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STATUTORY INSTRUMENTS

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**2008 No. 1328**

**LEGAL SERVICES COMMISSION,  
ENGLAND AND WALES**

**The Community Legal Service  
(Funding) (Amendment) Order 2008**

<i>Made</i>	- - - -	<i>20th May 2008</i>
<i>Laid before Parliament</i>		<i>20th May 2008</i>
<i>Coming into force</i>	- -	<i>1st July 2008</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 6(4) of the Access to Justice Act 1999(1). He has consulted the General Council of the Bar and the Law Society in accordance with section 25(2) of that Act and has had regard to the matters specified in section 25(3) of that Act.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Community Legal Service (Funding) (Amendment) Order 2008 and comes into force on 1st July 2008.

(2) In this Order “the 2007 Order” means the Community Legal Service (Funding) Order 2007(2).

**Transitional provision**

2. Where—

- (a) an application for funded services is made before 1st July 2008; or
- (b) a client is in receipt of Legal Help before 1st July 2008 and the funded services are extended on or after that date to include Help at Court or Legal Representation,

the 2007 Order shall continue to have effect as if this Order had not been made.

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(1) 1999 c.22. The powers were transferred to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887) and transferred back to the Lord Chancellor by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I. 2005/3429).

(2) S.I. 2007/2441.

### **Amendments to the 2007 Order**

3. In article 3(1) of the 2007 Order, in the definition of “Unified Contract”, for “the contract document, the schedule” substitute “the contract for signature, the schedules”.

4. For article 5(1)(a) of the 2007 Order substitute—

“(a) after competitive tendering has taken place (whether or not as to price) and under which funded services specified in the contract (including services provided at a specified place or on behalf of a specified type of client) may be provided only by the successful tenderers;”.

5. For the Schedule to the 2007 Order substitute the Schedule set out in the Schedule to this Order.

Signed by authority of the Lord Chancellor

20th May 2008

*Hunt*  
Parliamentary Under Secretary of State  
Ministry of Justice

SCHEDULE

Article 5

The following Schedule is substituted for the Schedule to the 2007 Order.

“SCHEDULE

Fees and Hourly Rates

Words and expressions used in this Schedule have the same meaning as in the Unified Contract. The fees and rates in this Schedule are exclusive of value added tax.

Part 1 - Civil Standard and Graduated Fees

1 - Legal Help and Help at Court

**Table 1**

The fees in this Table for Housing do not apply for the Housing Possession Duty Scheme – see Table 6.

<i>Category</i>	<i>Under Specialist Quality Mark Fixed fee</i>	<i>Under Specialist Quality Mark Exceptional Thresholds</i>	<i>Tolerance Fee</i>	<i>Fixed</i>	<i>Tolerance Exceptional Thresholds</i>
Actions against the Police	£266	£798	£154		£462
Clinical Negligence	£217	£651	£-		£-
Community Care	£296	£888	£179		£537
Consumer General Contract	£177	£531	£149		£447
Debt	£200	£600	£123		£369
Education	£302	£906	£152		£456
Employment	£230	£690	£150		£450
Housing	£174	£522	£138		£414
Miscellaneous	£88	£264	£-		£-
Personal Injury	£208	£624	£-		£-
Public Law	£288	£864	£207		£621
Welfare Benefits	£167	£501	£136		£408

2 - Family Public Law

**Table 2 (a) Legal Help**

<i>National</i>
£147

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**Table 2(b) Family Help (Lower) – section 31 Children Act 1989(3) Care Proceedings only**

<i>National</i>
£405

**Table 2(c) Legal Representation - section 31 Children Act 1989 Care Proceedings only**

<i>Party</i>	<i>Court</i>	<i>Number of Clients</i>	<i>Midlands</i>	<i>North</i>	<i>London and South</i>	<i>Wales</i>
Child	Other	1	£2,405	£1,972	£2,761	£2,695
Child	Other	2+	£3,608	£2,958	£4,142	£4,043
Child	High	1	£3,199	£2,623	£3,672	£3,584
Child	High	2+	£4,799	£3,935	£5,508	£5,376
Joined Party	Other		£1,276	£986	£1,482	£1,606
Joined Party	High		£1,697	£1,311	£1,971	£2,136
Parent	Other	1	£3,156	£2,621	£3,589	£3,250
Parent	Other	2	£3,945	£3,276	£4,486	£4,063
Parent	High	1	£4,197	£3,486	£4,773	£4,323
Parent	High	2	£5,246	£4,358	£5,966	£5,404

