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*Status: Point in time view as at 01/04/2013.*

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## STATUTORY INSTRUMENTS

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### 2013 No. 422

# LEGAL AID AND ADVICE, ENGLAND AND WALES

## The Civil Legal Aid (Remuneration) Regulations 2013

*Made* - - - - 25th February 2013  
*Laid before Parliament* 28th February 2013  
*Coming into force* - - 1st April 2013

The Lord Chancellor makes the following Regulations <sup>M1</sup> in exercise of the powers conferred by sections 2(3), 5(2), 5(4) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 <sup>M2</sup>.

#### Marginal Citations

- M1** Section 42(1) of the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.
- M2** 2012 c. 10.

#### Citation and commencement **E+W**

1. These Regulations may be cited as the Civil Legal Aid (Remuneration) Regulations 2013 and come into force on 1st April 2013.

#### Interpretation **E+W**

2.—(1) In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“advocate” means a person who exercises a right of audience before a court, tribunal or other person and “advocacy” means the exercise of such a right;

“advocates' meeting” means an advocates' meeting directed by the court pursuant to the outline set out in the table following paragraph 10 of Practice Direction 12A (Public Law Proceedings Guide to Case Management: April 2010) to the Family Procedure Rules 2010 <sup>M3</sup>;

“advocacy services” means work done—

(a) by an advocate at a court hearing;

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- (b) by an advocate, as such, in connection with an advocates' meeting;
- (c) by counsel in connection with a conference; and
- (d) by counsel in connection with an opinion,

and fees and rates for advocacy services include, unless different provision is made in these Regulations, remuneration for preparatory work, attendances, travelling and waiting in relation to those services;

“Category Definition” means one of the Category Definitions that form part of the 2010 Standard Civil Contract or the 2013 Standard Civil Contract;

“Controlled Work” has the same meaning as in regulation 21(2) of the Civil Legal Aid (Procedure) Regulations 2012 <sup>M4</sup>;

“counsel” means—

- (a) a barrister in independent practice; and
- (b) a solicitor or Fellow of the Institute of Legal Executives who does not work in a partnership and who is not a party to the relevant contract;

“family proceedings” means proceedings which arise out of family relationships, and includes proceedings in which the welfare of children is determined, and includes proceedings under the following—

- (a) the Matrimonial Causes Act 1973 <sup>M5</sup>;
- (b) the Adoption Act 1976 <sup>M6</sup>;
- (c) the Domestic Proceedings and Magistrates' Courts Act 1978 <sup>M7</sup>;
- (d) Part III (financial relief in England and Wales after overseas divorce etc) of the Matrimonial and Family Proceedings Act 1984 <sup>M8</sup>;
- (e) Parts I to V (introductory, orders with respect to children in family proceedings, local authority support for children and families, care and supervision, protection of children) of the Children Act 1989 <sup>M9</sup>;
- (f) Part IV (family homes and domestic violence) of the Family Law Act 1996 <sup>M10</sup>;
- (g) the Adoption and Children Act 2002 <sup>M11</sup>;
- (h) the Civil Partnership Act 2004 <sup>M12</sup>; and
- (i) the inherent jurisdiction of the High Court in relation to children,

but does not include judicial review proceedings, proceedings under the Inheritance (Provision for Family and Dependants) Act 1975 <sup>M13</sup> or proceedings under the Trusts of Land and Appointment of Trustees Act 1996 <sup>M14</sup>;

“legally aided person” means a person for whom civil legal services are made available under arrangements made for the purposes of Part 1 of the Act and “client” has the same meaning;

“provider” means a party, other than the Lord Chancellor, to the relevant contract;

“the relevant contract” means whichever of the 2010 Standard Civil Contract, the 2013 Standard Civil Contract or the 2013 Individual Case Contract (Civil) governs the provision of civil legal services for which remuneration is claimed; and

“the 2010 Standard Civil Contract”, “the 2013 Standard Civil Contract”, the “2013 Individual Case Contract (Civil)” and “the 2013 Individual Case Contract (High Cost Civil)” mean the contracts so named between the Lord Chancellor and a provider of civil legal services <sup>M15</sup> under Part 1 of the Act (legal aid).

- (2) A reference in these Regulations to the following forms of civil legal services—

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- (a) legal help;
- (b) help at court;
- (c) family help;
- (d) family mediation;
- (e) help with family mediation;
- (f) legal representation; and
- (g) other legal services,

is to the provision of those forms of service as defined in Part 2 of the Civil Legal Aid (Merits Criteria) Regulations 2013 <sup>M16</sup>.

#### Marginal Citations

- M3** S.I. 2010/2955. Practice Direction 12A came into effect on 6th April 2010 and replaced the Practice Direction Guide to Case Management in Public Law Proceedings dated April 2008.
- M4** S.I. 2012/3098.
- M5** 1973 c. 18.
- M6** 1976 c. 36.
- M7** 1978 c. 22.
- M8** 1984 c. 42.
- M9** 1989 c. 41.
- M10** 1996 c. 27.
- M11** 2002 c. 38.
- M12** 2004 c. 33.
- M13** 1975 c. 63.
- M14** 1996 c. 47.
- M15** The contracts are available at [www.justice.gov.uk/legal-aid](http://www.justice.gov.uk/legal-aid). Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London SW1H 9AJ.
- M16** S.I. 2013/104.

