

AGFS form completion Guidance

This guide has been produced to help you complete the AF1 form. If you have any further questions you can contact a member of the Advocates Fee team in Liverpool on 0151 242 5371 or Nottingham on 0115 908 4210 between the hours of 9am and 1pm. The latest version of the AF1 form (version 5) is valid from 1st October 2012. Old versions signed and dated on or before 30th September 2012 will be accepted until 30th October 2012 after which time they will be rejected.

Chambers Firm & Address – It is important that these details are completed and are accurate as they will be used to return your paperwork to you. *The LSC cannot take responsibility for paper work lost due to incorrect address details provided on the claim form.*

Section 1: Case, Instructed Advocate & Offence

Instructed Advocate details – it is important that these details match those that have been provided to the court during the case, payment will be made to the Instructed Advocate only.

The Bar Bulletin contains further information on instructed Advocates:

http://www.legalservices.gov.uk/docs/about_us_main/LSC_Bar_Bulletin_Issue_1_Oct.pdf

Principal Defendant – if you have more than one defendant you must select one as the principal. We will then use this defendant's case to derive the case scenario.

You only need to give details of additional defendants if you represented them. Details of co-defendants with separate counsel are not required.

Types of case – which case scenario are you claiming? Case on indictment can be: Guilty Plea, Cracked Trial, Discontinuance, Trial, Cracked before Re-Trial or Re-Trial. You can also claim for some hearings without an indictment, these are: Committal for Sentence, Contempt, Breach, Appeal against Sentence and Appeal against Conviction. Detailed definitions of all of these scenarios are available from the AGFS guidance:

http://www.legalservices.gov.uk/docs/cds_main/AGFS_guidance_-_3_February_2011.pdf

For Cracked Trials, you must provide us with the date when the matter was first given a fixed or warned trial date and also the first day of that proposed fixed/warned trial. This is so we can calculate which 3rd the crack occurred in. Please note a preliminary trial date given by the court purely for administrative purposes **does not** attract a Cracked Trial fee.

Offence class & description: you are able to select any charges included on the indictment for your defendant.

It is important you indicate how the case was dealt with in the Magistrates court – missing information could lead to the Elected Case fee being paid incorrectly (Scheme 8 onwards).

Further information on evidence requirements can be found here :

http://www.legalservices.gov.uk/docs/cds_main/Note-on-evidence-requirements-under-AGFS.pdf

Section 2: Basic Fee & Enhancements

Please provide total quantities of the relevant elements you are claiming, do not deduct any elements included in the basic fee as this will be done by a caseworker when assessing your claim.

E.g. if you have 12 witnesses **do not** deduct the 10 included in the basic fee and enter 2. Enter 12 and the caseworker will deduct the 10 included in the basic fee.

For a list of the relevant rates please refer to the Criminal Defence Service Funding Order and its amendments.

Section 3: Fixed Fee's

The Elected Case fee is payable on all committed cases where the defendant elected to go to Crown Court trial and then the case does not proceed to trial. If the Magistrates directed the case to the Crown you must supply a completed LAC1 form or a memorandum of conviction. This should be available from your instructing solicitors when you accept your brief. If necessary, a memorandum of conviction can be obtained from the relevant Magistrates' Court for a fee of £5. This can be claimed back as a disbursement, but ONLY if the defendant was unrepresented in the Magistrates'.

Section 4: Miscellaneous Fee's

Please ensure the correct code is selected when claiming a half day for any of the miscellaneous fee's as we will validate this against information held on the court records.

For standard appearance fees please provide total quantities using the same principle as section 2. For a list of the relevant rates please refer to the Criminal Defence Service Funding Order and its amendments.

Section 5: Travel and Hotel Expenses

For Guidance on applicable travel rates please refer to the AGFS guidance and the travel rates excel spreadsheet available from our website:

http://www.legalservices.gov.uk/docs/cds_main/Crown-Courts-Local-Bar-Allowances.xls

Please provide a detailed breakdown of any travel you are claiming including; dates, destination, miles travelled and rates claimed where relevant. Receipts must be provided for public transport / parking fees that exceed £20.

