 3.3, 3.4, 3.5)	3	30%	34%	1
Offence Band 4 (4.1, 4.2, 4.3)	2	30%	34%	0.8
Offence Band 5 (5.1, 5.2, 5.3)	0.7	30%	34%	0.2
Offence Band 6 (6.1, 6.2, 6.3, 6.4, 6.5)	2	30%	32%	0.6
Offence Band 7 (7.1, 7.2, 7.3)	0.5	30%	32%	0.2
Offence Band 8 (8.1)	0.7	30%	34%	0.2
Offence Band 9 (9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7)	6	30%	32%	2
Offence Band 10 (10.1)	0.4	30%	33%	0.1
Offence Band 11 (11.1, 11.2)	2	30%	34%	0.7
Offence Band 12 (12.1, 12.2, 21.3)	0.5	30%	33%	0.2
Offence Band 13 (13.1)	0.3	30%	34%	0.1
Offence Band 14 (14.1)	0.1	30%	34%	0.0
Offence Band 15 (15.1, 15.2, 15.3)	0.7	30%	33%	0.2
Offence Band 16 (16.1, 16.2, 16.3)	0.01	30%	32%	0.003
Offence Band 17 (17.1)	0.8	30%	32%	0.3
Total	**21**			**7**

Increasing the basic ("brief") fees for particular offence classes – Option 1c

110. AGFS basic ("brief") fees would be increased for particular offence classes, which have been identified as most in need of further investment, by the percentages outlined in the table below at a total cost of £5.3m p.a. in steady state.

111. The basic fees for particular offence classes, which have been identified as most in need of further investment, would receive a flat percentage uplift (with the amount depending on how in need of further investment the offences are). Current estimated expenditure on these particular basic fees using the AGFS billing dataset for 2024-25 is £60m (including VAT). After applying the 6% general uplift under option 1a, this would increase to £64m (including VAT). Applying the additional % uplifts to this revised baseline would cost an estimated £5.3m pa in steady state (including VAT). This would be equivalent to a percentage increase relative to current (2024–25) spending levels outlined in the table below.

112. As mentioned above in option 1b, it is important to note that the percentage increases shown in the table below reflect only the increases attributable to option 1c and do not represent the total combined increase from options 1a to 1i. As the proposed uplifts under option 1c would be applied to fees that have already been increased by 6% under option 1a, there is a compound effect. For example, for offence band 1.3, the 9% uplift under option 1c is applied to a fee that has already increased by 6%, resulting in an effective uplift of 9.5% (9% x 1.06) – this is what the 'compounded percentage uplift' column represents.

Table 14 – Basic ("Brief") fee increases (guilty pleas, cracked trials and trials)

Offence Bands	Basic fee spend, £m	Proposed percentage uplift under option 1c	Compounded percentage uplift	Estimated spend increase, £m*
1.3	5	9%	9.5%	0.5
1.4	0.2	9%	9.5%	0.02
Offence Band 3 (3.1, 3.2, 3.3, 3.4, 3.5)	22	7%	7.4%	1.6
Offence Band 4 (4.1, 4.2, 4.3)	11	8%	8.5%	1.0
Offence Band 5 (5.1, 5.2, 5.3)	11	7%	7.4%	0.8
Offence Band 8 (8.1)	3	8%	8.5%	0.2
Offence Band 10 (10.1)	1.3	5%	5.3%	0.1
Offence Band 11 (11.1, 11.2)	8	6%	6.4%	0.5
Offence Band 12 (12.1, 12.2, 21.3)	3	5%	5.3%	0.2
Offence Band 13 (13.1)	3	8%	8.5%	0.2
Offence Band 14 (14.1)	1.0	8%	8.5%	0.1
Offence Band 15 (15.1, 15.2, 15.3)	3	5%	5.3%	0.1
Total	**70**			**5.3**

*Figures may not sum due to rounding

113. Information on the 2024-25 AGFS billing dataset was used to reconstruct the basic fee for each claim in the dataset. As the dataset does not contain a dedicated basic fee variable, the fee was derived by isolating the basic fee component from the total payment by removing all additional elements included in the claim. The resulting figures were compared against the basic fees specified in the regulations to ensure accuracy. For the relatively small number of cases where the reconstructed fee did not align with the regulatory values, a basic fee was estimated by applying the average proportion that basic fees represent of total payments for other claims within the same offence class. This allowed all claims to be assigned a consistent, regulation-aligned basic fee for modelling the proposed increases.