#### Value Added Tax **E+W**

3. All rates and fees set out in the Schedules are exclusive of value added tax.

#### Delegation **E+W**

4. A function of the Lord Chancellor under these Regulations may be exercised by, or by an employee of, a person authorised for that purpose by the Lord Chancellor <sup>M17</sup>.

#### Marginal Citations

- M17** Section 6 (authorisations) of the Act makes provision for authorisations given for the purpose of section 5 (delegation) of the Act or regulations under that section.

#### Non application to civil legal services provided under certain contracts **E+W**

- 5.—(1) Regulations 6 to 11 are subject to this regulation.
- (2) These Regulations do not apply to the payment of remuneration by the Lord Chancellor to persons who provide civil legal services where the provision of those services is governed by a

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contract between a person and the Lord Chancellor which has been awarded as part of any pilot which provides for remuneration by way of one or more standard fees.

(3) With the exception of regulations 7 and 10, these Regulations do not apply to the payment of remuneration by the Lord Chancellor to persons who provide civil legal services where the provision of those services is governed by a contract between a person and the Lord Chancellor which has been awarded after competitive tendering as to price has taken place.

(4) With the exception of regulation 10, these Regulations do not apply to the payment of remuneration by the Lord Chancellor to persons who provide civil legal services where the provision of those services is governed by the Individual Case Contract (High Cost Civil).

(5) Where paragraph (3) applies, the reference in regulation 10(a) to “the relevant contract” is to the contract between a person and the Lord Chancellor which has been awarded after competitive tendering as to price has taken place.

(6) Where paragraph (4) applies, the reference in regulation 10(a) to “the relevant contract” is to the Individual Case Contract (High Cost Civil).

#### **Remuneration for civil legal services: general** **E+W**

**6.—**(1) This regulation applies to the payment by the Lord Chancellor of remuneration to providers of civil legal services other than—

- (a) advocacy services in family proceedings; or
- (b) civil legal services in relation to inquests.

(2) The Lord Chancellor must pay remuneration to a provider of civil legal services in accordance with—

- (a) the relevant contract; and
- (b) subject to paragraph (3), the fees and rates set out in Schedule 1.

(3) The Lord Chancellor may pay a percentage enhancement to the hourly rates set out in Schedule 1, but the percentage enhancement must not exceed—

- (a) 100% for proceedings in the Upper Tribunal, High Court, Court of Appeal or the Supreme Court; and
- (b) 50% for all other proceedings.

#### **E+W**

**7.—**(1) This regulation applies to the payment by the Lord Chancellor of remuneration for civil legal services provided by barristers in independent practice where the civil legal services—

- (a) are in relation to work that is not Controlled Work; and
- (b) are not—
  - (i) advocacy services in family proceedings; or
  - (ii) other legal services in relation to inquests.

(2) Subject to paragraphs (3) and (4), the Lord Chancellor must pay remuneration for civil legal services to which this regulation applies in accordance with the rates set out in Schedule 2.

(3) The Lord Chancellor may increase the hourly rate for junior counsel in county court proceedings set out in Schedule 2 if the Lord Chancellor considers it reasonable to do so.

(4) Where a barrister in independent practice provides civil legal services in a category not listed in the Table 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.

- (5) For the purpose of this regulation and Schedule 2—
- (a) “junior counsel” means a barrister in independent practice of less than 10 years call; and
  - (b) “senior counsel” means a barrister in independent practice of 10 years call or more.

### **Remuneration: advocacy services in family proceedings** E+W

**8.—**(1) This regulation applies to the payment by the Lord Chancellor of remuneration for the provision of advocacy services in family proceedings.

(2) Subject to paragraph (3), the Lord Chancellor must pay remuneration for advocacy services in family proceedings in accordance with—

- (a) the relevant contract; and
- (b) the fees and rates set out in Schedule 3.

(3) The Lord Chancellor must pay remuneration, other than to counsel, for advocacy services in family proceedings provided in the circumstances described in paragraph (4) in accordance with—

- (a) the relevant contract; and
- (b) the relevant hourly rates set out in Schedule 1.

(4) The circumstances referred to in paragraph (3) are where advocacy services are provided—

- (a) to any party in child abduction proceedings;
- (b) in proceedings under Part IVA (forced marriage) of the Family Law Act 1996 <sup>M18</sup>;
- (c) in defended proceedings for divorce or judicial separation, for dissolution of a civil partnership or the legal separation of civil partners;
- (d) in proceedings for the nullity of marriage or annulment of a civil partnership;
- (e) in applications for a parental order under the Human Fertilisation and Embryology Act 2008 <sup>M19</sup>;
- (f) in proceedings under the inherent jurisdiction of the High Court in relation to children;
- (g) where the advocate separately represents a child in proceedings which are neither specified proceedings within the meaning of section 41(6) of the Children Act 1989 nor are heard together with such proceedings;
- (h) in proceedings in the Court of Appeal or the Supreme Court;
- (i) in a final appeal; or
- (j) by Queen's Counsel acting as such under a prior authority given by the Lord Chancellor under the relevant contract.

(5) In paragraph (4), “final appeal” means any appeal against a final order in family proceedings but does not include—

- (a) an application to the court of first instance for permission to appeal; and
- (b) advice on the merits of appealing against a final order.

(6) Where advocacy services in the circumstances described in paragraph (4) are provided by counsel, the Lord Chancellor must pay remuneration to counsel in accordance with the relevant contract.

