

---

## STATUTORY INSTRUMENTS

---

# 2013 No. 422

## The Civil Legal Aid (Remuneration) Regulations 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;

“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 [<sup>F5</sup>, the 2014 Standard Civil Contract or the 2015 Standard Civil Contract]];

“Controlled Work” has the same meaning as in regulation 21(2) of the Civil Legal Aid (Procedure) Regulations 2012 <sup>M1</sup>;

[<sup>F6</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

*Status: Point in time view as at 01/11/2016. This version of this provision has been superseded.*

*Changes to legislation: The Civil Legal Aid (Remuneration) Regulations 2013, Section 2 is up to date with all changes known to be in force on or before 15 July 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)*

(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>M2</sup>;
- (b) the Adoption Act 1976 <sup>M3</sup>;
- (c) the Domestic Proceedings and Magistrates' Courts Act 1978 <sup>M4</sup>;
- (d) Part III (financial relief in England and Wales after overseas divorce etc) of the Matrimonial and Family Proceedings Act 1984 <sup>M5</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>M6</sup>;
- (ea) [<sup>F7</sup>section 119 and section 124 of the Social Services and Well-being (Wales) Act 2014 (use of accommodation for restricting liberty);]
- (f) Part IV (family homes and domestic violence) of the Family Law Act 1996 <sup>M7</sup>;
- (g) the Adoption and Children Act 2002 <sup>M8</sup>;
- (h) the Civil Partnership Act 2004 <sup>M9</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>M10</sup> or proceedings under the Trusts of Land and Appointment of Trustees Act 1996 <sup>M11</sup>;

[<sup>F8</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;

“the relevant contract” means whichever of the 2010 Standard Civil Contract, [<sup>F9</sup>the 2010 Standard Crime Contract,] the 2013 Standard Civil Contract [<sup>F10</sup>, the 2013 Individual Case Contract (Civil) [<sup>F11</sup>, the 2014 Standard Civil Contract][<sup>F12</sup>, the 2014 Standard Civil Contract (Welfare Benefits) [<sup>F13</sup>, the 2015 Standard Civil Contract or the 2016 Standard Civil Contract (Welfare Benefits)]]] governs the provision of civil legal services for which remuneration is claimed; and

“the 2010 Standard Civil Contract”, [<sup>F14</sup>“the 2010 Standard Crime Contract”,] “the 2013 Standard Civil Contract”, the “2013 Individual Case Contract (Civil)” [<sup>F15</sup>, the 2013 Individual Case Contract (High Cost Civil)” [<sup>F16</sup>, the 2014 Standard Civil Contract][<sup>F17</sup>, “the 2014 Standard Civil Contract (Welfare Benefits)” [<sup>F18</sup>, “the 2015 Standard Civil Contract” and “the 2016 Standard Civil Contract (Welfare Benefits)”]]] mean the contracts so named between the Lord Chancellor and a provider of civil legal services <sup>M12</sup> 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 2013 <sup>M13</sup>.

*Status: Point in time view as at 01/11/2016. This version of this provision has been superseded.*

*Changes to legislation: The Civil Legal Aid (Remuneration) Regulations 2013, Section 2 is up to date with all changes known to be in force on or before 15 July 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)*

### 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) substituted (1.11.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(b), **4(2)(a)**
- 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)(c)**
- F7** Words in reg. 2(1) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016 (S.I. 2016/211), reg. 1(2), **Sch. 3 para. 146**
- F8** 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)**
- F9** 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)**
- 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)(a)**
- 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)(b)**
- F12** Words in reg. 2(1) substituted (1.11.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(b), **4(2)(b)**
- F13** Words in reg. 2(1) substituted (1.11.2016) by The Civil Legal Aid (Remuneration and Statutory Charge) (Amendment) Regulations 2016 (S.I. 2016/983), regs. 1, **2(2)(a)**
- F14** Words in reg. 2(1) inserted (1.11.2016) by The Civil Legal Aid (Remuneration and Statutory Charge) (Amendment) Regulations 2016 (S.I. 2016/983), regs. 1, **2(2)(b)(i)**
- F15** 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)**
- F16** 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)**
- F17** Words in reg. 2(1) substituted (1.11.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), regs. 1(2)(b), **4(2)(c)**
- F18** Words in reg. 2(1) substituted (1.11.2016) by The Civil Legal Aid (Remuneration and Statutory Charge) (Amendment) Regulations 2016 (S.I. 2016/983), regs. 1, **2(2)(b)(ii)**

### Marginal Citations

- M1** S.I. 2012/3098.
- M2** 1973 c. 18.
- M3** 1976 c. 36.
- M4** 1978 c. 22.
- M5** 1984 c. 42.
- M6** 1989 c. 41.
- M7** 1996 c. 27.
- M8** 2002 c. 38.
- M9** 2004 c. 33.
- M10** 1975 c. 63.
- M11** 1996 c. 47.

---

*Status: Point in time view as at 01/11/2016. This version of this provision has been superseded.*

*Changes to legislation: The Civil Legal Aid (Remuneration) Regulations 2013, Section 2 is up to date with all changes known to be in force on or before 15 July 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)*

---

**M12** 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.

**M13** [S.I. 2013/104](#).

**Status:**

Point in time view as at 01/11/2016. This version of this provision has been superseded.

**Changes to legislation:**

The Civil Legal Aid (Remuneration) Regulations 2013, Section 2 is up to date with all changes known to be in force on or before 15 July 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.