N.B. claims must reflect the actual journey undertaken – it is not permitted to claim under £20 on public transport purely to avoid providing receipts.

Section 6: Claim Summary

For guidance on VAT please refer to HM Revenue and Customs.

Enclosure Checklist – Please ensure you have provided all the relevant materials to support your claim:

- A copy of the indictment (required for all final graduated fee and hardship claims)
- The front sheet(s) from the committal bundle and NAEs served by the prosecuting authority,

- showing the total pages served (required for all final graduated fee and hardship claims)
- Order in respect of Judicial Apportionment (for each defendant) where applicable.
 - Invoices/receipts for accommodation and travel expenses (excluding mileage) required for all individual disbursements of £20 or more.
 - A copy of the original (Magistrates) representation order and any amendments for each of the clients that you are claiming for and for any additional case uplifts you are applying for.
 - Where it was deemed by the magistrates' court unsuitable for summary trial, please provide evidence to support this such as a LAC1 form or memorandum of conviction.
 - If your claim is submitted more than three months after the case concluded, please provide written justification in line with article 32 of the CDS (Funding) Order.

Section 7: Additional Information

Use this section to provide any further information to the determining officer. This should include justification for travel, offence class (armed robbery, fraud > £100k etc) and an explanation for anything out of the norm.

Section 8: Certification

Please select the relevant tick box to confirm under what provision you are the Instructed Advocate. It is important that the form is signed by the Instructed Advocate as they are assuming responsibility for the accuracy of the information being supplied to us. Any claims where this has not been done will be returned.

General Advice:

Schemes

Scheme 4 – 30th April 2007, introduction of current scheme.

Regulations: <http://www.opsi.gov.uk/si/si2007/20071174.htm>

Scheme 5/6 – 27th April 2010, reduction of 4.5%

Scheme 7 – 1st April 2011, reduction of 4.5%

Scheme 8 – 3rd October 2011 – LAR changes, introduction of Elected Case fee, harmonisation of 2nd and 3rd cracks, class G fees harmonised with class F rates, class A fees harmonised with class J rates.

Scheme 9 – 1st April 2012, reduction of 4.5%

Signing on at Court

When you attend at court it is vital that you sign in on Xhibit as this is how we will confirm your attendance. Failure to sign in at court will mean that your claim for that attendance WILL be delayed. Further guidance can be found here:

http://www.legalservices.gov.uk/docs/cds_main/LSC-access-to-court-record-systems.pdf

3 Month Time Limit

The 3 month time limit is being strictly enforced – extensions can be obtained from the relevant AGFS team for good reason e.g. difficulties getting supporting documents. Further guidance can be found here:

http://www.legalservices.gov.uk/docs/stat_and_guidance/Out-of-time-AGFS-claims.pdf

POCA

POCA claims where there are more than 50 pages continue to be assessed by the NTT and should be sent to the NTT directly. POCA cases with fewer than 50 pages (where the fixed fee applies) are assessed by the LSC and should be sent to the LSC in the normal way.

Special / Wasted Prep

These element of your claim are assessed by NTT, but should be submitted with your claim to the LSC. Wasted and special preparation need work logs to justify claim.

PPE

Further guidance on what constitutes PPE: can be found at:

http://www.legalservices.gov.uk/docs/cds_main/PPE_guidance.pdf

Travel

When you intend to travel to a court where expenses would normally not be paid from your location it is advised you seek prior approval from the Crown Court. Please note when prior approval is granted rates allowed are still at the discretion of the LSC.

Further information is available from our website:

http://www.legalservices.gov.uk/docs/cds_main/Crown-Courts-Local-Bar-Allowances.xls

Form Completion

If you are using software that causes you any issues when completing AGFS forms, you should refer to your software vendor. Issues with software are not an acceptable reason for missing key information off the AF1 form.