3 - Family Private Law

**Table 3 (a) Legal Help**

<i>National</i>
£96

**Table 3 (b) Legal Help - Divorce Petition only**

<i>National</i>
£162

**Table 3 (c) Family Help (Lower) - Children**

	<i>Fee</i>	<i>Settlement Fee</i>
London	£256	£153
Non-London	£221	£132

**Table 3 (d) Family Help (Lower) - Finance**

	<i>Fee</i>	<i>Settlement Fee</i>
London	£268	£161

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	Fee	Settlement Fee
Non-London	£231	£139

#### 4 - Immigration and Asylum

**Table 4 (a) Immigration and asylum scheme graduated fees**

	Stage 1 (Legal Help)	Stage 2a (CLR)	Stage 2b (CLR)
Asylum Graduated Fee	£459	£252	£630
Immigration Graduated Fee	£260	£252	£504

**Table 4 (b) Additional payment for immigration and asylum cases**

Activity	Additional Payment
Representation at the Home Office interview (asylum and immigration cases within scope)	£296
Representation at oral Case Management Review Hearing	£184
Representation at telephone Case Management Review Hearing	£100
Representation at substantive Asylum and Immigration Tribunal hearing	£336 Asylum, £263 Immigration
Additional hearing: part heard or re- list	£179 Asylum, £179 Immigration
All disbursements (interpreters and translators, expert reports, travel expenses)	Separate payment outside Graduated Fee Scheme, subject to cost thresholds

#### 5 - Mental Health

**Table 5 (a) Basic Fees**

	Basic Fees
Non-Mental Health Review Tribunal	£281
Level 1 (MHRT)	£143
Level 2 (MHRT)	£357
Level 3 (MHRT)	£327

**Table 5 (b) Additional Fees**

	Additional Fees
Adjourned Hearing Fee	£130
Remote Travel payment Level 1 (Mental Health Review Tribunal)	£77

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Additional Fees	
Remote Travel payment Non-MHRT, Level 2 (MHRT), Level 3 (MHRT)	£153

6 - Housing Possession Duty Scheme

**Table 6: Standard Fee**

London	£84
Non-London	£79.50

Part 2 - Hourly Rates – Controlled Work

7 - Legal Help, Help at Court and Family Help (Lower)

**Table 7 (a) Immigration matters falling outside the graduated fee scheme as exceptional cases, Mental Health, Actions against the Police etc, Public Law, Education and Community Care**

<i>Activity</i>	London Rate	<i>Non-London Rate</i>
Preparation, attendance and advocacy	£58.50 per hour	£53.60 per hour
Travel and waiting time	£30.90 per hour	£30.00 per hour
Routine letters out and telephone calls	£4.50 per item	£4.20 per item

**Table 7 (b) All other Immigration matters, as listed after this Table**

<i>Activity</i>	London Rate	<i>Non-London Rate</i>
Preparation, attendance and advocacy	£57.35 per hour	£52.55 per hour
Travel and waiting time	£30.30 per hour	£29.45 per hour
Routine letters out and telephone calls	£4.40 per item	£4.10 per item

Advice as to the merits of an application under section 103A of the Nationality, Immigration and Asylum Act 2002<sup>(4)</sup> (where advice has not been received under stage 2 of the graduated fee scheme) or as to an appeal under section 103B or 103E of that Act  
 Advice in relation to asylum applications (including New Asylum Model or legacy cases) made to the Home Office before 1st October 2007  
 Advice in relation to fresh asylum applications made to the Home Office on or after 1st October 2007, where a previous application was made before that date  
 Bail applications  
 Advice in relation to the completion of forms where a question of law arises, where permitted under the immigration section of the Unified Contract civil specification  
 Advice and applications for a certificate of licensed work, including compliance with the pre-action protocol for judicial review  
 Initial advice in relation to an asylum application prior to attendance at the Asylum Screening Unit where the supplier then ceases to be instructed  
 Advice to unaccompanied children seeking asylum

(4) 2002 c. 41. Sections 103A, 103B and 103E were inserted by section 26 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19).

