
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the system for the payment of graduated fees for counsel for work in family proceedings as set out in the Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001 (“the 2001 Order”).

Articles 3 and 4 separate the definitions of the functions from the main definitions provision to make the definitions clearer. These articles also amend the definitions of functions F2 and F3 to provide for committal hearings to be included under the latter. Article 3 also inserts further definitions consequential on the other provisions of this Order.

Article 5 provides that the 2001 Order does not apply where the use of counsel has not been authorised in advance by the Legal Services Commission, or where the use of counsel is not considered to have been necessary on a costs assessment.

Article 7 makes an amendment to provide that in mixed or multiple claims, payment of the base fee under functions F1 and F4 may be claimed up to two times in a category.

Article 8 creates three new Special Issue Payments which may arise and be claimed, where applicable, at the rates set out in Schedule 1.

Article 10 provides that Special Issue Payments are to be paid at all F2 and F3 hearings and on all hearing units.

Article 13 provides for new increased rates for financial dispute resolution hearing payments.

Article 14 provides for new increased rates for care proceedings payments.

Article 15 inserts a new payment for enforcement procedures and contested injunction hearings.

Article 16 clarifies that where an early settlement supplement is payable it is calculated on the single base fee or hearing unit fee, whether or not multiple fees have been claimed in respect of a single set of proceedings.

Article 17 reduces the time limit for a claim for payment to be submitted to two months following the conclusion of the main hearing for the purposes of function F5, and for all other functions to two months following the discharge or revocation of a certificate.

Articles 18 substitutes a new Schedule 1 to provide for amendment to the Special Issue Payments rates, for the addition of the new Special Issue Payments to the relevant categories of proceedings and for new fees payable in respect of functions F1 to F5.