Uplift the Plea and Trial Preparation Hearing (PTPH) fee by 25% – Option 1d

114. The Plea and Trial Preparation Hearing (PTPH) fee would receive a flat 25% uplift. Current expenditure on the PTPH fee in the AGFS billing dataset for 2024-25 is £7m (including VAT). After applying the 6% general uplift under option 1a, this would increase to £7.4m (including VAT). Applying the additional 25% uplift to this revised baseline would cost an estimated £1.9m pa in steady state (including VAT). This would be equivalent to a 26.5% increase relative to current (2024–25) spending levels.

Increase fees for appeals from magistrates' courts and appeals to the Court of Appeal by 10% – Option 1e

115. The fees for appeals from the magistrates' courts and appeals to the court of appeal would receive a flat 10% uplift. Current expenditure on these fees for 2024-25 is £2.6m (including VAT). After applying the 6% general uplift under option 1a to the fees for appeals from the magistrates' court (Fees to the Court of Appeal are separate to the AGFS and so will not be in scope for the 6% general uplift), this would increase to £2.6m (including VAT). Applying the additional 10% uplift to this revised baseline would cost an estimated £0.3m pa in steady state (including VAT). This would be equivalent to a 10.1% increase relative to current (2024–25) spending levels.

116. The uplift for appeals from the magistrates' courts was calculated using the total value of appeals in AGFS for 2024-25 obtained from the latest published statistics.

117. The uplift for the Court of Appeal was calculated using unpublished data that provides the split between advocate and solicitor work for appeals to the Court of Appeal in 2024-25.

Increase committal for sentence hearing fee by 25% – Option 1f

118. The Committal for sentence Hearing fee would receive a flat 25% uplift. Current expenditure on the Committal for sentence hearing fee in the AGFS billing dataset for 2024-25 is £3.7m (including VAT). After applying the 6% general uplift under option 1a, this would increase to £3.9m (including VAT). Applying the additional 25% uplift to this revised baseline would cost an estimated £1.0m pa in steady state (including VAT). This would be equivalent to a 26.5% increase relative to current (2024–25) spending levels.

Targeted uplifts to selected pre-trial hearings – Option 1g

119. Targeted pre-trial hearing fees will receive flat uplifts at the amounts outlined in table 12 below. These uplifts were calculated using the AGFS billing dataset for 2024-25 after the 6% general uplift under option 1a has been applied.

120. As for options 1b onwards, the uplifts under option 1g are applied to fees that have already been increased by 6% under option 1a, resulting in a compounding effect. For example, for abuse of process, the 50% uplift under option 1g is applied to a fee that has already increased by 6%, resulting in an effective uplift of 53% (50% x 1.06) shown in the 'compounded percentage uplift' column. The table below reflects the uplift attributable to option 1g and not the total combined increase from 1a to 1a – this is to avoid double-counting as the expenditure impact of the 6% uplift is captured separately under the option 1a cost section.

Table 15: Fee increases to pre-trial hearings

Fee description	Spend 2024/25, £m	Proposed Percentage Uplift (%)	Compounded percentage uplift	Estimated spend increase, £m
Abuse of process	0.04	50%	53.0%	0.02
Hearing relating to disclosure	0.02	50%	53.0%	0.01
Admissibility of evidence	0.03	50%	53.0%	0.01
Ground rules hearings	0.29	50%	53.0%	0.16
Hearings on withdrawal of GP	0.02	100%	106.0%	0.02
Further case management hearing	2	25%	26.5%	0.53
Proceedings related to breach of CC order	0.62	10%	10.6%	0.07
Adjourned appeals	1.9	10%	10.6%	0.2
Second and subsequent days of an application to dismiss	0.05	50%	53.0%	0.03
Noting brief	0.04	10%	10.6%	0.004
Total	5.0			1.0

*Figures may not sum due to rounding

<u>Uplift fees for post-Crown Court trial sentencing hearings by 25%– Option 1h</u>

121. The sentencing hearing and the deferred sentencing hearing fee would receive a flat 25% uplift. Current expenditure on post-Crown Court trial sentencing hearings in the AGFS billing dataset for 2024-25 is £6.4m (including VAT). After applying the 6% general uplift under option 1a, this would increase to £6.8m (including VAT). Applying the additional 25% uplift to this revised baseline would cost an estimated £1.7m pa in steady state (including VAT). This would be equivalent to a 26.5% increase relative to current (2024–25) spending levels.