Advice at advice surgeries at detention centres

**Table 7 (c) Family and Housing (except as in Table 7 (d)) and Employment**

<i>Activity</i>	London Rate	<i>Non-London Rate</i>
Preparation, attendance and advocacy	£54.15 per hour	£51.05 per hour
Travel and waiting time	£28.60 per hour	£28.60 per hour
Routine letters out and telephone calls	£4.20 per item	£4.05 per item

**Table 7 (d): Legal Help or Help at Court provided in relation to a review under section 202 of the Housing Act 1996(5) and to a defendant to a possession claim in the county court; Family Help (Lower) and related Legal Help in relation to care proceedings under section 31 of the Children Act 1989**

<i>Activity</i>	London Rate	<i>Non-London Rate</i>
Preparation, attendance and advocacy	£62.40 per hour	£58.40 per hour
Travel and waiting time	£30.90 per hour	£30.05 per hour
Routine letters out and telephone calls	£4.50 per item	£4.20 per item

**Table 7 (e): All other categories and all tolerance work**

<i>Activity</i>	London Rate	<i>Non-London Rate</i>
Preparation, attendance and advocacy	£51.70 per hour	£48.75 per hour
Travel and waiting time	£27.35 per hour	£27.35 per hour
Routine letters out and telephone calls	£4.00 per item	£3.85 per item

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## 8 - Controlled Legal Representation

**Table 8 (a): Immigration – those matters listed after this Table**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation and attendance	£61.20 per hour	£57.25 per hour
Travel and waiting time	£30.30 per hour	£29.45 per hour
Routine letters out and telephone calls	£4.40 per item	£4.10 per item
Advocacy	£69.60 per hour	£69.60 per hour
Asylum applications (including New Asylum Model or legacy cases) made to the Home Office before 1st October 2007 Fresh asylum applications made to the Home Office on or after 1st October 2007, where a previous application was made before that date Applications under section 103A of the Nationality, Immigration and Asylum Act 2002 which are not subject to an order under section 103D of that Act(6) Bail applications Advice in relation to the completion of forms where a question of law arises, where permitted under the immigration section of the Unified Contract civil specification Representation of unaccompanied children seeking asylum		

**Table 8 (b): Immigration – applications under section 103A Nationality, Immigration and Asylum Act 2002 where an order under section 103D has been granted**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation and attendance	£82.62 per hour	£77.29 per hour
Travel and waiting time	£40.91 per hour	£39.76 per hour
Routine letters out and telephone calls	£5.94 per item	£5.54 per item
Advocacy	£93.96 per hour	£93.96 per hour

**Table 8 (c): Immigration – matters falling outside the graduated fee scheme as exceptional cases**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation and attendance	£64.25 per hour	£60.10 per hour
Travel and waiting time	£31.80 per hour	£30.90 per hour
Routine letters out and telephone calls	£4.60 per item	£4.30 per item
Advocacy	£73.10 per hour	£73.10 per hour

(6) Section 103D was inserted by section 26 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19).



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**Table 8 (d): Representation at Mental Health Review Tribunal**

<i>Activity</i>	London Rate	<i>Non London Rate</i>
Preparation and attendance	£64.25 per hour	£60.10 per hour
Travel and waiting time	£31.80 per hour	£30.90 per hour
Letters and telephone calls	£4.60 per item	£4.30 per item
Advocacy	£73.10 per hour	£73.10 per hour
Attending tribunal with counsel	£34.20 per hour	£34.20 per hour

Part 3 - Hourly Rates – Licensed Work

9 - Family Prescribed Rates

**Table 9 (a): Care Proceedings**

<i>Activity</i>	Higher Courts	<i>County court and magistrates' court</i>
Writing routine letters	£4.70 per item	£4.10 per item
Receiving routine letters	£2.35 per hour	£2.05 per item
Routine telephone calls	£4.70 per item	£4.10 per item
Preparation and attendance	£77.85 per hour (London Rate)	£68.20 per hour (London Rate)
	£73.15 per hour (Non-London Rate)	£64.90 per hour (Non-London Rate)
Attending at court conference with counsel	or £41.25 per hour	£36.30 per hour
Advocacy	£77.85 per hour (London Rate)	£71.50 per hour
	£73.15 per hour (Non-London Rate)	
Travelling and waiting time	£35.75 per hour	£32.45 per hour

