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*Status: Point in time view as at 27/03/2015.*

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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

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

#### Interpretation

2.—(1) In these Regulations—

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

[<sup>F1</sup>“1981 Act” means the Senior Courts Act 1981;

“1984 Act” means the Matrimonial and Family Proceedings Act 1984;

“2003 Act” means the Courts Act 2003;]

“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;

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“advocates' meeting” means an advocates' meeting directed by the court pursuant to the outline set out in the table following [<sup>F2</sup>paragraph 1.3 of Practice Direction 12A (Care, Supervision and other Part 4 Proceedings: Guide to Case Management) to the Family Procedure Rules 2010];

“advocacy services” means work done—

- (a) by an advocate at a court hearing;
- (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;

[<sup>F3</sup>“assistant to a justices' clerk” has the meaning given in section 27(5) of the 2003 Act;

“authorised” means authorised by the President of the Family Division, or nominated by or on behalf of the Lord Chief Justice to conduct particular business, under powers granted by rules made under section 31D of the 1984 Act;]

“Category Definition” means one of the Category Definitions that form part of the 2010 Standard Civil Contract[<sup>F4</sup>, the 2013 Standard Civil Contract or the 2014 Standard Civil Contract];

“Controlled Work” has the same meaning as in regulation 21(2) of the Civil Legal Aid (Procedure) Regulations 2012 <sup>M3</sup>;

[<sup>F5</sup>“costs judge” means—

- (a) the Chief Taxing Master;
- (b) a taxing master of the Senior Courts; or
- (c) a person appointed to act as deputy for the person holding office referred to in subparagraph (b) or to act as a temporary additional officer for any such office;]

“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>M4</sup>;
- (b) the Adoption Act 1976 <sup>M5</sup>;
- (c) the Domestic Proceedings and Magistrates' Courts Act 1978 <sup>M6</sup>;
- (d) Part III (financial relief in England and Wales after overseas divorce etc) of the Matrimonial and Family Proceedings Act 1984 <sup>M7</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>M8</sup>;
- (f) Part IV (family homes and domestic violence) of the Family Law Act 1996 <sup>M9</sup>;
- (g) the Adoption and Children Act 2002 <sup>M10</sup>;

- (h) the Civil Partnership Act 2004 <sup>M11</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 Dependents) Act 1975 <sup>M12</sup> or proceedings under the Trusts of Land and Appointment of Trustees Act 1996 <sup>M13</sup>;

[<sup>F6</sup>“judge of circuit judge level” means—

- (a) a circuit judge who is authorised, where applicable;
- (b) a Recorder who is authorised, where applicable; or
- (c) any other judge of the family court authorised to sit as a judge of circuit judge level in the family court;

“judge of district judge level” means—

- (a) the Senior District Judge of the Family Division;
- (b) a district judge of the Principal Registry of the Family Division;
- (c) a person appointed to act as deputy for the person holding office referred to in subparagraph (b) or to act as a temporary additional officer for any such office;
- (d) a district judge who is authorised, where applicable;
- (e) a deputy district judge appointed under section 102 of the 1981 Act or section 8 of the County Courts Act 1984 who is authorised, where applicable;
- (f) an authorised District Judge (Magistrates’ Courts); or
- (g) any other judge of the family court authorised to sit as a judge of district judge level in the family court;

“judge of High Court judge level” means—

- (a) a deputy judge of the High Court;
- (b) a puisne judge of the High Court;
- (c) a person who has been a judge of the Court of Appeal or a puisne judge of the High Court who may act as a judge of the family court by virtue of section 9 of the 1981 Act;
- (d) the Senior President of Tribunals;
- (e) the Chancellor of the High Court;
- (f) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court);
- (g) the President of the Queen’s Bench Division;
- (h) the President of the Family Division;
- (i) the Master of the Rolls; or
- (j) the Lord Chief Justice;

“judge of the family court” means a judge referred to in section 31C(1) of the 1984 Act;

“justices’ clerk” has the meaning given in section 27(1) of the 2003 Act;

“lay justice” means an authorised justice of the peace who is not a District Judge (Magistrates’ Courts);]

“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;

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“the relevant contract” means whichever of the 2010 Standard Civil Contract, [F7 the 2010 Standard Crime Contract,] the 2013 Standard Civil Contract[F8, the 2013 Individual Case Contract (Civil)]F9, the 2014 Standard Civil Contract] or the 2014 Standard Civil Contract (Welfare Benefits)] 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)”F10, the 2013 Individual Case Contract (High Cost Civil)”F11, the 2014 Standard Civil Contract] and “the 2014 Standard Civil Contract (Welfare Benefits)] mean the contracts so named between the Lord Chancellor and a provider of civil legal servicesM14 under Part 1 of the Act (legal aid).

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

- (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 2013M15.

#### Textual Amendments

- F1** Words in reg. 2(1) inserted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), regs. 1(1), **2(2)(a)**
- F2** Words in reg. 2(1) substituted (31.7.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 4) Regulations 2014 (S.I. 2014/1389), regs. 1, **2(2)**
- F3** Words in reg. 2(1) inserted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), regs. 1(1), **2(2)(b)**
- F4** Words in reg. 2(1) substituted (1.8.2014) by The Civil Legal Aid (Procedure, Remuneration and Statutory Charge) (Amendment) Regulations 2014 (S.I. 2014/1824), regs. 1, **3(2)(a)**
- F5** Words in reg. 2(1) inserted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), regs. 1(1), **2(2)(c)**
- F6** Words in reg. 2(1) inserted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), regs. 1(1), **2(2)(d)**
- F7** Words in reg. 2(1) inserted (23.3.2015) by The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 (S.I. 2015/325), regs. 1, **2(2)**
- F8** Words in reg. 2(1) substituted (1.2.2014) by The Civil Legal Aid (Remuneration) (Amendment) Regulations 2014 (S.I. 2014/7), regs. 1, **2(2)(a)**
- F9** Words in reg. 2(1) inserted (1.8.2014) by The Civil Legal Aid (Procedure, Remuneration and Statutory Charge) (Amendment) Regulations 2014 (S.I. 2014/1824), regs. 1, **3(2)(b)**
- F10** Words in reg. 2(1) substituted (1.2.2014) by The Civil Legal Aid (Remuneration) (Amendment) Regulations 2014 (S.I. 2014/7), regs. 1, **2(2)(b)**
- F11** Words in reg. 2(1) inserted (1.8.2014) by The Civil Legal Aid (Procedure, Remuneration and Statutory Charge) (Amendment) Regulations 2014 (S.I. 2014/1824), regs. 1, **3(2)(c)**

#### Marginal Citations

- M3** S.I. 2012/3098.

