

5.9 Separate Matters

1. Work carried out for separate Clients should be treated as separate Matters. Work undertaken for the same Client may be treated as a separate Matter if it involves the provision of Advice and Assistance on a legal issue which can be deemed as genuinely separate legal problem.
2. Whether a genuinely separate problem has arisen will depend on the facts of each investigation. The fact that a Provider may be giving initial advice to the Client about potentially different remedies arising from the same set of originating circumstances does not in itself mean they are separate Matters.
3. The fact that circumstances have changed or developments have occurred as the case progressed will not mean that a separate Matter arises if the advice continues to be provided on the same overall legal issue.
4. Where separate Matters are claimed the Provider must record the reasons on file and be able to justify their decision on Assessment or audit.
5. Circumstances that are likely to be treated as a single Matter:
 - i. Where the two Matters are genuinely different problems requiring separate advice at the same time on one occasion only, then they should be treated as the same Matter, despite the fact that they would normally be treated as separate Matters.
 - ii. Where two or more Matters arise from the same set of circumstances, the chances of them being separate Matters diminish.
 - iii. Charges laid at the same time which are likely to be dealt with under one Representation Order, or are likely to be heard together, or are likely to form part of the same Case, should be dealt with as one Matter.
 - iv. Advice given on related issues which could be considered to be a “series of offences” should be dealt with as a single Matter, rather than separate Matters.

SCENARIO	FEES PAYABLE	NOTES
One client arrested on one Matter	One fee	One fee will be paid per client per Matter.
Two clients arrested at the same time and advised by Provider.	Two fees	One fee will be paid per client per Matter. Note that both must be advised at the police station to trigger the Fixed Fee. If one is advised by telephone only the telephone advice Fixed Fee will be paid for that client.
Conflicts of Interest:	One fee	One fee will be paid for the client

e.g. Two clients arrested at the same time, but there is a conflict so the Provider can only act for one.		represented where the Provider becomes aware of a conflict of interest.
Client arrested for multiple offences - irrespective of whether they are linked or not. e.g. arrested for burglary committed on 20 January 2008 and rape committed on 10 August 1983.	The starting point is that this will be one fee. In order for more than one fee to be paid there must be separate Matters.	<p>Separate Matters arise where the Client has genuinely separate legal problems requiring separate advice.</p> <p>Note: Where two or more Matters require advice on one occasion only they should be treated as the same Matter (reference should be made to 4.46 of the SCC Specification). An occasion can be defined as the same continuous period of detention (or attendance if in relation to a voluntary attendance).</p> <p>Where two or more Matters arise from the same set of circumstances, the chances of them being separate Matters diminish. Charges laid at the same time which are likely to be dealt with under one Representation Order or are likely to be heard together, or are likely to form part of the same Case, should be dealt with as one Matter.</p> <p>Advice given on related issues which could be considered a "series of offences" should be dealt with as a single Matter.</p>
Two Matters in total. No Further Action on one Matter, the other Matter charged.	One fee	Advice provided on separate Matters on one occasion only should be treated as a single Matter.
Two matters in total. One of those Matters charged the other bailed to return	Two fees	Two Matters advised on and advice continued on one of the Matters after first occasion. Two fees will be paid.
Three matters in total. One of those matters charged and Two bailed to return but to different dates	The starting point would be two fees though three fees might be appropriate.	As above. Three fees could be justified if the two bailed offences are charged at different occasions. If however the client is bailed to return on two dates and both are charged on the second date then only one extra fee would be appropriate.

Any number of Matters. All Matters charged to same date	One fee	Charges laid at the same time which are likely to be dealt with as one proceedings matter, should dealt with as one Matter
Arrested on one offence; at police station arrested on further offences(s)	One fee, unless they become separate Matters	See above for guidance on separate Matters.
Post-charge ID procedure	Paid at hourly rates	Post-charge work and Advocacy Assistance on Warrants for Further Detention are paid at hourly rates.