(7) In circumstances where the relevant contract requires the amount of remuneration payable to counsel to be determined having regard to matters including the remuneration that would have been payable had the services been remunerated under the provisions of the Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001 <sup>M20</sup>, in deciding the amount of remuneration to pay to counsel under paragraph (6) the Lord Chancellor must reduce by 10% the remuneration that would have been payable under that Order.

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#### Marginal Citations

**M18** Part IVA was inserted by section 1 of the [Forced Marriage \(Civil Protection\) Act 2007 \(c.20\)](#).

**M19** [2008 c. 22](#).

**M20** [S.I. 2001/1077](#); revoked by article 9(1) of [S.I. 2011/1027](#) subject to savings set out in article 9(2).

### Remuneration for civil legal services: inquests **E+W**

**9.**—(1) This regulation applies to the payment by the Lord Chancellor of remuneration for civil legal services provided in relation to inquests.

(2) The Lord Chancellor must pay remuneration to the provider of civil legal services in relation to an inquest in the form of legal help in accordance with—

- (a) the relevant contract; and
- (b) the fees and rates in Part 1 and Part 2 of Schedule 1 that are applicable to the Category Definition most relevant to the circumstances giving rise to the inquest.

(3) The Lord Chancellor must pay remuneration for civil legal services provided in relation to an inquest in the form of other legal services in accordance with—

- (a) the relevant contract; and
- (b) subject to paragraph (4), the rates set out in Schedule 4.

(4) If, due to exceptional circumstances, the Lord Chancellor considers it reasonable to do so, instead of paying remuneration in accordance with the rates set out in Schedule 4, the Lord Chancellor may pay remuneration—

- (a) to organisations, in accordance with the payment rates set out in Section 7 of the 2010 VHCC Contract (for organisations); and
- (b) to self-employed advocates, in accordance with the payment rates set out in Section 7 of the 2010 VHCC Contract (for self-employed advocates).

(5) In paragraph (4), “exceptional circumstances” must relate to one or more of the following—

- (a) the unusual length of the inquest;
- (b) the volume of material; or
- (c) the complexity of the issues.

(6) In paragraph (4), “the 2010 VHCC Contract (for organisations)” and “the 2010 VHCC Contract (for self-employed advocates)” means the contracts so named between the Lord Chancellor and a person for the provision of representation for the purposes of criminal proceedings under section 16 of the Act<sup>M21</sup>.

#### Marginal Citations

**M21** The contracts are available at [www.justice.gov.uk/legal-aid](http://www.justice.gov.uk/legal-aid). Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London SW1H 9AJ.

### Remuneration: expert services **E+W**

**10.** The Lord Chancellor must pay remuneration to a provider in relation to expert services incurred as a disbursement by the provider in accordance with—

- (a) the relevant contract; and
- (b) the provisions of Schedule 5.

## **Payments on account by the Lord Chancellor direct to barristers in independent practice** **E** **+W**

**11.**—(1) Subject to paragraphs (5) and (6), where a provider has instructed a barrister in independent practice to carry out work that is not Controlled Work, the barrister may apply to the Lord Chancellor on a form approved by the Lord Chancellor for payment on account of remuneration for the civil legal services provided by the barrister where any of the conditions in paragraphs (2) to (4) apply.

(2) The first condition is that a period of 12, 24 or 36 months has elapsed since the date that the Director determined under section 9 of the Act that the legally aided person qualified for civil legal services.

(3) The second condition is that—

- (a) the determination referred to in paragraph (2) related to proceedings that have continued for more than 12 months;
- (b) it appears unlikely that an order will be made for the costs of the case to be assessed within the next 12 months; and
- (c) delay in the assessment of costs will cause hardship to the barrister.

(4) The third condition is that the proceedings to which the determination referred to in paragraph (2) related have concluded or the provider is otherwise entitled to have the costs of the case assessed but the barrister has not been paid for at least six months since the provider was first so entitled.

(5) An application under paragraph (2) must be made within the period—

- (a) beginning two months before one of the periods of time referred to in paragraph (2); and
- (b) ending two months after that period.

(6) An application under paragraph (1) may not be made in respect of advocacy services in family proceedings.

## **E+W**

**12.**—(1) Where an application is made in accordance with regulation 11, the Lord Chancellor may pay the barrister up to 75% of the amount that the Lord Chancellor considers to be the barrister's reasonable fees.

(2) In deciding how much to pay under paragraph (1), the Lord Chancellor must take into account—

- (a) any amounts that the Lord Chancellor has previously paid on account to the barrister; and
- (b) any cost limitation to which the determination referred to in regulation 11(2) is subject.

(3) If a barrister's final fees are assessed at an amount less than the amount that the Lord Chancellor has paid to the barrister on account, the barrister must pay the difference to the Lord Chancellor.

Signed by authority of the Lord Chancellor

Ministry of Justice  
25th February 2013

*McNally*  
Minister of State

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## SCHEDULE 1 **E+W**

Regulations 6, 8(3) and 9(2)

### Interpretation **E+W**

1.—(1) Unless different provision is made, words and expressions used in this Schedule have the same meaning as in the relevant contract.

(2) In this Schedule, “Mental Health Proceedings” means proceedings or potential proceedings before the First-tier Tribunal or the Mental Health Review Tribunal for Wales under any provision of the Mental Health Act 1983<sup>M22</sup> or paragraph 5(2) of the Schedule to the Repatriation of Prisoners Act 1984<sup>M23</sup>.