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- M4** 1973 c. 18.
- M5** 1976 c. 36.
- M6** 1978 c. 22.
- M7** 1984 c. 42.
- M8** 1989 c. 41.
- M9** 1996 c. 27.
- M10** 2002 c. 38.
- M11** 2004 c. 33.
- M12** 1975 c. 63.
- M13** 1996 c. 47.
- M14** 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.
- M15** S.I. 2013/104.

### Value Added Tax

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

### Delegation

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>M16</sup>.

#### Marginal Citations

- M16** 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

- 5.—(1) Regulations [<sup>F12</sup>5A] 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 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 [<sup>F13</sup>5A,] 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 [<sup>F14</sup>regulations 5A 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 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).

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### Textual Amendments

- F12** Word in reg. 5(1) substituted (27.3.2015) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/898\)](#), regs. 1, **2(2)(a)** (with reg. 3)
- F13** Word in reg. 5(3) inserted (27.3.2015) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/898\)](#), regs. 1, **2(2)(b)** (with reg. 3)
- F14** Words in reg. 5(4) substituted (27.3.2015) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/898\)](#), regs. 1, **2(2)(c)** (with reg. 3)

### [<sup>F15</sup>Remuneration for civil legal services: judicial review

**5A.**—(1) Where an application for judicial review is issued, the Lord Chancellor must not pay remuneration for civil legal services consisting of making that application unless—

- (a) the court gives permission to bring judicial review proceedings;
  - (b) the court neither refuses nor gives permission to bring judicial review proceedings and the Lord Chancellor considers that it is reasonable to pay remuneration in the circumstances of the case, taking into account, in particular—
    - (i) the reason why the provider did not obtain a costs order or costs agreement in favour of the legally aided person;
    - (ii) the extent to which, and the reason why, the legally aided person obtained the outcome sought in the proceedings, and
    - (iii) the strength of the application for permission at the time it was filed, based on the law and on the facts which the provider knew or ought to have known at that time;
  - (c) the defendant withdraws the decision to which the application for judicial review relates and the withdrawal results in the court—
    - (i) refusing permission to bring judicial review proceedings, or
    - (ii) neither refusing nor giving permission;
  - (d) the court orders an oral hearing to consider—
    - (i) whether to give permission to bring judicial review proceedings;
    - (ii) whether to give permission to bring a relevant appeal, or
    - (iii) a relevant appeal, or
  - (e) the court orders a rolled-up hearing.
- (2) Nothing in this regulation affects any payment—
- (a) by the Lord Chancellor of disbursements incurred by a provider in accordance with the relevant contract, or
  - (b) on account by the Lord Chancellor to a provider in accordance with the relevant contract.
- (3) In this regulation—
- (a) “2010 Standard Crime Contract” means the contract so named between the Lord Chancellor and a provider with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act for the provision of advice, assistance and representation made available under sections 13, 15 or 16 of the Act;
  - (b) “2013 CLA Contract” means the contract so named between the Lord Chancellor and a provider for the provision of civil legal services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

- (c) “application for judicial review” means an application for judicial review made or treated as made in accordance with—
- (i) Part 54 of the Procedure Rules, or
  - (ii) Part 4 of the Tribunal Rules,
- and includes bringing a relevant appeal and making an application for permission to bring a relevant appeal, but does not include a relevant application for interim relief;
- (d) “costs agreement” and “costs order” mean, respectively, an agreement or an order that another party to the proceedings pay all, or part of, the costs of the legally aided person;
- (e) “court” includes the Upper Tribunal established under section 3 of the Tribunals, Courts and Enforcement Act 2007;
- (f) “issued” includes—
- (i) the sending of the application by the Upper Tribunal under rule 28(8) of the Tribunal Rules, or
  - (ii) the provision of the application by the applicant under rule 28A(2)(a) of the Tribunal Rules,
- to each person named in the application as a respondent or interested party;
- (g) “Procedure Rules” means the Civil Procedure Rules 1998
- (h) “relevant appeal” means an appeal against a decision to refuse permission to bring judicial review proceedings under—
- (i) Part 52 of the Procedure Rules, or
  - (ii) Part 7 of the Tribunal Rules;
- (i) “relevant application for interim relief” means application for an interim remedy under—
- (i) Part 25 of the Procedure Rules, or
  - (ii) Part 4 of the Tribunal Rules;
- (j) “relevant contract” means whichever of the 2010 Standard Civil Contract, the 2010 Standard Crime Contract, the 2013 Standard Civil Contract, the 2013 Individual Case Contract (Civil), the 2013 Individual Case Contract (High Cost Civil), the 2013 CLA Contract or the 2014 Standard Civil Contract (Welfare Benefits) governs the provision of the civil legal services for which remuneration is claimed;
- (k) “rolled-up hearing” means a hearing at which the court considers the application for judicial review (including whether to give permission to bring judicial review proceedings);
- (l) “Tribunal Rules” means the Tribunal Procedure (Upper Tribunal) Rules 2008.]

