



### **Claiming more than one police station fixed fee\***

The following 4 rules dictate how many fees can be charged. Go through all 4 in relation to each case in order to determine how many fees arise.

#### **Rule 1**

An arrest for a new matter outside a continuous period of custody results in a new fee.

e.g. S is arrested and bailed to return to a future date. The day after he is released he is arrested for a new offence.

In the above example the second arrest triggers a new fee; this is irrespective of the new offence and applied even if the offences are linked.

#### **Rule 2**

With the sole exception of the case outlined in rule 1, there are no circumstances in which one single attendance at the police station might result in more than one fee. Attendance means during a continuous period of custody, so leaving the police station during a period when S is still in custody, to return later during that continuous detention period for a further attendance, does not count as a second attendance.

#### **Rule 3**

If S is charged with one or more offences AND is bailed to return for one or more other offences AND there is a contractually effective attendance on that second occasion, there will be at least 2 PSFF's claimable (Specification Part B para 9.85).

Notes:

1. In relation to the above rule no consideration needs to be given to the actual offences involved.
2. The word *charged* has a clear meaning. Therefore if one offence resulted in no further action or a caution, and another bailed to return, this would not trigger a new fee under this rule.
3. In order to achieve a contractually effective second attendance you must (a) take steps to ensure that the bail to return is effective before attending, (b) ensure that there is sufficient benefit in attending on the next occasion and making a note of the same on file, and (c) actually attend.
4. This rule will trigger at least 2 PSFF's. There may be more claimable under the principles outlined in rule 4.

#### **Rule 4**

If S is being investigated in relation to one or more offences AND there have been at least 2 contractually effective attendances, one fee will be payable for each and every matter which involve genuinely separate legal problems requiring separate advice (Specification Part B para 9.83 and Specification Part A para 4.45).

As a starting point indictment rule principles should be applied, so if the offences are based on the same facts or form part of a series of offences then only 1 fee will be payable.

The LSC has issued some guidance that seeks to restrict the above. So for example, S is arrested for assault and when he arrives at the police station there are drugs found on him. This case at the moment is only 1 fee as there is only one attendance. It may become 2 fees due to rule 3 or 4. If for example S is bailed to return on both matters and that you properly attend that bail to return, in that instance rule 3 does not trigger, but does rule 4? You would have thought so as those 2 offences would not ordinarily be tried on the same indictment on the bare facts given, but the LSC guidance states that it is one fee.

An assault during arrest would certainly not be a separate matter, but consider criminal damage to a police cell, an assault during police detention or an offence of abstracting electricity discovered during a house search – all of those might depending on the exact circumstances.

The reality is that few cases will result in more than 1 fee and in all instances where you are seeking to claim more than 1 fee a clear justification for doing so must be recorded on your file.

\*Please note that this is my interpretation of the crime contract. I have provided contract references so that you can check the reasoning. It remains your individual responsibility however to make contractually compliant claims and you should therefore assure yourself of the accuracy of this interpretation before following it.

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