

2007 No. 742

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Aid in Family Proceedings (Remuneration)
(Amendment) Regulations 2007**

<i>Made</i> - - - -	<i>8th March 2007</i>
<i>Laid before Parliament</i>	<i>9th March 2007</i>
<i>Coming into force</i> - -	<i>2nd April 2007</i>

These Regulations are made in exercise of the powers conferred by sections 34 and 43 of the Legal Aid Act 1988(a). The Lord Chancellor has consulted the General Council of the Bar and the Law Society in accordance with that Act and has had regard to the matters specified in section 34(9) of that Act. With the consent of the Treasury the Lord Chancellor 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 2007 and come into force on 2nd April 2007.

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

(3) In these Regulations, “funded services” means services which are granted by the Legal Services Commission as part of the Community Legal Service under sections 4 to 11 of the Access to Justice Act 1999(c).

Transitional provision

2. These Regulations shall apply to all work carried out on or after 2nd April 2007 where the funded services are granted on or after 2nd April 2007.

3. In relation to——

- (a) work carried out before 2nd April 2007, and
- (b) work carried out after that date where the funded services are granted before that date,

(a) 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 and the Family Law Act 1996 (c.27), Schedule 8 paragraph 44. Sections 34 and 43 were repealed (together with other provisions) by Part I of Schedule 15 to the Access to Justice Act 1999 (c.22), which was brought into force on 1 April 2000 by the Access to Justice Act 1999 (Commencement No.3, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774) but subject to savings. Section 43 defines “regulations”.

(b) S.I.1991/2038; amended by S.I.1991/2112, S.I.1992/596, S.I.1993/1117, S.I.1994/230, S.I.1996/650, S.I.1996/1555, S.I.1997/2394, S.I.2001/830, S.I.2001/1255, S.I.2001/2417 and S.I.2002/710.

(c) 1999 c.22.

the Legal Aid in Family Proceedings (Remuneration) Regulations 1991 shall have effect as if these Regulations had not been made.

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

4. In regulation 3, for all references to “2A(a)” substitute “2A”.
5. For Schedule 2A substitute the Schedule 2A as set out in the Schedule to these Regulations.

Signed by authority of the Lord Chancellor

6th March 2007

Vera Baird
Parliamentary Under Secretary of State
Department for Constitutional Affairs

We consent

8th March 2007

Frank Roy
Claire Ward
Two of the Lords Commissioners
of Her Majesty’s Treasury

SCHEDULE

“SCHEDULE 2A

PRESCRIBED FAMILY PROCEEDINGS

PART 1

PREPARATION

High Court, county court and magistrates’ court proceedings

	High Court	County court and magistrates’ court
1. Writing routine letters	£7.05 per item	£6 per item
2. Receiving routine letters	£3.50 per item	£3 per item
3. Routine telephone calls	£7.05 per item	£6 per item
4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings,	Where proceedings were conducted in the divorce registry or in another court on the South Eastern Circuit at the time when the relevant work was done: £78.40 per hour	Where the fee earner’s office is situated on the South Eastern Circuit: £66 per hour

interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine	All other circuits: £73.05 per hour	Where the fee earner's office is situated outside the South Eastern Circuit: £61 per hour
6. Travelling and waiting	£35.75 per hour	Where the fee earner's office is situated on the South Eastern Circuit: £32 per hour
		Where the fee earner's office is situated outside the South Eastern Circuit: £31 per hour

PART II
CONFERENCES WITH COUNSEL

	High Court	County court and magistrates' court
7. Attending counsel in conference	£41.25 per hour	£36 per hour
8. Travelling and waiting	£35.75 per hour	Where the fee earner's office is situated on the South Eastern Circuit: £32 per hour
		Where the fee earner's office is situated outside the South Eastern Circuit: £31 per hour

PART III
ATTENDANCES

	High Court	County court and magistrates' court
9. Attending with counsel at the trial or hearing of any cause or the hearing of any	£41.25 per hour	£36 per hour

summons or other application at court, or other appointment		
10. Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment	Where proceedings were conducted in the divorce registry or in another court on the South Eastern Circuit at the time when the relevant work was done: £78 per hour	Where the fee earner's office is situated on the South Eastern Circuit: £66 per hour
	All other circuits: £73.07 per hour	Where the fee earner's office is situated outside the South Eastern Circuit: £63 per hour
11. Travelling and waiting	£35.75 per hour	Where the fee earner's office is situated on the South Eastern Circuit: £32 per hour
		Where the fee earner's office is situated outside the South Eastern Circuit: £31 per hour

PART V

DETAILED ASSESSMENT AND APPEAL IN RELATION TO DETAILED ASSESSMENT

	High Court	County court and magistrates' court
12. Preparing the bill (where allowable) and completing the detailed assessment (excluding preparing for and attending the hearing of the detailed assessment)	£35.70 - £99.85	£35.70 - £56.95
13. Preparing for and attending the hearing of the detailed assessment (including travelling and waiting)	Discretionary	Discretionary
14. Appeal to costs judge, district judge or judge (including preparation)	Discretionary	Discretionary"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which amend the Legal Aid in Family Proceedings (Remuneration) Regulations 1991, introduce new rates of remuneration for representation in prescribed family proceedings. The rates will apply to representation which is still being provided by suppliers with a family contract with the Legal Services Commission, under Part IV of the Legal Aid Act 1988 and to representation in family proceedings provided under contract as part of the Community Legal Service, under Part I of the Access to Justice Act 1999.

The revised rates apply in both county courts and magistrates' courts, so that the rates of remuneration in these courts are now the same.

An impact assessment has been prepared and was included in the full Regulatory Impact Assessment which accompanied the document 'Legal Aid Reform: the Way Ahead'. A copy is available from Civil Legal Aid Strategy Division, Department for Constitutional Affairs, 54 Victoria Street, London, SW1E 6QW and can also be found at <http://www.dca.gov.uk/laid/legaid/ria-legal-aid-reform.pdf>.

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