#### **Textual Amendments**

**F15** Reg. 5A inserted (27.3.2015) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/898\)](#), regs. 1, **2(3)** (with reg. 3)

#### **Remuneration for civil legal services: general**

**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.

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(2) <sup>F16</sup>Subject to regulation 5A,] 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.

#### Textual Amendments

**F16** Words in [reg. 6\(2\)](#) inserted (27.3.2015) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/898\)](#), [regs. 1, 2\(4\)](#) (with [reg. 3](#))

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) <sup>F17</sup>Subject to paragraphs <sup>F18</sup>(3) to (4A)]<sup>F17</sup>Subject to regulation 5A and paragraphs (3) and (4) of this regulation,], 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.

<sup>F19</sup>(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.]

<sup>F20</sup>(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).]

<sup>F21</sup>(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

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remunerate the barrister for the services provided, the Lord Chancellor must have regard to the rates set out in that Table.]

- [<sup>F22</sup>(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.]

#### Textual Amendments

- F17** Words in reg. 7(2) substituted (27.3.2015) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/898\)](#), regs. 1, **2(5)** (with reg. 3)
- F18** Words in reg. 7(2) substituted (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(2)(a)** (with reg. 3)
- F19** Reg. 7(3)-(3B) substituted for reg. 7(3) (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(2)(b)** (with reg. 3)
- F20** Reg. 7(4) substituted (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(2)(c)** (with reg. 3)
- F21** Reg. 7(4A) inserted (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(2)(d)** (with reg. 3)
- F22** Reg. 7(5) substituted (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(2)(e)** (with reg. 3)

#### Remuneration: advocacy services in family proceedings

**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 [<sup>F23</sup>provisions of] 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>M17</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;

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- (e) in applications for a parental order under the Human Fertilisation and Embryology Act 2008<sup>M18</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>M19</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.

#### Textual Amendments

**F23** Words in reg. 8(2)(b) substituted (31.7.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 4\) Regulations 2014 \(S.I. 2014/1389\)](#), regs. 1, **2(3)** (with reg. 3)

#### Marginal Citations

**M17** Part IVA was inserted by section 1 of the [Forced Marriage \(Civil Protection\) Act 2007 \(c.20\)](#).

**M18** 2008 c. 22.

**M19** [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

**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 [<sup>F24</sup>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]

(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.

<sup>F25</sup>(6) .....

#### Textual Amendments

**F24** Words in reg. 9(4) substituted (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(3)(a)**

**F25** Reg. 9(6) omitted (2.12.2013) by virtue of [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(3)(b)**

#### Remuneration: expert services

**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

**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

**Status:** Point in time view as at 27/03/2015.

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(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.

**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.

[<sup>F26</sup>(2A) Where an application for judicial review is issued and none of sub-paragraphs (a) to (e) of regulation 5A(1) applies, the barrister must repay to the Lord Chancellor any amount paid on account under paragraph (1) of this regulation for civil legal services consisting of making that application.]

(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.

#### Textual Amendments

**F26** Reg. 12(2A) inserted (27.3.2015) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/898\)](#), regs. 1, **2(6)** (with reg. 3)

Signed by authority of the Lord Chancellor

Ministry of Justice

*McNally*  
Minister of State

## SCHEDULE 1

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

### Interpretation

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>M20</sup> or paragraph 5(2) of the Schedule to the Repatriation of Prisoners Act 1984<sup>M21</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 [<sup>F27</sup>other than a judge of High Court judge level acting as a judge of the family court], the Court of Appeal and the Supreme Court.

#### Textual Amendments

**F27** Words in Sch. 1 para. 1(3) inserted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), **Sch. para. 1(1)** (with regs. 3-7)

#### Marginal Citations

**M20** 1983 c. 20.

**M21** 1984 c. 47.

## PART 1

### Civil Standard and Graduated Fees

#### Legal help and help at court

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.

[<sup>F28</sup>**2A.** The fees in Table 1 for Welfare Benefits do not apply to the payment of remuneration by the Lord Chancellor to providers of civil legal services where the provision of those services is governed by the 2014 Standard Civil Contract (Welfare Benefits). The fee for the payment of remuneration by the Lord Chancellor to those persons is contained in Table 7 in this Part.]

#### Textual Amendments

**F28** Sch. 1 Pt. 1 para. 2A inserted (1.2.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2014 \(S.I. 2014/7\)](#), regs. 1, **2(3)**

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>M22</sup>.

**Status:** Point in time view as at 27/03/2015.

**Changes to legislation:** The Civil Legal Aid (Remuneration) Regulations 2013 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Table 1**

| <b>Category Definition</b> | <b>F29</b>   | <b>F29</b>  |
|----------------------------|--|---|
|                            | <b>... Standard Fee</b>  | <b>... Escape Fee Threshold</b>   |
| 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 general contract)<br>£207 (employment)<br>[ <sup>F30</sup> £157 (injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 and related parenting orders)]<br>£203 (personal injury)<br>£79 (all other matters) | £477 (consumer general contract)<br>£621 (employment)<br>[ <sup>F30</sup> £471 (injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 and related parenting orders)]<br>£609 (personal injury)<br>£237 (all other matters) |
| Public Law                 | £259   | £777  |
| Welfare Benefits           | £150   | £450  |

**Table 2(a): Legal help**

**Family Public Law**

| <b>Region</b> | <b>Fee</b> |
|---------------|------------|
| National      | £132       |

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

| <b>Region</b> | <b>Fee</b> |
|---------------|------------|
| National      | £365       |

**[<sup>F31</sup>Table 2(c): Legal representation – section 31 Children Act 1989 Care or Supervision proceedings only**

| <b>Party</b> | <b>Person before whom proceedings are heard</b>   | <b>Number of clients</b> | <b>Midlands</b> | <b>North</b> | <b>London and South</b> | <b>Wales</b> |
|--------------|---|--------------------------|-----------------|--------------|-------------------------|--------------|
| Child        | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of | 1                        | £1,754          | £1,438       | £2,013                  | £1,965       |

