

Andy Slaughter MP
Chair – Justice Select Committee
House of Commons
London
SW1A 0AA

MoJ ref: Sub 135531

3 July 2026

Dear Andy,

**THE CRIMINAL LEGAL AID (REMUNERATION) (AMENDMENT) (No.2)
REGULATIONS 2026**

I am writing to inform you that the above-named statutory instrument has been laid today. The instrument has the effect of implementing a number of changes to advocate criminal legal aid fees under the Advocates' Graduated Fee Scheme (AGFS), as follows:

- Increases the level of the additional preparation fixed fee provided for at para. 18A of the Regulations from £62 (exc. VAT) to £81 (exc. VAT).
- Expands the applicability of the same additional preparation fixed fee to guilty plea cases – to date the fee has only been claimable on cases resolving by way of a trial or cracked trial.
- Enables advocates to make a claim for wasted preparation under wider circumstances by reducing the trial length criterion from five days to two.

In September 2022, the then government committed to spending an additional £4m on advocate fees for s.28 cases (where cross-examination and evidence-in-chief of vulnerable or intimidated witnesses is pre-recorded and played back at trial), and a further £3.3m (in the form of a new additional preparation fixed fee) in recognition of the increased preparatory demands placed on defence advocates (e.g. consideration of served audio-visual evidence), by the end of the 2022/25 spending review period. This investment formed part of the package agreed with the Criminal Bar Association (CBA) to end a period of disruptive action by the Bar.

Case volumes (notably for s.28) were lower than had been forecast at the time of the agreement, which resulted in a total deficit in spend of £4.5m (£5.4m inc. VAT) by the end of March 2025, to the considerable concern of the CBA and the Bar Council.

The measures now being implemented aim to reconcile that “underspend” within approximately three years (exact timescales will depend on actual case volumes) but they are designed to align with, and preface, wider investment in advocate legal aid remuneration which the government plans to enact in response to the Independent Review of the Criminal Courts (IRCC) and the work of the Criminal Legal Aid Advisory Board (CLAAB).

Both the IRCC and the CLAAB found that emphases in the AGFS could be adjusted to promote, or remove barriers to, early advocate preparation and engagement between the parties in Crown Court cases, as a means of generating efficiencies. An advocate may make a wasted preparation claim where they have undertaken preparatory work on a case but are then, through no fault of their own, unable to attend the trial. The current inability to claim in relation to shorter trials deters advocates from carrying out early preparation. Reducing the trial day threshold lowers this barrier.

Uplifting the value of the additional preparation fixed fee and loosening the requirements around the claiming of wasted preparation represents the first step towards rebalancing the AGFS so that fees encourage early preparation and engagement, foster long-term sustainability within the criminal Bar, and reflect the increased levels of pre-trial preparation required of advocates since the scheme was last redesigned.

The Government will shortly launch a public consultation seeking views on how the remainder of the advocate fees announced by the Deputy Prime Minister on 2 December 2025 could best be deployed to support these aims.

A handwritten signature in black ink, reading "Sarah Sackman". The signature is fluid and cursive, with the first name "Sarah" and the surname "Sackman" clearly distinguishable.

SARAH SACKMAN KC MP
Minister Of State