
STATUTORY INSTRUMENTS

1997 No. 2394

**LEGAL AID AND ADVICE,
ENGLAND AND WALES**

**The Legal Aid in Family Proceedings
(Remuneration) (Amendment) Regulations 1997**

Made - - - - 3rd October 1997
Laid before Parliament 7th October 1997
Coming into force - - 1st November 1997

The Lord Chancellor, in exercise of the powers conferred on him by sections 34 and 43 of the Legal Aid Act 1988(1), having had regard to the matters specified in section 34(9) and having consulted the General Council of the Bar and the Law Society and with the consent of the Treasury, hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid in Family Proceedings (Remuneration) (Amendment) Regulations 1997 and shall come into force on 1st November 1997.

(2) In these Regulations, a regulation or Schedule referred to by number alone means the regulation or Schedule so numbered in the Legal Aid in Family Proceedings (Remuneration) Regulations 1991(2).

(3) These Regulations shall apply to remuneration payable in respect of a certificate issued on or after 1st November 1997 and remuneration payable in respect of a certificate issued before that date shall be determined as if these Regulations had not been made.

Amendments to the Legal Aid in Family Proceedings (Remuneration) Regulations 1991

2. In regulation 2(1), in the definition of “prescribed family proceedings”, there shall be added to the end of sub-paragraph (b) the following—

“, other than proceedings under Part IV of the Family Law Act 1996(3)

3. In regulation 3(2)—

(1) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.
(2) S.I.1991/2038; the relevant amending instruments are S.I. 1991/2112, 1993/1117, 1994/230 and 1996/650.
(3) 1996 c. 27.

- (a) at the end of sub-paragraph (b), there shall be added the following—
 - “or proceedings under Part IV of the Family Law Act 1996”;
 - (b) after sub-paragraph (b), there shall be inserted the following—
 - “(bb) in accordance with the county court rate in column 3 of Schedule 2(a) where the certificate was issued in relation to proceedings in the High Court, a county court or a magistrates' court under Part IV of the Family Law Act 1996;”;
 - (c) at the end of sub-paragraph (c), for “sub-paragraphs (a) and (b)”, there shall be substituted “sub-paragraph (a), (b) or (bb);”.
4. After regulation 3(3), there shall be inserted the following—
“(3A) Where a certificate relating to proceedings under paragraph (2)(c) is extended to cover proceedings falling within sub-paragraph (bb), the amounts to be allowed on determination shall be in accordance with that sub-paragraph.”.
5. In paragraph 10 of Schedule 2(a), for “£52.75” in column 3, there shall be substituted “£55.25”.
6. In paragraph 10 of Schedule 2A(a), for “£53.50” in column 3, there shall be substituted “£56.25”.

2nd October 1997

Irvine of Lairg , C.

We consent,

3rd October 1997

Jim Dowd
Graham Allen
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Family Proceedings (Remuneration) Regulations 1991 so as to provide for remuneration for the legal representatives of assisted persons for proceedings in all courts under Part IV of the Family Law Act 1996 to be paid at the county court rate set out in column 3 of Schedule 2(a) to the 1991 Rules. Where the work was done by a person or body (other than the Legal Aid Board) acting under the terms of a franchising contract pursuant to the Board's powers under section 4 of the Legal Aid Act 1988, the amounts set out in Schedule 2A(a) will apply instead of Schedule 2(a).

In addition, these Regulations raise the rates paid to solicitors for attending a county court without counsel to the same as that which is paid for advocacy in a magistrates' court. The new amounts are £55.25 per hour in Schedule 2 and £56.25 per hour in Schedule 2A.