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| <i>Party</i> | <i>Person before whom proceedings are heard</i>  | <i>Number of clients</i> | <i>Midlands</i> | <i>North</i> | <i>London and South</i> | <i>Wales</i> |
|--------------|--|--------------------------|-----------------|--------------|-------------------------|--------------|
|              | circuit judge level or costs judge   |                          |                 |              |                         |              |
| Child        | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | 2 or more                | £2,630          | £2,156       | £3,020                  | £2,948       |
| Child        | Judge of High Court judge level  | 1                        | £2,332          | £1,913       | £2,678                  | £2,613       |
| Child        | Judge of High Court judge level  | 2 or more                | £3,498          | £2,869       | £4,015                  | £3,919       |
| Joined Party | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge |                          | £930            | £718         | £1,081                  | £1,171       |
| Joined Party | Judge of High Court judge level  |                          | £1,237          | £956         | £1,437                  | £1,557       |
| Parent       | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | 1                        | £2,300          | £1,911       | £2,616                  | £2,370       |
| Parent       | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | 2                        | £2,876          | £2,388       | £3,270                  | £2,962       |
| Parent       | Judge of High Court judge level  | 1                        | £3,059          | £2,541       | £3,479                  | £3,152       |
| Parent       | Judge of High Court judge level  | 2                        | £3,824          | £3,177       | £4,349                  | £3,940]      |

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

| <i>Region</i> | <i>Fee</i> |
|---------------|------------|
| National      | £86        |

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

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

**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       |

**[<sup>F32</sup>Table 3(f): Higher Standard Fee Scheme – Children**

| <i>Region</i> | <i>Person or court before whom proceedings are heard</i>   | <i>Family help (higher) Standard Fee</i> | <i>Legal representation Standard Fee</i> |
|---------------|--|--|--|
| London        | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | £424                                     | £302                                     |
| London        | Judge of High Court judge level or Court of Protection   | £509                                     | £362                                     |
| Non-London    | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | £353                                     | £251                                     |
| Non-London    | Judge of High Court judge level or Court of Protection   | £424                                     | £302]                                    |

**Status:** Point in time view as at 27/03/2015.

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**[<sup>F33</sup>Table 3(g): Higher Standard Fee Scheme – Finance**

| <i>Region</i> | <i>Person or court before whom proceedings are heard</i>   | <i>Family help (higher) Standard Fee</i> | <i>Family help (higher) Settlement Fee</i> | <i>Legal representation Standard Fee</i> |
|---------------|--|--|--|--|
| London        | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | £471                                     | £95  | £374                                     |
| London        | Judge of High Court judge level or Court of Protection   | £565                                     | £113                                       | £449                                     |
| Non-London    | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | £392                                     | £78  | £311                                     |
| Non-London    | Judge of High Court judge level or Court of Protection   | £471                                     | £95  | £374]                                    |

**[<sup>F34</sup>Table 3(h): Higher Standard Fee Scheme – Domestic Abuse Proceedings**

| <i>Region</i> | <i>Person or court before whom proceedings are heard</i>   | <i>Legal representation Standard Fee</i> |
|---------------|--|--|
| London        | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | £608                                     |
| London        | Judge of High Court judge level or Court of Protection   | £729                                     |
| Non-London    | Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge | £507                                     |
| Non-London    | Judge of High Court judge level 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  |

**Status:** Point in time view as at 27/03/2015.

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

|                                  |      |
|----------------------------------|------|
| Representation at UKBA Interview | £266 |
|----------------------------------|------|

**Table 4(c): Additional Payments for Advocacy Services**

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

**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> |
|---------------|---------------------|
|---------------|---------------------|

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|            |        |
|------------|--------|
| London     | £75.60 |
| Non-London | £71.55 |

[<sup>F35</sup>Table 7: Standard Fee

**2014 Standard Civil Contract (Welfare Benefits)**

|              |       |
|--------------|-------|
| Standard Fee | £208] |
|--------------|-------|

**Textual Amendments**

- F29** Words in Sch. 1 Pt. 1 Table 1 omitted (23.3.2015) by virtue of [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), regs. 1, **2(3)(a)(i)**
- F30** Words in Sch. 1 Pt. 1 Table 1 inserted (23.3.2015) by [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), regs. 1, **2(3)(a)(ii)**
- F31** Sch. 1 Pt. 1 Table 2(c) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), **Sch. para. 1(3)** (with regs. 3-7)
- F32** Sch. 1 Pt. 1 Table 3(f) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), **Sch. para. 1(4)** (with regs. 3-7)
- F33** Sch. 1 Pt. 1 Table 3(g) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), **Sch. para. 1(5)** (with regs. 3-7)
- F34** Sch. 1 Pt. 1 Table 3(h) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), **Sch. para. 1(6)** (with regs. 3-7)
- F35** Sch. 1 Pt. 1 Table 7 inserted (1.2.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2014 \(S.I. 2014/7\)](#), regs. 1, **2(4)**

**Marginal Citations**

- M22** 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.