(3) In Part 3 of this Schedule (Hourly Rates – Licensed Work) “Higher Courts” means as appropriate the Court of Protection, the Crown Court, the Employment Appeal Tribunal, the Upper Tribunal, the High Court, the Court of Appeal and the Supreme Court.

#### Marginal Citations

**M22** 1983 c. 20.

**M23** 1984 c. 47.

## PART 1 **E+W**

### Civil Standard and Graduated Fees

#### Legal help and help at court **E+W**

2. The fees in Table 1 for Housing do not apply to the Housing Possession Court Duty Scheme. The fees for that Scheme are contained in Table 6 in this Part.

3. In Table 1, “consumer general contract”, “employment” and “personal injury” have the same meanings as in the category definitions of the 2010 Standard Civil Contract in force on 31<sup>st</sup> March 2013<sup>M24</sup>.

**Table 1**

<i>Category Definition</i>	<i>Schedule Standard Fee</i>	<i>Authorisation</i>	<i>Schedule Escape Fee Threshold</i>	<i>Authorisation</i>
Actions Against the Police	£239		£717	
Clinical Negligence	£195		£585	
Community Care	£266		£798	
Debt	£180		£540	
Education	£272		£816	
Housing	£157		£471	
Miscellaneous	£159 (consumer contract) £207 (employment) £203 (personal injury) £79 (all other matters)	general	£477 (consumer contract) £621 (employment) £609 (personal injury) £237 (all other matters)	general



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Public Law	£259	£777
Welfare Benefits	£150	£450

**Table 2(a): Legal help****Family Public Law**

<i>Region</i>	<i>Fee</i>
National	£132

**Table 2(b): Family help (lower) - section 31 Children Act 1989 Care or Supervision proceedings only**

<i>Region</i>	<i>Fee</i>
National	£365

**Table 2(c): Legal representation – section 31 Children Act 1989 Care or Supervision 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	£1,949	£1,598	£2,237	£2,183
Child	Other	2 or more	£2,922	£2,396	£3,355	£3,275
Child	High Court	1	£2,591	£2,125	£2,975	£2,903
Child	High Court	2 or more	£3,887	£3,188	£4,461	£4,354
Joined Party	Other		£1,033	£798	£1,201	£1,301
Joined Party	High Court		£1,374	£1,602	£1,597	£1,730
Parent	Other	1	£2,556	£2,123	£2,907	£2,633
Parent	Other	2	£3,196	£2,653	£3,633	£3,291
Parent	High Court	1	£3,399	£2,823	£3,866	£3,502
Parent	High Court	2	£4,249	£3,530	£4,832	£4,378

**Table 3(a): Legal help****Family Private Law**

<i>Region</i>	<i>Fee</i>
National	£86

**Table 3(b): Legal help – Divorce petition only**

<i>Region</i>	<i>Fee</i>
National	£146

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**Table 3(c): Family help (lower) - Children**

<i>Region</i>	<i>Fee</i>	<i>Settlement Fee</i>
London	£230	£138
Non-London	£199	£119

**Table 3(d): Family help (lower) - Finance**

<i>Region</i>	<i>Fee</i>	<i>Settlement Fee</i>
London	£241	£145
Non-London	£208	£125

**Table 3(e): Help with family mediation**

<i>Activity</i>	<i>Fee</i>
Mediation Advice	£150
Mediation Consent Order (Finance)	£200

**Table 3(f): Higher Standard Fee Scheme - Children**

<i>Region</i>	<i>Court</i>	<i>Family help (higher) Standard Fee</i>	<i>Legal representation Standard Fee</i>
London	Court other than the High Court or Court of Protection	£424	£302
London	High Court or Court of Protection	£509	£362
Non-London	Court other than the High Court or Court of Protection	£353	£251
Non-London	High Court or Court of Protection	£424	£302

**Table 3(g): Higher Standard Fee Scheme - Finance**

<i>Region</i>	<i>Court</i>	<i>Family help (higher) Standard Fee</i>	<i>Family help (higher) Standard Fee</i>	<i>Legal representation Standard Fee</i>
London	Court other than the High Court or Court of Protection	£471	£95	£374
London	High Court or Court of Protection	£565	£113	£449

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Non-London	Court other than the High Court or Court of Protection	£392	£78	£311
Non-London	High Court or Court of Protection	£471	£95	£374

**Table 3(h): Higher Standard Fee Scheme – Domestic Abuse Proceedings**

<i>Region</i>	<i>Court</i>	<i>Legal representation Standard Fee</i>
London	Court other than the High Court or Court of Protection	£608
London	High Court or Court of Protection	£729
Non-London	Court other than the High Court or Court of Protection	£507
Non-London	High Court or Court of Protection	£608

**Table 4(a): Immigration and Asylum Standard Fees****Immigration and Asylum**

<i>Type of matter</i>	<i>Stage 1 (legal help)</i>	<i>Stage 2a (controlled legal representation)</i>	<i>Stage 2b (controlled legal representation)</i>
Asylum	£413	£227	£567
Immigration – non-asylum	£234	£227	£454

**Table 4(b): Additional Payment – UKBA Interview**

Representation at UKBA Interview	£266
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**Table 4(c): Additional Payments for Advocacy Services**

Oral Case Management Review Hearing	£166
Telephone Case Management Review Hearing	£90
Substantive Hearing in the Asylum Chamber of the First-tier Tribunal	Asylum - £302 Immigration - £ 237
Additional Day Substantive Hearing	Asylum - £161 Immigration - £161

