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## STATUTORY INSTRUMENTS

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# 2013 No. 422

## The Civil Legal Aid (Remuneration) Regulations 2013

### **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 fees and rates set out in Schedule 3.

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

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

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

- (a) to any party in child abduction proceedings;
- (b) in proceedings under Part IVA (forced marriage) of the Family Law Act 1996 <sup>M1</sup>;
- (c) in defended proceedings for divorce or judicial separation, for dissolution of a civil partnership or the legal separation of civil partners;
- (d) in proceedings for the nullity of marriage or annulment of a civil partnership;
- (e) in applications for a parental order under the Human Fertilisation and Embryology Act 2008 <sup>M2</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.

*Status: Point in time view as at 02/12/2013. This version of this provision has been superseded.*

*Changes to legislation: The Civil Legal Aid (Remuneration) Regulations 2013, Section 8 is up to date with all changes known to be in force on or before 28 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)*

(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>M3</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.

**Marginal Citations**

**M1** Part IVA was inserted by section 1 of the [Forced Marriage \(Civil Protection\) Act 2007 \(c.20\)](#).

**M2** [2008 c. 22](#).

**M3** [S.I. 2001/1077](#); revoked by article 9(1) of [S.I. 2011/1027](#) subject to savings set out in article 9(2).

**Status:**

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**Changes to legislation:**

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