## PART 2

### 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         |

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**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         |

**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        |

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|   |                 |                 |
|---|-----------------|-----------------|
| Routine Letters Out and Telephone Calls | £4.14 per item  | £3.87 per item  |
| Advocacy                                | £65.79 per hour | £65.79 per hour |

F36 ...

|     |     |     |
|-----|-----|-----|
| F36 | F36 | F36 |
| ... | ... | ... |
| F36 | F36 | F36 |
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| ... | ... | ... |
| F36 | F36 | F36 |
| ... | ... | ... |

**Textual Amendments**

**F36** Sch. 1 Pt. 2 Table 8(b) omitted (2.12.2013) by virtue of [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(4)(a)** (with reg. 3)

**[<sup>F37</sup>Table 8(c): Controlled Legal Representation – Immigration and Asylum 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        |

**Textual Amendments**

**F37** Sch. 1 Pt. 2 Table 8(c) heading substituted (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, **2(4)(b)** (with reg. 3)

**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        |
| Travel and Waiting Time              | £28.62 per hour    | £27.81 per hour        |

**Status:** Point in time view as at 27/03/2015.

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|   |                 |                 |
|---|-----------------|-----------------|
| 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

### 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 [<sup>F38</sup>but excluding proceedings under section 31 of that Act]**

#### Family Prescribed Rates

| <i>Activity</i>                                | <i>[<sup>F39</sup>Judge of High Court judge level (acting as a judge of the family court) or] Higher Courts</i> | <i>[<sup>F40</sup>Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge]</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)<br>£65.84 per hour (Non-London rate)  | £61.38 per hour (London rate)<br>£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)<br>£65.84 per hour (Non-London rate)  | £64.35 per hour   |
| Travelling and waiting time                    | £32.18 per hour   | £29.21 per hour   |

#### Textual Amendments

- F38** Words in Sch. 1 Pt. 3 Table 9(a) heading inserted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), [Sch. para. 2\(2\)](#) (with regs. 3-7)
- F39** Words in Sch. 1 Pt. 3 Table 9(a) inserted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), [Sch. para. 2\(3\)\(a\)](#) (with regs. 3-7)
- F40** Words in Sch. 1 Pt. 3 Table 9(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), [Sch. para. 2\(3\)\(b\)](#) (with regs. 3-7)

**Status:** Point in time view as at 27/03/2015.

**Changes to legislation:** The Civil Legal Aid (Remuneration) Regulations 2013 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**[<sup>F41</sup>Table 9(aa): Legal representation – section 31  
Children Act 1989 Care or Supervision proceedings only**

| <i>Activity</i>                                | <i>Judge of High Court judge level (acting as a judge of the family court) or Higher Courts</i> | <i>Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge</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                     | £63.06 per hour (London rate)<br>£59.26 per hour (Non-London rate)                              | £55.24 per hour (London rate)<br>£52.57 per hour (Non-London rate)  |
| Attendance at court or conference with counsel | £33.42 per hour   | £29.40 per hour   |
| Travelling and waiting time                    | £28.96 per hour   | £26.29 per hour]  |

#### Textual Amendments

**F41** Sch. 1 Pt. 3 Table 9(aa) inserted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), **Sch. para. 2(4)** (with regs. 3-7)

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

| <i>Activity</i>                            | <i>[<sup>F42</sup>Judge of High Court judge level (acting as a judge of the family court) or] Higher Courts</i> | <i>[<sup>F43</sup>Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge]</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)<br>£65.75 per hour (Non-London rate)  | £59.40 per hour (London rate)<br>£54.90 per hour (Non-London rate)  |
| Attending court or conference with Counsel | £37.13 per hour   | £32.40 per hour   |
| Advocacy                                   | £70.56 per hour (London rate)<br>£65.75 per hour (Non-London rate)  | £59.40 per hour (London rate)<br>£56.70 per hour (Non-London rate)  |
| Travelling and waiting time                | £32.18 per hour   | £28.80 per hour (London rate)   |

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£27.90 per hour (Non-London rate)

**Textual Amendments**

- F42** Words in Sch. 1 Pt. 3 Table 9(b) inserted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), **Sch. para. 2(3)(a)** (with regs. 3-7)
- F43** Words in Sch. 1 Pt. 3 Table 9(b) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), reg. 1(1), **Sch. para. 2(3)(b)** (with regs. 3-7)

**Table 10(a): Higher Courts, County Courts and Magistrates' Courts for work carried out with Schedule Authorisation [<sup>F44</sup>or injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 and related parenting orders]**

**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)<br>£67.50 per hour (Non-London rate) | £63.00 per hour (London rate)<br>£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  |

**Textual Amendments**

- F44** Words in Sch. 1 Pt. 3 Table 10(a) inserted (23.3.2015) by [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), regs. 1, **2(3)(b)(i)**

**Table 10(b): Higher Courts, County Courts and Magistrates' Courts for work not carried out with Schedule Authorisation [<sup>F45</sup>(except as in Table 10(a))]**

| <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)<br>£66.60 per hour (Non-London rate) | £62.10 per hour (London rate)<br>£58.50 per hour (Non-London rate) |
| Attendance at court or conference with Counsel | £32.76 per hour  | £28.80 per hour  |

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|                             |                 |                 |
|-----------------------------|-----------------|-----------------|
| Advocacy                    | £66.60 per hour | £58.50 per hour |
| Travelling and waiting time | £29.43 per hour | £25.88 per hour |

**Textual Amendments**

**F45** Words in Sch. 1 Pt. 3 Table 10(b) inserted (23.3.2015) by [The Civil and Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2015 \(S.I. 2015/325\)](#), regs. 1, **2(3)(b)(ii)**

**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        |
| 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**

## 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                   |

**Status:** Point in time view as at 27/03/2015.

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|                    |      |      |      |
|--------------------|------|------|------|
| Child Co-Mediation | £230 | £647 | £126 |
|--------------------|------|------|------|

## [<sup>F46</sup>SCHEDULE 2

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

### Textual Amendments

**F46** Sch. 2 substituted (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, 2(5), [Sch. 1](#) (with reg. 3)

### Interpretation

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

**Table 1: Rates in the County Court, High Court or Upper Tribunal other than for Queen’s Counsel**

| <i>Category</i>   | <i>Hourly Rate</i>                               |
|---|--|
| Preparation and attendance in the High Court or Upper Tribunal        | £71.55 (London rate)<br>£67.50 (Non-London rate) |
| Preparation and attendance in the County Court                        | £63.00 (London rate)<br>£59.40 (Non-London rate) |
| Attendance at court or conference in the High Court or Upper Tribunal | £33.30   |
| Attendance at court or conference in the County Court                 | £29.25   |
| Advocacy in the High Court or Upper Tribunal                          | £67.50   |
| Advocacy in the County Court  | £59.40   |
| Travel and waiting in the High Court or Upper Tribunal                | £29.93   |
| Travel and waiting in the County Court                                | £26.28   |