<u>Widen criteria for bands 1.1 and 1.2 to include cases where the victim or defendant is aged 17 years – Option 1i</u>

122. For determining the estimated cost of including cases where the defendant is aged 17 years or older in 1.2 the following steps were taken:

123. The age of defendants was calculated by using their date of birth and representation (rep) order date, providing the defendants age at the time the rep order was created.

This was used as a proxy for the defendants age at the time of the offence. This then enabled the identification of the number of murder and manslaughter cases where the defendant is 17 years old but currently not in 1.2. The difference between the average fee of offence types 1.3 and 1.4 compared to 1.2 was calculated. These figures were then multiplied to estimate that the cost of including 17-year-olds in offence category 1.2 would be £1.4m pa.

124. For determining the estimated cost of including cases where the victim is aged 17 years or older in 1.1 the following steps were taken:

125. The latest data on the age of victims to homicide offences is from FY 2023-24. Assuming victims are evenly distributed between 16 and 17 years old in the "16 to 17" category of the published statistics[4] a volume of victims to homicide offences was determined. The difference between average fee of offence types 1.3 and 1.4 compared to 1.1 was calculated. These figures were then multiplied to estimate that the cost of including 17-year-olds in offence category 1.1 would be £0.1m pa.

Risk and assumptions

126. Table 16 sets out the main assumptions used in the above analysis and the associated risks should these assumptions not hold.

Table 16: Assumptions and risks associated with Option 1 (a-j)

Area	Assumptions	Risks
	Transition and Administrative Costs	
LAA transition costs	Transition costs are based on time estimates and salary costs for digital teams provided at the Consultation stage.	The implementation costs are based on the estimates used at the consultation stage. These costs are likely to change once the currently planned digital changes are implemented. It is not yet possible to determine the change in costs.
	Steady state and general assumptions	
Overall case mix and volumes	It is assumed that AGFS case mix and volume will remain the same/similar to the 2024/25 data.	Case mix and volumes change year on year which could lead to higher or lower costs than those estimated.
Split of additional AGFS fee income between criminal barristers and solicitors' firms	Based on 2024/25 LAA billing data, it has been assumed that around 91% of the additional AGFS funding resulting from Option 1, will be earned by criminal barristers, with the remaining 9% being earned by solicitor advocates.	This assumption may underestimate or overestimate the fee income earned by either criminal barristers or solicitors' firms as AGFS cases can be completed by either barristers or solicitor advocates.
	Increasing the basic ("brief") fees for particular offence classes – Option 1c	
Basic fee modelling	It is assumed that for the cases where a basic fee could not be identified in the data that the fee can be approximated using offence-type and outcome averages.	The estimated fees used in the modelling for unmatched cases may be different from the actual paid basic ("brief") fee.
	Widen criteria for bands 1.1 and 1.2 to include cases where the victim or defendant is aged 17 years – Option 1i	
Widening criteria for bands 1.1 and 1.2	Number of AGFS cases is based on a simplistic 'claim' for AGFS and not the published closed claim data.	Data limitations increase uncertainty.

[4] Source: https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/latest

Widening criteria for bands 1.1 and 1.2	Age is a simple calculation between DOB and rep order date divided by 365 days per year. We do not know when the offence was committed.	The offence date is unknown; this means that age from rep order date may misclassify ages.
Widening criteria for bands 1.1 and 1.2	It is assumed that the latest available date is representative of future volumes.	Modelling is only based on one year's worth of data. Cases differ year on year and so this may not reflect actual future volumes.
Widening criteria for bands 1.1 and 1.2	Assumed that the proportion of 17-year-old victims already in offence type 1.1 is similar to the proportion of 17-year-old defendants already in 1.2.	The actual proportions may differ from this leading to under/over-estimates.
	Other: Expedited Measures	
Cost and interaction of the expedited measures	Estimated spend on the expedited measures have been captured within the overall package estimates. The interaction of these measures with the general uplift has also been factored in.	Estimated spend includes the impact of measures that are not detailed in this Impact Assessment.