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**Table 4(d): Immigration Removal Centres Standard Fees (for Exclusive Schedule Holders only)**

On Site Surgery – advising 5 or more clients	£360
On Site Surgery – advising 4 clients or less	£180
Fast Track Standby Payment	£34.02

**Table 5(a): Basic Fees**

**Mental Health**

<i>Basic Fees</i>	<i>Value</i>
Mental Health – non Tribunal	£253
Level 1 (Mental Health Proceedings)	£129
Level 2 (Mental Health Proceedings)	£321
Level 3 (Mental Health Proceedings)	£294

**Table 5(b): Additional Fees**

<i>Additional Fees</i>	<i>Value</i>
Adjourned Hearing Fee	£117
Remote Travel Payment: Level 1 (Mental Health Proceedings)	£69
Remote Travel Payment: Non-Tribunal, Level 2 (Mental Health Proceedings), Level 3 (Mental Health Proceedings)	£138

**Table 6: Standard Fee**

**Housing Possession Court Duty Scheme**

<i>Region</i>	<i>Standard Fee</i>
London	£75.60
Non-London	£71.55

**Marginal Citations**

**M24** The contract is available at [www.justice.gov.uk/legal-aid](http://www.justice.gov.uk/legal-aid). Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London SW1H 9AJ.

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## PART 2 E+W

### Hourly Rates – Controlled Work

**Table 7(a): Immigration and Asylum Escape Fee cases, Mental Health, Actions Against the Police, Public Law, Education and Community Care**

**Legal help, help at court and family help (lower)**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation, Attendance and Advocacy	£52.65 per hour	£48.24 per hour
Travel and Waiting Time	£27.81 per hour	£27.00 per hour
Routine Letters Out and Telephone Calls	£4.05 per item	£3.78 per item

**Table 7(b): Family and Housing (except as in Table 7(c)) and Miscellaneous (employment)**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation, Attendance and Advocacy	£48.74 per hour	£45.95 per hour
Travel and Waiting Time	£25.74 per hour	£25.74 per hour
Routine Letters Out and Telephone Calls	£3.78 per item	£3.65 per item

**Table 7(c): Legal help or help at court provided in relation to a review under section 202 of the Housing Act 1996 and to a defendant to a possession claim in the County Court, family help (lower) and related legal help in relation to section 31 of the Children Act 1989**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation, Attendance and Advocacy	£56.16 per hour	£52.56 per hour
Travel and Waiting Time	£27.81 per hour	£27.05 per hour
Routine Letters Out and Telephone Calls	£4.05 per item	£3.78 per item

**Table 7(d): Immigration and Asylum hourly rates cases**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation, Attendance and Advocacy	£51.62 per hour	£47.30 per hour
Travel and Waiting Time	£27.27 per hour	£26.51 per hour
Routine Letters Out and Telephone Calls	£3.96 per item	£3.69 per item

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**Table 7(e): All other categories**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation, Attendance and Advocacy	£46.53 per hour	£43.88 per hour
Travel and Waiting Time	£24.62 per hour	£24.62 per hour
Routine Letters Out and Telephone Calls	£3.60 per item	£3.47 per item

**Table 8(a): Immigration and Asylum – Escape Fee Cases**

**Controlled Legal Representation**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation and Attendance	£57.83 per hour	£54.09 per hour
Travel and Waiting Time	£28.62 per hour	£27.81 per hour
Routine Letters Out and Telephone Calls	£4.14 per item	£3.87 per item
Advocacy	£65.79 per hour	£65.79 per hour

**Table 8(b): Immigration and Asylum Chamber of the Upper Tribunal cases where permission granted to Client (non Fast Track)**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation and Attendance	£74.36 per hour	£69.56 per hour
Travel and Waiting Time	£36.82 per hour	£35.78 per hour
Routine Letters Out and Telephone Calls	£5.35 per item	£4.99 per item
Advocacy	£84.56 per hour	£84.56 per hour

**Table 8(c): Immigration and Asylum – Other Hourly Rates Cases**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation and Attendance	£55.08 per hour	£51.53 per hour
Travel and Waiting Time	£27.27 per hour	£26.51 per hour
Routine Letters Out and Telephone Calls	£3.96 per hour	£3.69 per hour
Advocacy	£62.64 per hour	£62.64 per hour

**Table 8(d): Representation in Mental Health Proceedings**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation, Attendance and Advocacy	£57.83 per hour	£54.09 per hour

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Travel and Waiting Time	£28.62 per hour	£27.81 per hour
Routine Letters Out and Telephone Calls	£4.14 per item	£3.87 per item
Advocacy	£65.79 per item	£65.79 per item
Attending Tribunal with Counsel	£30.78 per hour	£30.78 per hour

## PART 3 E+W

### Hourly Rates – Licensed Work

**Table 9(a): Proceedings under Parts IV or V of the Children Act 1989, including proceedings under section 25 of that Act**

#### Family Prescribed Rates

<i>Activity</i>	<i>Higher Courts</i>	<i>County Court and Family Proceedings Court</i>
Writing routine letters	£4.23 per item	£3.69 per item
Receiving routine letters	£2.12 per item	£1.85 per item
Routine telephone calls	£4.23 per item	£3.69 per item
Preparation and attendance	£70.07 per hour (London rate) £65.84 per hour (Non-London rate)	£61.38 per hour (London rate) £58.41 per hour (Non-London rate)
Attendance at court or conference with counsel	£37.13 per hour	£32.67 per hour
Advocacy	£70.07 per hour (London rate) £65.84 per hour (Non-London rate)	£64.35 per hour
Travelling and waiting time	£32.18 per hour	£29.21 per hour