**Status:** Point in time view as at 27/03/2015.

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**Table 2: Rates in the Court of Appeal or Supreme Court and for Queen’s Counsel (in any court)**

| <i>Category</i>  | <i>Hourly Rate</i> |
|--|--------------------|
| Led junior counsel in the 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 in the Court of Appeal or Supreme Court   | £36]               |

SCHEDULE 3

Regulation 8(2)

Family Advocacy Scheme: Fees and Rates

**Interpretation**

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

**PART 1**

Public Law Advocacy Fees

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

| <i>[<sup>F47</sup>Person before whom proceedings are heard]</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> |
|--|--------------------------------------|---|-----------------------|--------------------|-------------------------------|------------------------------------|
| <i>[<sup>F48</sup>Assistant to a justices’ clerk, justices’ clerk or lay justices]</i> | £86.72                               | £216.81                                 | £127.71               | £105.66            | £128.16                       | £506.25                            |

**Status:** Point in time view as at 27/03/2015.

**Changes to legislation:** The Civil Legal Aid (Remuneration) Regulations 2013 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

|  |         |         |         |         |         |         |
|--|---------|---------|---------|---------|---------|---------|
| [ <sup>F49</sup> Judge of district judge level, judge of circuit judge level or costs judge] | £95.40  | £238.46 | £127.71 | £105.66 | £140.99 | £556.88 |
| [ <sup>F50</sup> Judge of High Court judge level]  | £114.48 | £286.16 | £127.71 | £105.66 | £169.20 | £668.25 |

#### Textual Amendments

- F47** Words in Sch. 3 Pt. 1 Table 1(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), regs. 1(1), 2(5)(a)
- F48** Words in Sch. 3 Pt. 1 Table 1(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), regs. 1(1), 2(5)(b)
- F49** Words in Sch. 3 Pt. 1 Table 1(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), regs. 1(1), 2(5)(c)
- F50** Words in Sch. 3 Pt. 1 Table 1(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), regs. 1(1), **2(5)(d)**

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

| [ <sup>F51</sup> Person before whom proceedings are heard]                                   | Hearing Unit 1 (up to 1 hour) | Hearing Unit 2 (up to 2.5 hours) | Conference fee | Opinion fee | Advocates' Meeting Fee | Final Hearing Fee (per day) |
|--|-------------------------------|----------------------------------|----------------|-------------|------------------------|-----------------------------|
| [ <sup>F52</sup> Assistant to a justices' clerk, justices' clerk or lay justices]            | £75.83                        | £189.59                          | £127.71        | £105.66     | £128.16                | £464.31                     |
| [ <sup>F53</sup> Judge of district judge level, judge of circuit judge level or costs judge] | £83.39                        | £208.53                          | £127.71        | £105.66     | £140.99                | £510.75                     |
| [ <sup>F54</sup> Judge of High Court judge level]  | £100.08                       | £250.20                          | £127.71        | £105.66     | £169.20                | £612.90                     |

#### Textual Amendments

- F51** Words in Sch. 3 Pt. 1 Table 1(b) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), **regs. 1(1), 2(5)(a)**

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- F52** Words in Sch. 3 Pt. 1 Table 1(b) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), **regs. 1(1), 2(5)(b)**
- F53** Words in Sch. 3 Pt. 1 Table 1(b) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), **regs. 1(1), 2(5)(c)**
- F54** Words in Sch. 3 Pt. 1 Table 1(b) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), **regs. 1(1), 2(5)(d)**

**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 – [<sup>F55</sup>advocate's] bundle payments**

| <i>Hearing type</i> | <i>[<sup>F56</sup>ABP1] (351-700 pages)</i> | <i>[<sup>F57</sup>ABP2] (701-1,400 pages)</i> | <i>[<sup>F58</sup>ABP3] (over 1,400 pages)</i> |
|---------------------|---|---|--|
| Interim Hearing     | £59.40                                      | £89.10  | £89.10   |
| Final Hearing       | £159.30                                     | £239.40                                       | £318.60  |

#### Textual Amendments

- F55** Word in Sch. 3 Pt. 1 Table 1(d) heading substituted (31.7.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 4) Regulations 2014 (S.I. 2014/1389), **regs. 1, 2(4)(b)(i)** (with reg. 3)
- F56** Word in Sch. 3 Pt. 1 Table 1(d) substituted (31.7.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 4) Regulations 2014 (S.I. 2014/1389), **regs. 1, 2(4)(b)(ii)** (with reg. 3)
- F57** Word in Sch. 3 Pt. 1 Table 1(d) substituted (31.7.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 4) Regulations 2014 (S.I. 2014/1389), **regs. 1, 2(4)(b)(iii)** (with reg. 3)
- F58** Word in Sch. 3 Pt. 1 Table 1(d) substituted (31.7.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 4) Regulations 2014 (S.I. 2014/1389), **regs. 1, 2(4)(b)(iv)** (with reg. 3)

## PART 2

### Private Law Advocacy Fees

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

| <i>[<sup>F59</sup> Person before whom proceedings are heard]</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> |
|--|--------------------------------------|---|-----------------------|--------------------|------------------------------------|
|--|--------------------------------------|---|-----------------------|--------------------|------------------------------------|

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|  |        |         |         |        |         |
|--|--------|---------|---------|--------|---------|
| [ <sup>F60</sup> Assistant to a justices' clerk, justices' clerk or lay justices]            | £62.69 | £156.74 | £125.37 | £94.05 | £397.04 |
| [ <sup>F61</sup> Judge of district judge level, judge of circuit judge level or costs judge] | £68.94 | £172.40 | £125.37 | £94.05 | £436.73 |
| [ <sup>F62</sup> Judge of High Court judge level]  | £82.76 | £206.87 | £125.37 | £94.05 | £524.07 |

