
STATUTORY INSTRUMENTS

2013 No. 2877

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

PART 1

GENERAL AND AMENDMENTS

Amendment to the Civil Legal Aid (Remuneration) Regulations 2013

2.—(1) The Civil Legal Aid (Remuneration) Regulations 2013⁽¹⁾ 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.