**Table 9 (b): Other Family Proceedings**

<i>Activity</i>	Higher Courts	<i>County court and magistrates' court</i>
Writing routine letters	£7.05 per item	£6.00 per item
Receiving routine letters	£3.50 per hour	£3.00 per item
Routine telephone calls	£7.05 per item	£6.00 per item
Preparation and attendance	£78.40 per hour (London Rate)	£66.00 per hour (London Rate)
	£73.05 per hour (Non-London Rate)	£61.00 per hour (Non-London Rate)

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<i>Activity</i>	Higher Courts	<i>County court and magistrates' court</i>
Attending at court conference with counsel	£41.25 per hour	£36.00 per hour
Advocacy	£78.40 per hour (London Rate)	£66.00 per hour (London Rate)
	£73.05 per hour (Non-London Rate)	£63.00 per hour (Non-London Rate)
Travelling and waiting time	£35.75 per hour	£32.00 per hour (London Rate)
		£31.00 per hour (Non-London Rate)

#### 10 - Non Family Prescribed Rates

**Table 10 (a): Higher Courts, county courts and magistrates' courts for work carried out within a Specialist Quality Mark Category**

<i>Activity</i>	Higher Courts	<i>County court and magistrates' court</i>
Writing routine letters	£7.50 per item	£6.60 per item
Routine telephone calls	£4.15 per hour	£3.65 per item
Preparation and attendance	£79.50 per hour (London Rate)	£70.00 per hour (London Rate)
	£75.00 per hour (Non-London Rate)	£66.00 per hour (Non-London Rate)
Attending at court conference with counsel	or £37.00 per hour	£32.50 per hour
Advocacy	£75.00 per hour	£66.00 per hour
Travelling and waiting time	£33.25 per hour	£29.20 per hour

**Table 10 (b): Higher Courts, county court and magistrates' court for work not carried out within a Specialist Quality Mark Category**

<i>Activity</i>	Higher Courts	<i>County court and magistrates' court</i>
Writing routine letters	£7.40 per item	£6.50 per item
Routine telephone calls	£4.10 per hour	£3.60 per item
Preparation and attendance	£78.50 per hour (London Rate)	£69.00 per hour (London Rate)
	£74.00 per hour (Non-London Rate)	£65.00 per hour (Non-London Rate)
Attending at court conference with counsel	or £36.40 per hour	£32.00 per hour
Advocacy	£74.00 per hour	£65.00 per hour

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<i>Activity</i>	Higher Courts	<i>County court and magistrates' court</i>
Travelling and waiting time	£32.70 per hour	£28.75 per hour

**Table 10 (c) Other Tribunals**

<i>Activity</i>	London Rate	<i>Non-London Rate</i>
Preparation and attendance	£61.20 per hour	£57.25 per hour
Routine letters out and telephone calls	£4.40 per item	£4.10 per item
Advocacy	£69.60 per hour	£69.60 per hour
Attending tribunal or conference with counsel	£32.55 per hour	£32.55 per hour
Travelling and waiting time	£30.30 per hour	£29.45 per hour

#### Part 4 - Family Mediation Fees

##### 11- Family Mediation

**Table 11 (a): Willingness Test**

Willingness Test	£25
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**Table 11 (b): Assessment Meetings**

<i>Activity</i>	
Assessment alone	£87
Assessment separate	£87
Assessment together	£130

**Table 11 (c): Mediation Fees**

<i>Category of Work</i>	Single Session	<i>Multi Session</i>	Agreed Proposal
All Issues Mediation Sole	£168	£756	£252
All Issues Mediation Co-	£230	£1,064	£252
Property and Finance Sole	£168	£588	£189
Property and Finance Co-	£230	£834	£189
Child Sole	£168	£462	£126
Child Co-	£230	£647	£126"

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Community Legal Service (Funding) Order 2007, which imposes conditions on the funding of services as part of the Community Legal Service, by limiting the powers of the Legal Services Commission to pay remuneration under contract for the provision of funded services. Article 5 of this Order substitutes a new Schedule containing revised fees and rates payable for funded services for matters begun on or after 1st July 2008. Most of the fees and rates have been increased; the others remain the same. Article 4 excludes from the application of the Schedule certain contracts which are the subject of competitive tendering. Article 3 corrects the definition of “Unified Contract”.

An impact assessment for this instrument has been prepared and is available from Civil Legal Aid Strategy Division, Ministry of Justice, 54 Victoria Street, London SW1E 6QW. It is also annexed to the explanatory memorandum for this instrument, which is available at <http://www.opsi.gov.uk>.