

Interim Payments / Disbursements Guidance

Post 7 January 2025

This guidance sets out the new administrative arrangements for the introduction of the removal of the need for Interim Payment Requests to be ‘discharged’ in Criminal cases and the evidence the Agency requires pre and post payment of an Interim/Disbursement request.

The effective date of the change will be 7 January 2026. All interim payment requests submitted prior to the deployment of this change on LAMS will fall under to the interim payment process and guidance.

1. Prelude Questions for Interim Payment on LAMS has changed

1.1 There is a revised Drop-down list. Practitioners must take care to make the correct selection from the options below.

- DOJ Exceptional Preparation scheme.
- Disbursements for cases where the certificate was granted (or advice and assistance authorised) before 1/12/24.
- Disbursements for cases where the certificate was granted (or advice and assistance authorised) on or after 1/12/24.
- Bench Warrant.

1.2 **Dropdown “DOJ Exceptional Preparation scheme” for Q1 LAMS will display:**

Note - Ensure you have read all available guidance (hyperlink on LAMS) regarding the DOJ Exceptional Preparation Scheme and that the case meets the appropriate criteria for payment before applying.

1.2.1 Practitioners must select the reason for an interim payment under the Exceptional Preparation Scheme. Options are:

- There are additional Non mandatory tick boxes for options below.
- The case has lasted at least 12 months.
- Fees of at least £10,000 has been properly accrued.
- The case is unlikely to conclude within 6 months.

1.2.2 Practitioners must provide details of the work done to date in the mandatory multiline text box. An estimate of projected future costs, evidence of key outputs in the case so far and a timescale of the case to conclude if appropriate should be included.

1.3 **Dropdown “Disbursements for cases where the certificate was granted (or advice and assistance authorised) before 1/12/24” for Q1 LAMS will display:**

Note - Ensure you have read all available guidance (hyperlink on LAMS) and that the case meets the appropriate criteria for payment before applying. You must upload supporting evidence that the liability has been discharged or incurred as appropriate to the level of service.

- Does the liability exceed £500.00?
- You must select Yes/No from the radio buttons.
- LAMS will then display:
The total liability **MUST** exceed £500.00 (excluding Representation Higher Court).

1.4 **Dropdown “Disbursements for cases where the certificate was granted (or advice and assistance authorised) on or after 1/12/24” for Q1 then LAMS will display:**

Note - Ensure you have read all available guidance (hyperlink on LAMS) and that the case meets the appropriate criteria for payment before applying. You must upload supporting evidence that the liability has been incurred.

- Does the liability exceed £250.00?
- You must select Yes/No from the radio buttons.

- LAMS will then display:
The total liability MUST exceed £250.00 (excluding Representation Higher Court).

1.4.1 Practitioners must provide references of associated authority requests and the value claimed – this is a Mandatory multiline text box and information must be provided, or the request may be refused/withdrawn.

1.5 **Dropdown “Bench Warrant” for Q1 LAMS will then display:**

The LSA Guidance on Bench Warrants was issued under Circular 10/20 and still remains applicable. Please see link for convenience: [LSA Guidance on Bench Warrants - 2020](#).

2. New Filter

2.1 An additional filter has been added to LAMS named ‘Interim payment type’, this allows you the user, to filter on an interim payment based on the answer to new prelude question 1 with a fifth option for those interims drafted prior to this change using the current prelude questions, so the filter options will be:

- DOJ Exceptional Preparation scheme.
- Disbursements for cases where the certificate was granted (or advice and assistance authorised) before 1/12/24.
- Disbursements for cases where the certificate was granted (or advice and assistance authorised) on or after 1/12/24.
- Bench Warrant.
- Previous interims.

3. Legislation and Information to be provided upon submission of Report on Case

3.1 Civil Interim Payments post 01 December 2024

- 3.1.1 Civil Matters Pursuant to Article 2 of the Remuneration Order, the reference to 'costs' includes disbursements (solicitors only) and thus the reference to 'costs' in Article 6(10) of the Remuneration Order includes disbursements.
- 3.1.2 An interim payment for a disbursement in a Representative Higher case must be for at least £250. The £250 threshold may be reached by aggregating more than one disbursement in the payment request.
- 3.1.3 For Advice & Assistance and Representative Lower an interim payment for a disbursement must be for at least £250. The £250 threshold may be reached by aggregating more than one disbursement in the payment request.
- 3.1.4 A disbursement is an expense payable to a third party that has been incurred by a solicitor the level of representation selected must be solicitor within the interim payment request.
- 3.1.5 Article 10 of the Remuneration Order provides for the determination of solicitors' disbursements.
- 3.1.6 Article 10(1) states that: "Subject to the provisions of this Article, the Department shall allow such disbursements claimed under Article 8 as appear to it to have been actually and reasonably incurred".

3.2 Criminal Interim Payments post 1 December 2024

- 3.2.1 Following the Department's Remuneration changes to the Crown Court Rules there is no longer a need for a supplier to have "Discharged" a bill for an expert when they submit a request for payment from the Agency if the minimum £250 authority threshold has been met.
- 3.2.2 The Authority can be singular or a mix of smaller authorities that total the minimum £250 threshold.

4. Supporting documentation – all cases

- 4.1 In all cases, practitioners must evidence the interim/disbursement request. A quote/estimate for the Interim/Disbursement being claimed must be labelled and uploaded. This should be on headed paper from the relevant expert and dated in line with the claim for payment and within the grant of the authority('s).
- 4.2 At the conclusion of the case, the interim will be recouped against the Report on Case. Practitioners are required to submit evidence of the discharge of the Interim/Disbursement by uploading a receipt/proof of discharge.
- 4.3 Failure to upload this documentation alongside the claim or payment request will result in delay of the assessment as an assessor will need to raise a message or query in order to have the document uploaded.