Sensitivity analysis

Steady State Costs

127. We have presented the impacts of the options costing more or less than the primary estimates to try to capture a reasonable range of uncertainty in the modelled cost estimates. Two scenarios have been modelled for illustrative purposes:

- Scenario A assumes the volumes and case mix lead to higher cost.
- Scenario B assumes the volumes and case mix lead to lower cost.

128. Scenario A assumes that volumes and/or case mix lead to an increase in spend by 15%. This percentage reflects the potential impact of recommendations that have arisen from recent reviews – such as the Independent Review of the Criminal Courts – and the potential impact they could have on future Government policies.

129. Scenario B assumes that volumes and/or case mix lead to a reduction in spend by 10%.

130. The total increase in costs under Scenario A is around £6m, with a total estimated spend of £36m (£40m when considering the expediated measures). The total decrease in costs under Scenario B is around £3m, with a total estimated spend of £28 (£31m when considering the expediated measures).

G. Wider Impacts

Equalities

131. An Equality Assessment is being published alongside this IA that gives further details on the equalities impacts.

Families

132. We have no evidence to suggest that families will be disproportionately adversely affected by this measure.

Better Regulation

133. As this measure represents changes to the procurement of legal aid, it is out of scope of the Government's Better Regulation Framework.

International Trade

134. The measure assessed in this IA has no implications for international trade.

Welsh Language

135. We are not proposing to restrict the advocacy market, nor treat it differently in Wales than we do in England. We do not expect this measure to have any impact on legal services through the medium of Welsh.

Growth

136. A sustainable criminal legal aid market will have a positive effect in supporting growth by protecting the rule of law. These measures also support the growth agenda insofar as this investment is necessary to support the sustainability of this crucial market. Our changes are designed to support recruitment and retention, particularly where the criminal justice system relies on duty solicitors, and they are part of an overall ambition to put criminal legal aid on a sustainable long-term footing.

H. Monitoring & Evaluation

137. The MoJ will proactively monitor the impact of the proposed changes, in terms of costs, and behavioural changes, from the point of implementation.

ANNEX A: Expedited measures

138. Alongside this consultation, we are implementing a package of expedited measures, including:

    i. extending eligibility for wasted preparation fees for criminal advocates by reducing the minimum trial length threshold from five days to two days;

    ii. expanding eligibility for the additional preparation fee so that it is available in cases that conclude by way of guilty plea, in addition to trials and cracked trials, and

    iii. increasing the additional preparation fee from £62 to £81 (plus VAT) per case (guilty pleas, cracked trials and trials).

139. Under the policy changes to the wasted preparation fee, it is estimated that there will be an additional 100 to 150 claims, assuming the same proportion of trials claim the fee under the revised two day threshold. Assuming that these additional claims will have a similar cost as the median claim value for trials of 10 days or fewer it is estimated that the policy change will cost around £0.2m incl. VAT per year in steady state (with a lower and upper bound of £0.1m and £0.3m respectively).

140. Under the policy changes to the additional preparation fee, it is estimated that a further 24,300 claims will become eligible from expanding the fee to guilty pleas.

141. In addition, all trials, cracked trials, and guilty pleas will attract the increased additional preparation fee (around 69,000 cases). Taken together, the expansion in eligibility and increase in fee rate is estimated to increase expenditure by £3.3m incl. VAT per year in steady state (with a lower and upper bound of £3.0m and £3.9m respectively).

142. We had considered changing the hourly rate for wasted preparation, instead of making changes to the additional preparation fee. However, the incidence of claims of these types is challenging to forecast, particularly so in the context of also relaxing the wasted preparation criterion. This results in a greater risk that the full amount of allocated spend is not reached if anticipated claim volumes do not materialise.

-