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

<i>Activity</i>	<i>Higher Courts</i>	<i>County Court and Family Proceedings Court</i>
Routine letters out	£6.35 per item	£5.40 per item
Receiving routine letters	£3.15 per item	£2.70 per item
Routine telephone calls	£6.35 per item	£5.40 per item
Preparation and attendance	£70.56 per hour (London rate) £65.75 per hour (Non-London rate)	£59.40 per hour (London rate) £54.90 per hour (Non-London rate)
Attending court or conference with Counsel	£37.13 per hour	£32.40 per hour

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Advocacy	£70.56 per hour (London rate) £65.75 per hour (Non-London rate)	£59.40 per hour (London rate) £56.70 per hour (Non-London rate)
Travelling and waiting time	£32.18 per hour	£28.80 per hour (London rate) £27.90 per hour (Non-London rate)

**Table 10(a): Higher Courts, County Courts and Magistrates' Courts for work carried out with Schedule Authorisation**

**Non Family Prescribed Rates**

<i>Activity</i>	<i>Higher Courts</i>	<i>County Court and Magistrates' Courts</i>
Routine letters out	£6.75 per item	£5.94 per item
Routine telephone calls	£3.74 per item	£3.29 per item
Preparation and attendance	£71.55 per hour (London rate) £67.50 per hour (Non-London rate)	£63.00 per hour (London rate) £59.40 per hour (Non-London rate)
Attendance at court or conference with Counsel	£33.30	£29.25
Advocacy	£67.50 per hour	£59.40 per hour
Travelling and waiting time	£29.93 per hour	£26.28 per hour

**Table 10(b): Higher Courts, County Courts and Magistrates' Courts for work not carried out with Schedule Authorisation**

<i>Activity</i>	<i>Higher Courts</i>	<i>County Court and Magistrates' Courts</i>
Routine letters out	£6.66 per item	£5.85 per item
Routine telephone calls	£3.69 per item	£3.24 per item
Preparation and attendance	£70.65 per hour (London rate) £66.60 per hour (Non-London rate)	£62.10 per hour (London rate) £58.50 per hour (Non-London rate)
Attendance at court or conference with Counsel	£32.76 per hour	£28.80 per hour
Advocacy	£66.60 per hour	£58.50 per hour
Travelling and waiting time	£29.43 per hour	£25.88 per hour

**Table 10(c): First-tier Tribunal**

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation and attendance	£55.08 per hour	£51.53 per hour



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Routine letters out and telephone calls	£3.96 per item	£3.69 per item
Attending tribunal or conference with counsel	£29.30 per hour	£29.30 per hour
Advocacy	£62.64 per hour	£62.64 per hour
Travelling and waiting time	£27.27 per hour	£26.51 per hour

## PART 4 E+W

### Family Mediation Fees

**Table 11(a): Assessment Meetings**

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

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

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

## SCHEDULE 2 E+W

Regulation 7

Remuneration of barristers in independent practice in relation to work that is not Controlled Work, advocacy services in family proceedings or other legal services in relation to inquests

**Table**

<i>Category</i>	<i>Hourly Rate</i>
Junior counsel in the County Court	£112.50 (Non-London Rate) £135 (London Rate)

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Senior counsel alone or leading in the High Court	£135
Led junior counsel in the High Court, Court of Appeal or the Supreme Court	£112.50
Leading senior counsel in the Court of Appeal	£157.50
Queen's Counsel (where approved for briefing or instruction by the Lord Chancellor) in the High Court or Court of Appeal	£180
Leading senior counsel in the Supreme Court	£180
Queen's Counsel (where approved for briefing or instruction by the Lord Chancellor) in the Supreme Court	£225
Noter/Pupil/2nd led junior counsel	£36

### SCHEDULE 3 **E+W**

Regulation 8(2)

#### Family Advocacy Scheme: Fees and Rates

#### Interpretation **E+W**

1. Unless different provision is made, words and expressions used in this Schedule have the same meaning as in the relevant contract.

### PART 1 **E+W**

#### Public Law Advocacy Fees

**Table 1(a): Care or supervision proceedings under section 31 of the Children Act 1989 – graduated fees**

<i>Court</i>	<i>Hearing Unit 1 (up to 1 hour)</i>	<i>Hearing Unit 2 (up to 2.5 hours)</i>	<i>Conference fee</i>	<i>Opinion fee</i>	<i>Advocates' Meeting Fee</i>	<i>Final Hearing Fee (per day)</i>
Family Proceedings Court	£86.72	£216.81	£127.71	£105.66	£128.16	£506.25
County Court	£95.40	£238.46	£127.71	£105.66	£140.99	£556.88
High Court	£114.48	£286.16	£127.71	£105.66	£169.20	£668.25

**Table 1(b): Other Public Law Case – graduated fees**

<i>Court</i>	<i>Hearing Unit 1 (up to 1 hour)</i>	<i>Hearing Unit 2 (up to 2.5 hours)</i>	<i>Conference fee</i>	<i>Opinion fee</i>	<i>Advocates' Meeting Fee</i>	<i>Final Hearing Fee (per day)</i>
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Family Proceedings Court	£75.83	£189.59	£127.71	£105.66	£128.16	£464.31
County Court	£83.39	£208.53	£127.71	£105.66	£140.99	£510.75
High Court	£100.08	£250.20	£127.71	£105.66	£169.20	£612.90