**Textual Amendments**

- F59** Words in Sch. 3 Pt. 2 Table 2(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), **regs. 1(1), 2(5)(a)**
- F60** Words in Sch. 3 Pt. 2 Table 2(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), **regs. 1(1), 2(5)(b)**
- F61** Words in Sch. 3 Pt. 2 Table 2(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), **regs. 1(1), 2(5)(c)**
- F62** Words in Sch. 3 Pt. 2 Table 2(a) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), **regs. 1(1), 2(5)(d)**

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

| [ <sup>F63</sup> Person before whom proceedings are heard]                                   | Hearing Unit 1 (up to 1 hour) | Hearing Unit 2 (up to 2.5 hours) | Final hearing fee (per day) |
|--|-------------------------------|----------------------------------|-----------------------------|
| [ <sup>F64</sup> Assistant to a justices' clerk, justices' clerk or lay justices]            | £81.50                        | £203.76                          | £361.17                     |
| [ <sup>F65</sup> Judge of district judge level, judge of circuit judge level or costs judge] | £81.50                        | £203.76                          | £361.17                     |
| [ <sup>F66</sup> Judge of High Court judge level]  | £81.50                        | £203.76                          | £361.17                     |

**Textual Amendments**

- F63** Words in Sch. 3 Pt. 2 Table 2(b) substituted (22.4.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/586\)](#), **regs. 1(1), 2(5)(a)**

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|            |   |
|------------|---|
| <b>F64</b> | Words in Sch. 3 Pt. 2 Table 2(b) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), <b>regs. 1(1), 2(5)(b)</b> |
| <b>F65</b> | Words in Sch. 3 Pt. 2 Table 2(b) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), <b>regs. 1(1), 2(5)(c)</b> |
| <b>F66</b> | Words in Sch. 3 Pt. 2 Table 2(b) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), <b>regs. 1(1), 2(5)(d)</b> |

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

| <i>[<sup>F67</sup>Person Hearing before whom proceedings are heard]</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</i> | <i>Final Fee (per day)</i> |
|---|--------------------------------------|---|--|--|-----------------------------|-----------------------|--------------------|----------------------------|
| <i>[<sup>F68</sup>Assistant to a justices' clerk, justices' clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge]</i> | £63.18                               | £157.95                                 | £101.07  | £252.72  | £126.36                     | £126.36               | £94.77             | £443.70                    |
| <i>[<sup>F69</sup>Judge of High Court judge level]</i>  | £75.83                               | £189.54                                 | £121.32  | £303.26  | £151.65                     | £126.36               | £94.77             | £532.44                    |

**Textual Amendments**

- F67** Words in Sch. 3 Pt. 2 Table 2(c) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), **regs. 1(1), 2(6)(a)**
- F68** Words in Sch. 3 Pt. 2 Table 2(c) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), **regs. 1(1), 2(6)(b)**
- F69** Words in Sch. 3 Pt. 2 Table 2(c) substituted (22.4.2014) by The Civil Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2014 (S.I. 2014/586), **regs. 1(1), 2(6)(c)**

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

| <b>Bolt-on Fee</b>           | <b>Payable For</b>            | <b>Fee Payable</b>      |
|------------------------------|-------------------------------|-------------------------|
| 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 – [<sup>F70</sup>advocate's] bundle payment**

| <b>Hearing type</b> | <b>[<sup>F71</sup>ABP1] (351-700 pages)</b> | <b>[<sup>F72</sup>ABP2] (701-1,400 pages)</b> | <b>[<sup>F73</sup>ABP3] (over 1,400 pages)</b> |
|---------------------|---|---|--|
| Interim hearing     | £59.40                                      | £89.10  | £89.10   |
| Final hearing       | £159.30                                     | £239.40                                       | £318.60  |

#### Textual Amendments

- F70** Word in Sch. 3 Pt. 2 Table 2(e) heading substituted (31.7.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 4\) Regulations 2014 \(S.I. 2014/1389\)](#), regs. 1, **2(4)(b)(i)** (with reg. 3)
- F71** Word in Sch. 3 Pt. 2 Table 2(e) substituted (31.7.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 4\) Regulations 2014 \(S.I. 2014/1389\)](#), regs. 1, **2(4)(b)(ii)** (with reg. 3)
- F72** Word in Sch. 3 Pt. 2 Table 2(e) substituted (31.7.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 4\) Regulations 2014 \(S.I. 2014/1389\)](#), regs. 1, **2(4)(b)(iii)** (with reg. 3)
- F73** Word in Sch. 3 Pt. 2 Table 2(e) substituted (31.7.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 4\) Regulations 2014 \(S.I. 2014/1389\)](#), regs. 1, **2(4)(b)(iv)** (with reg. 3)

#### [<sup>F74</sup>Bolt on fees - advocate's bundle

2.—(1) The Lord Chancellor must pay a bolt-on fee at the rates set out in tables 1(d) (Public Law – bolt-on fee – advocate's bundle payments) or 2(e) (Private Law Children and finance – bolt-on fees – advocate's bundle payment) as applicable to an advocate providing advocacy services in family proceedings where—

- (a) the advocate's bundle for a hearing exceeds 350 pages; and
- (b) the advocate submits a claim on a form specified by the Lord Chancellor.

(2) An advocate must provide any additional information or documents requested by the Lord Chancellor as evidence that paragraph 2(1)(a) is satisfied.

(3) For the purposes of this paragraph the advocate's bundle—

- (a) may only include—
  - (i) those documents relevant to the case which have been served by the parties to the proceedings to which the hearing relates; and
  - (ii) notes of contact visits if included in the court bundle; and
- (b) must include a paginated index agreed by the parties to those proceedings.

