

2014 No. 1389

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Civil Legal Aid (Remuneration) (Amendment) (No. 4)
Regulations 2014**

<i>Made</i> - - - -	<i>29th May 2014</i>
<i>Laid before Parliament</i>	<i>3rd June 2014</i>
<i>Coming into force</i> - -	<i>31st July 2014</i>

The Lord Chancellor makes these Regulations(a) in exercise of the powers conferred by sections 2(3) and 41(1), (2) and (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(b):

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (Remuneration) (Amendment) (No. 4) Regulations 2014 and come into force on 31st July 2014.

Amendments to the Civil Legal Aid (Remuneration) Regulations 2013

2.—(1) The Civil Legal Aid (Remuneration) Regulations 2013(c) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “advocates’ meeting”, for “paragraph 10 of Practice Direction 12A (Public Law Proceedings Guide to Case Management: April 2010) to the Family Procedure Rules 2010” substitute “paragraph 1.3 of Practice Direction 12A (Care, Supervision and other Part 4 Proceedings: Guide to Case Management) to the Family Procedure Rules 2010(d)”.

(3) In regulation 8(2)(b) (remuneration: advocacy services in family proceedings), for “fees and rates set out in” substitute “provisions of”.

(4) In Schedule 3 (Family Advocacy Scheme: Fees and Rates)—

(a) after paragraph 1 (interpretation), insert—

“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

(a) 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.
(b) 2012 c. 10.
(c) S.I. 2013/422 as amended by S.I. 2013/2877, 2014/7, 2014/586 and 2014/607.
(d) S.I. 2010/2955. Practice Direction 12A (Care, Supervision and other Part 4 Proceedings: Guide to Case Management) came into effect on 22nd April 2014 and replaced Practice Direction 12A (Public Law Proceedings Guide to Case Management: April 2010).

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(a).”;

(b) in tables 1(d) and 2(e)—

- (i) in the heading of each table, for “court” substitute “advocate’s”;
- (ii) for “CB1”, substitute “ABP1”;
- (iii) for “CB2”, substitute “ABP2”; and
- (iv) for “CB3”, substitute “ABP3”.

Transitional provision

3. The amendments made by regulation 2(3) and (4) do not apply to the determination of a claim for a bolt-on fee where that claim relates to a hearing which takes place before 31st July 2014.

29th May 2014

Chris Grayling
Lord Chancellor
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, in relation to family proceedings, the Civil Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/422) which make provision about payment by the Lord Chancellor to providers of civil legal services under arrangements made for the purpose of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

Regulation 2(2) makes a minor amendment to the definition of “advocates’ meeting” to reflect updated Practice Direction 12A (Care, Supervision and other Part 4 Proceedings: Guide to Case Management) supporting the Family Procedure Rules 2010, which came into effect on 22 April 2014.

(a) Practice Direction 27A (Family Proceedings: Court Bundles (universal practice to be applied in the High Court and Family Court)) came into effect on 22 April 2014 and replaced Practice Direction 27A (Family Proceedings: Court Bundles (universal practice to be applied in all courts other than the Family Proceedings Court)) (April 2012).

Under the current Legal Aid Family Advocacy Scheme, a bolt-on fee is payable to an advocate where the court bundle for a hearing exceeds a certain size. Practice Direction (PD) 27A - Family Proceedings: Court Bundles (universal practice to be applied in the High Court and Family Court) supporting the Family Procedure Rules 2010, introduces a cap on the size of court bundles, meaning that fewer cases would be eligible for the current bundle bolt-on fee. Regulation 2(3) and (4) makes amendments to the Legal Aid Family Advocacy Scheme which are consequential to the changes to PD 27A, introducing the concept of an “advocate’s bundle” and providing for bolt-on fees to be based on the size of the advocate’s bundle instead of the court bundle.

Regulation 3 makes transitional provision providing that the amendments made by regulation 2(3) and (4) only apply to determination of claims which take place on or after 31 July 2014.

A full impact assessment of the policy was produced with the Government’s consultation response, *Court bundles – Changes to the family legal aid remuneration schemes* and is available at <https://consult.justice.gov.uk/>.

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