**Table 1(c): Public Law – bolt-on fees**

<i>Category</i>	<i>Payable For</i>	<i>Fee Payable</i>
Client – Allegations of Harm	Hearings	25% of Hearing Unit Fee
Client – Lack of understanding etc	Hearings	25% of Hearing Unit Fee
Expert's cross examination	Hearings	25% of Hearing Unit Fee
Exceptional travel fee	Hearings, Advocates' Meetings and Conferences	£32.04

**Table 1(d): Public Law – bolt-on fee – court bundle payments**

<i>Hearing type</i>	<i>CB1 (351-700 pages)</i>	<i>CB2 (701-1,400 pages)</i>	<i>CB3 (over 1,400 pages)</i>
Interim Hearing	£59.40	£89.10	£89.10
Final Hearing	£159.30	£239.40	£318.60

## PART 2 E+W

### Private Law Advocacy Fees

**Table 2(a): Private Law Children – Graduated Fees**

<i>Court</i>	<i>Hearing Unit 1 (up to 1 hour)</i>	<i>Hearing Unit 2 (up to 2.5 hours)</i>	<i>Conference fee</i>	<i>Opinion fee</i>	<i>Final hearing fee (per day)</i>
Family Proceedings Court	£62.69	£156.74	£125.37	£94.05	£397.04
County Court	£68.94	£172.40	£125.37	£94.05	£436.73
High Court	£82.76	£206.87	£125.37	£94.05	£524.07

**Table 2(b): Domestic Abuse – Graduated Fees**

<i>Court</i>	<i>Hearing Unit 1 (up to 1 hour)</i>	<i>Hearing Unit 2 (up to 2.5 hours)</i>	<i>Final hearing fee (per day)</i>
Family Proceedings Court	£81.50	£203.76	£361.17

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County Court	£81.50	£203.76	£361.17
High Court	£81.50	£203.76	£361.17

**Table 2(c): Private Law Finance – Graduated Fees**

<i>Court</i>	<i>Hearing Unit 1 (up to 1 hour)</i>	<i>Hearing Unit 2 (up to 2.5 hours)</i>	<i>Financial Dispute Resolution Hearing Unit 1</i>	<i>Financial Dispute Resolution Hearing Unit 2</i>	<i>Early resolution fee</i>	<i>Conference fee</i>	<i>Opinion Fee (per day)</i>	<i>Travel fee</i>
County Court and Family Proceedings Court	£63.18	£157.95	£101.07	£252.72	£126.36	£126.36	£94.77	£443.70
High Court	£75.83	£189.54	£121.32	£303.26	£151.65	£126.36	£94.77	£532.44

**Table 2(d): Private Law – bolt-on fees**

<i>Bolt-on Fee</i>	<i>Payable For</i>	<i>Fee Payable</i>
Client – Allegations of Harm	Private Law Children Hearings	25% of Hearing Unit Fee
Expert's cross examination	Private Law Children Hearings	20% of Hearing Unit Fee
Exceptional travel fee	Hearings and Conferences	£32.04

**Table 2(e): Private Law Children and Finance – bolt on fees – court bundle payment**

<i>Hearing type</i>	<i>CB1 (351-700 pages)</i>	<i>CB2 (701-1,400 pages)</i>	<i>CB3 (over 1,400 pages)</i>
Interim hearing	£59.40	£89.10	£89.10
Final hearing	£159.30	£239.40	£318.60

SCHEDULE 4 **E+W**

Regulation 9(3) and (4)

Inquests

**Interpretation** **E+W**

1.—(1) Unless different provision is made, words and expressions used in this Schedule have the same meaning as in the relevant contact.

(2) In this Schedule, “Senior Solicitor” means a solicitor with over eight years' qualified experience.

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**Table 1: Provider Hourly Rates**

<i>Item</i>	<i>Grade</i>	<i>Inside (hourly rate)</i>	<i>London</i>	<i>Outside (hourly rate)</i>	<i>London</i>
Preparation	Senior Solicitor	£75.27		£71.55	
	Other Solicitor	£63.80		£60.75	
	Trainee Solicitor	£45.90		£40.17	
Conference counsel	with Senior Solicitor	£75.27		£71.55	
	Other Solicitor	£63.80		£60.75	
	Trainee Solicitor	£45.90		£40.17	
Attendance at hearing	Senior Solicitor	£57.05		£57.05	
	Other Solicitor	£45.90		£45.90	
	Trainee Solicitor	£27.68		£27.68	
Advocacy solicitor)	(by Senior Solicitor	£87.08		£87.08	
	Other Solicitor	£75.60		£75.60	
Travel and waiting	Senior Solicitor	£22.28		£22.28	
	Other Solicitor	£22.28		£22.28	
	Trainee Solicitor	£11.25		£11.25	

**Table 2: Barrister rates**

<i>Item</i>	<i>Category</i>	<i>Fixed rate</i>
Brief fee	Junior Counsel	£900
	Queen's Counsel	£1800
Refresher fee	Junior Counsel	£450
	Queen's Counsel	£630

SCHEDULE 5 **E+W**

Regulation 10

## Experts' fees and rates

1. Subject to paragraph 2, where the expert service is of a type listed in the Table, the Lord Chancellor must pay remuneration to the provider for the expert service at the fixed fees or at rates not exceeding the rates set out in the Table.