(4) In this paragraph, "court bundle" means the bundle prepared for the hearing to which the claim relates in accordance with Practice Direction 27A - Family Proceedings: Court Bundles (universal practice to be applied in the High Court and Family Court) to the Family Procedure Rules 2010.]

**Status:** Point in time view as at 27/03/2015.

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### Textual Amendments

**F74** Sch. 3 para. 2 inserted (31.7.2014) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) \(No. 4\) Regulations 2014 \(S.I. 2014/1389\)](#), regs. 1, **2(4)(a)** (with reg. 3)

## SCHEDULE 4

Regulation 9(3) and (4)

### Inquests

#### Interpretation

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.

**Table 1: Provider Hourly Rates**

| <i>Item</i>            | <i>Grade</i>          | <i>Inside<br/>(hourly rate)</i> | <i>London</i> | <i>Outside<br/>(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<br>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<br>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              |

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Queen's Counsel £630

SCHEDULE 5

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.

[<sup>F75</sup>Table

| <i>Expert</i>                | <i>Non-London - hourly rate unless stated to be a fixed fee</i> | <i>London - hourly rate unless stated to be a fixed fee</i> |
|------------------------------|---|---|
| A&E consultant               | £100.80   | £108  |
| Accident reconstruction      | £72   | £54.40  |
| Accountant                   | £64   | £64   |
| Accountant (general staff)   | £40   | £40   |
| Accountant (manager)         | £86.40  | £86.40  |
| Accountant (partner)         | £108  | £115.20   |
| Anaesthetist                 | £108  | £108  |
| Architect                    | £79.20  | £72   |
| Cardiologist                 | £115.20   | £115.20   |
| Cell telephone site analysis | £72   | £72   |
| Child psychiatrist           | £108  | £108  |
| Child psychologist           | £100.80   | £100.80   |
| Computer expert              | £72   | £72   |
| Consultant engineer          | £72   | £54.40  |
| Dentist                      | £93.60  | £93.60  |
| Dermatologist                | £86.40  | £86.40  |
| Disability consultant        | £54.40  | £54.40  |
| DNA (testing of sample)      | £252 per test   | £252 per test   |
| DNA (preparation of report)  | £72   | £72   |
| Doctor (GP)                  | £79.20  | £72   |
| Employment consultant        | £54.40  | £54.40  |
| Enquiry agent                | £25.60  | £18.40  |
| ENT surgeon                  | £100.80   | £100.80   |
| General surgeon              | £108  | £72   |

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| <i>Expert</i>  | <i>Non-London - hourly rate unless stated to be a fixed fee</i> | <i>London - hourly rate unless stated to be a fixed fee</i> |
|--|---|---|
| Geneticist   | £86.40  | £86.40  |
| GP (records report)  | £50.40 fixed fee  | £72 fixed fee   |
| Gynaecologist  | £108  | £72   |
| Haematologist  | £97.60  | £72   |
| Handwriting expert   | £72   | £72   |
| Interpreter  | £28   | £25   |
| Lip reader/Signer  | £57.60  | £32.80  |
| Mediator   | £100.80   | £100.80   |
| Medical consultant   | £108  | £72   |
| Medical microbiologist   | £108  | £108  |
| Meteorologist  | £100.80   | £144 fixed fee  |
| Midwife  | £72   | £72   |
| Neonatologist (non-clinical negligence cerebral palsy case)    | £108  | £108  |
| Neonatologist (clinical negligence cerebral palsy case)        | £180  | £180  |
| Neurologist (non-clinical negligence cerebral palsy case)      | £122.40   | £72   |
| Neurologist (clinical negligence cerebral palsy case)          | £200  | £200  |
| Neuropsychiatrist  | £126.40   | £72   |
| Neuroradiologist (non-clinical negligence cerebral palsy case) | £136.80   | £136.80   |
| Neuroradiologist (clinical negligence cerebral palsy case)     | £180  | £180  |
| Neurosurgeon   | £136.80   | £72   |
| Nursing expert   | £64.80  | £64.80  |
| Obstetrician   | £108  | £108  |
| Occupational therapist   | £54.40  | £54.40  |
| Oncologist   | £112  | £112  |
| Orthopaedic surgeon  | £115.20   | £115.20   |
| Paediatrician  | £108  | £72   |
| Pathologist  | £122.40   | £432 fixed fee  |
| Pharmacologist   | £97.60  | £97.60  |
| Photographer   | £25.60  | £18.40  |
| Physiotherapist  | £64.80  | £64.80  |

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| <i>Expert</i>                    | <i>Non-London - hourly rate unless stated to be a fixed fee</i> | <i>London - hourly rate unless stated to be a fixed fee</i> |
|----------------------------------|---|---|
| Plastic surgeon                  | £108  | £108  |
| Process server                   | £25.60  | £18.40  |
| Psychiatrist                     | £108  | £108  |
| Psychologist                     | £93.60  | £93.60  |
| Radiologist                      | £108  | £108  |
| Rheumatologist                   | £108  | £108  |
| Risk assessment expert           | £50.40  | £50.40  |
| Speech therapist                 | £79.20  | £79.20  |
| Surveyor (housing disrepair)     | £85   | £115  |
| Surveyor (non-housing disrepair) | £40   | £40   |
| Telecoms expert                  | £72   | £72   |
| Toxicologist                     | £108  | £108  |
| Urologist                        | £108  | £108  |
| Vet                              | £72   | £72   |
| Voice recognition                | £93.60  | £72]  |

#### Textual Amendments

**F75** Sch. 5 table substituted (2.12.2013) by [The Civil Legal Aid \(Remuneration\) \(Amendment\) Regulations 2013 \(S.I. 2013/2877\)](#), regs. 1, 2(6), **Sch. 2** (with reg. 3)

#### Exceptional circumstances

**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

**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.

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## General provisions relating to experts

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”).

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:**

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**Changes to legislation:**

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