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STATUTORY INSTRUMENTS

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**2013 No. 2877**

**The Civil Legal Aid (Remuneration)  
(Amendment) Regulations 2013**

**PART 1**

**GENERAL AND AMENDMENTS**

**Citation and commencement**

1. These Regulations may be cited as the Civil Legal Aid (Remuneration) (Amendment) Regulations 2013 and come into force on 2nd December 2013.

**Amendment to the Civil Legal Aid (Remuneration) Regulations 2013**

2.—(1) The Civil Legal Aid (Remuneration) Regulations 2013<sup>(1)</sup> are amended as follows.

(2) In regulation 7—

- (a) in paragraph (2), for “(3) and (4)” substitute “(3) to (4A)”;
- (b) for paragraph (3) substitute—

“(3) The Lord Chancellor may pay an enhancement to the hourly rates set out in Table 1 of Schedule 2 where—

- (a) the work was done with exceptional competence, skill or expertise;
- (b) the work was done with exceptional speed; or
- (c) the case involved exceptional circumstances or complexity.

(3A) Subject to paragraph (3B), when calculating the percentage by which the hourly rates may be enhanced under paragraph (3), the Lord Chancellor must have regard to the—

- (a) degree of responsibility accepted by the barrister;
- (b) care, speed and efficiency with which the barrister prepared the case; and
- (c) novelty, weight and complexity of the case.

(3B) The Lord Chancellor must not pay an enhancement which exceeds—

- (a) 100% for proceedings in the Upper Tribunal or High Court; or
- (b) 50% for all other proceedings.”;

(c) for paragraph (4) substitute—

“(4) Where a barrister in independent practice who is not a Queen’s Counsel provides civil legal services in a category not listed in Table 1 or Table 2 in Schedule 2, in considering the rate at which to remunerate the barrister for the services provided, the Lord Chancellor must have regard to the rates set out in Table 1 and the provisions relating to enhancement under paragraphs (3) to (3B).”;

- (d) after paragraph (4) insert—
  - “(4A) Where a barrister in independent practice who is a Queen’s Counsel provides civil legal services in a category not listed in Table 2 in Schedule 2, in considering the rate at which to remunerate the barrister for the services provided, the Lord Chancellor must have regard to the rates set out in that Table.”; and
- (e) for paragraph (5) substitute—
  - “(5) For the purpose of this regulation—
    - (a) in determining what is exceptional, the Lord Chancellor may have regard to the generality of proceedings to which the relevant rates apply;
    - (b) “care” includes the skill with which the barrister has carried out the work and, in particular, the care with which the barrister has dealt with a vulnerable client; and
    - (c) “weight” means the—
      - (i) volume of documentation or other material in a case;
      - (ii) number of issues arising in a case; or
      - (iii) importance of the case to the client.”.
- (3) In regulation 9—
  - (a) in paragraph (4), for subparagraphs (a) and (b) substitute “in accordance with the payment rates set out in Part 2 of Schedule 2 to the Criminal Defence Service (Very High Cost Cases) (Funding) Order 2013(2)”; and
  - (b) omit paragraph (6).
- (4) In Part 2 of Schedule 1—
  - (a) omit table 8(b); and
  - (b) for the heading of table 8(c), substitute—

*“Table 8(c): Controlled Legal Representation –  
Immigration and Asylum hourly rates cases”.*
- (5) For Schedule 2 substitute Schedule 2 as set out in Schedule 1 to these Regulations.
- (6) For the table in Schedule 5 substitute the table as set out in Schedule 2 to these Regulations.