Revised Protocol for the Instruction and Payment of Counsel in Magistrates' Courts Cases within the Greater London Area.

updated August 2026

This protocol shall be referred to as the protocol for instructing counsel in Magistrates' court cases covered by Legal Aid Agency Standard Crime Contract. Its object is to provide a 'best practice' framework concerning the instruction of counsel to attend Magistrates' Courts, including sending hearings, on behalf of clients instructed by firms within the Greater London area for work done under the Standard Crime Contract. The London Criminal Courts Solicitors' Association, the Criminal Bar Association and the Bar Council hope that this document will assist in obtaining consistent standards of service and fair levels of remuneration for the young Bar.

Counsel shall be the barrister attending a court upon instructions from the solicitor.

A) The solicitor agrees as follows:

1. Instructions shall be given (except in the case of an emergency) in writing sent by e-mail.

2. Instructions shall, when available and appropriate, include the following:

   a) Name, address, date of birth, mobile number of the client;

   b) All papers served electronically, including: copies of IDPC (initial details of the prosecution case), charges, TICs (offences taken into consideration), and any case summary, statements and exhibits;

   c) Bail details or reasons for remand into custody, stage of proceedings, object of the hearing in question and bail instructions;

   d) Confirmation of the Legal Aid position, if granted, whether by provision of the representation order or the MAAT (means assessment admin tool) number, or instructions for Counsel to make the necessary application;

   e) Proof of evidence of client, including antecedents, previous convictions and comment on prosecution case, if available, and any previous attendance notes.

3. Payment shall be made within 30 days following receipt of counsel's invoice.

4. Payment to counsel shall be based on the guidance set out in Annex A. The purpose of Annex A is to recommend a minimum basis for payment of counsel's fees that is fair and reasonable.

5. To pay counsel whether or not a representation order exists.

B) Counsel agrees as follows:

1. On the day of the hearing, or within 24 hours thereof, counsel shall forward a written report on the case to the instructing solicitors, to include an accurate record of time spent in preparation, attendance and advocacy. Counsel shall provide justification for preparation time upon request by the solicitor.

2. To act as agent for the solicitor, advising and assisting the client at the relevant hearing.

3. To ensure that the number of cases accepted at any time will not diminish the quality of the service offered to the client of the solicitor.

4. That on the day of the hearing counsel will, by telephone or email, advise the solicitor of the result of the hearing and any emergency work which is to be carried out.

5. Counsel's chambers will invoice the solicitor within 30 days, and collectively where agreed between chambers and the solicitor firm.

6. If counsel's fees are not paid within 30 days of invoice, counsel's clerk will ordinarily require an explanation before a decision is taken to report to the LAA for breach of their contract.

ANNEX A

Minimum fees:

- £63.25 for:
  - first appearances, remands, bail applications, sending hearings and sentences;
  - aborted hearings other than trials, unless counsel is attending court already and does no billable work on the case.

- £94.88 for half day trials, trials adjourned on the day or discontinued, or where a defendant pleads guilty at trial and counsel's billable attendance time at court is less than 3 hours.

- £126.50 for hearings other than trials where counsel's billable attendance time at court is 3 hours or more.

- £189.75 for full day trials, or where counsel is instructed to attend for trial and counsel's billable attendance time at court is 3 hours or more.

For the purpose of these minimum fees:

- Billable attendance time at court includes attendance, advocacy, preparation and the magistrate considering a verdict. It does not include preparation prior to attending court, travel or waiting.

- Travel disbursements from chambers to court are to be paid in full in addition to the above and need to be evidenced if over £20. Travel using the Transport for London network should be billed at the Oyster single fare rate. If counsel is representing more than one client at court, travel disbursements should be apportioned.

- The fees set out above are exclusive of VAT.