**Table**

<i>Expert</i>	<i>Non-London Hourly Rate unless stated to be a Fixed Fee</i>	<i>-</i>	<i>London Rate unless stated to be a Fixed Fee</i>	<i>-</i>	<i>Hourly</i>	<i>Comments</i>
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A&E consultant	£126	£135	
Accident reconstruction	£90	£68	
Accountant	£50 - £135	£50 - £144	Partner £144, Manager £108, Accountant £80, General staff £50
Anaesthetist	£135	£135	
Architect	£99	£90	
Cardiologist	£144	£144	
Cell telephone site analysis	£90	£90	
Child psychiatrist	£135	£135	
Child psychologist	£126	£126	
Computer expert	£90	£90	
Consultant engineer	£90	£68	
Dentist	£117	£117	
Dermatologist	£108	£108	
Disability consultant	£68	£68	
DNA-testing of sample	£315 per test	£315 per test	
DNA-preparation of report	£90	£90	
Doctor (GP)	£99	£90	
Employment consultant	£68	£68	
Enquiry agent	£32	£23	
ENT surgeon	£126	£126	
General surgeon	£135	£90	
Geneticist	£108	£108	
GP (records report)	£63 fixed fee	£90 fixed fee	
Gynaecologist	£135	£90	
Haematologist	£122	£90	
Handwriting expert	£90	£90	
Interpreter	£32	£25	
Lip reader/Signer	£72	£41	
Mediator	£126	£126	
Medical consultant	£135	£90	

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Medical microbiologist	£135	£135
Meteorologist	£126	£180 fixed fee
Midwife	£90	£90
Neonatologist	£135	£135
Neurologist	£153	£90
Neuropsychiatrist	£158	£90
Neuroradiologist	£171	£171
Neurosurgeon	£171	£90
Nursing expert	£81	£81
Obstetrician	£135	£135
Occupational therapist	£68	£68
Oncologist	£140	£140
Orthopaedic surgeon	£144	£144
Paediatrician	£135	£90
Pathologist	£153	£540 fixed fee
Pharmacologist	£122	£122
Photographer	£32	£23
Physiotherapist	£81	£81
Plastic surgeon	£135	£135
Process server	£32	£23
Psychiatrist	£135	£135
Psychologist	£117	£117
Radiologist	£135	£135
Rheumatologist	£135	£135
Risk assessment expert	£63	£63
Speech therapist	£99	£99
Surveyor (non housing-disrepair)	£50	£50
Surveyor (housing-disrepair)	£85	£115
Telecoms expert	£90	£90
Toxicologist	£135	£135
Urologist	£135	£135
Vet	£90	£90
Voice recognition	£117	£90

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### Exceptional circumstances **E+W**

2.—(1) The Lord Chancellor may increase the fixed fees or rates set out in the Table after paragraph 1 if the Lord Chancellor considers it reasonable to do so due to exceptional circumstances.

(2) In sub-paragraph (1), “exceptional circumstances” mean that the expert's evidence is key to the client's case and either—

- (a) the complexity of the material is such that an expert with a high level of seniority is required; or
- (b) the material is of such a specialised and unusual nature that only very few experts are available to provide the necessary evidence.

### Payment of expert services of a type not listed in the Table after Part 1 **E+W**

3. Where the expert service is of a type not listed in the Table after paragraph 1, in considering the rate at which to fund the expert service the Lord Chancellor—

- (a) must have regard to the rates set out in the Table after paragraph 1; and
- (b) may require a number of quotes for provision of the service to be submitted to the Lord Chancellor.

### General provisions relating to experts **E+W**

4.—(1) The costs and expenses relating to experts listed at sub-paragraph (2) are not payable by the Lord Chancellor.

(2) The costs and expenses are—

- (a) any administration fee charged by an expert, including (but not limited to)—
  - (i) a fee in respect of office space or provision of a consultation room;
  - (ii) a fee in respect of administrative support services, such as typing services;
  - (iii) a fee in respect of courier services;
  - (iv) a subsistence fee; and
- (b) any cancellation fee charged by an expert, where the notice of cancellation was given to the expert more than 72 hours before the relevant hearing or appointment.

5. The maximum amount that the Lord Chancellor may pay as a disbursement in respect of an expert's vehicle mileage is £0.45 per mile.

6. The maximum amount that the Lord Chancellor may pay as a disbursement in respect of an expert's travel time is £40 per hour.

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## EXPLANATORY NOTE

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

The Civil Legal Aid (Remuneration) Regulations 2013 (“the Regulations”) make provision about the payment by the Lord Chancellor to persons who provide civil legal services under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the Act”).



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The fees and rates set out in the Regulations are subject to definitions and payment schemes contained in the following contracts made between the Lord Chancellor and a provider of civil legal services under Part 1 of the Act, the relevant contract in any particular case being the contract which governs the provision of civil legal services for which the claim for remuneration relates: the 2010 Standard Civil Contract, the 2013 Standard Civil Contract and the 2013 Individual Case Contract (Civil).

The Regulations do not apply to the payment of remuneration under contracts awarded as part of a pilot which provides for remuneration by way of one or more standard fees. Other than regulations 7 and 10, the Regulations do not apply to contracts which have been awarded after competitive tendering as to price has taken place. Other than regulation 10, the Regulations do not apply to the 2013 Individual Case Contract (High Cost Civil).

**Status:**

Point in time view as at 01/04/2013.

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