
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/422) (“the 2013 Regulations”), 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 and the Schedule to these Regulations make amendments which are consequential on the introduction of the new single family court by the Crime and Courts Act 2013 (c. 22). The changes amend the provisions governing remuneration for matters which will be heard before the family court. Previously, remuneration varied according to the court before which proceedings were heard, such as the county court or magistrates’ court. In future, most family matters will be heard by judges sitting in the family court. The amendments align remuneration with the new structure and jurisdiction of the family court. As a result, fees vary according to the person or court before whom proceedings are heard.

In addition to incorporating amendments consequential on the establishment of the family court, paragraphs 1(3), 2(2) and 2(4) of the Schedule amend the fees payable for legal representation in care or supervision proceedings under section 31 of the Children Act 1989. Paragraph 1(3) of the Schedule amends the fixed fees in table 2(c). Paragraph 2(4) of the Schedule inserts new table 9(aa), providing the rates which will be used to calculate the threshold at which cases escape the fixed fee scheme (pursuant to the Lord Chancellor’s contract with providers) and the hourly rates which will apply thereafter. These amendments implement a 10% reduction in fees for preparation and attendance, attendance at court or conference with counsel and travel and waiting time. Both tables 2(c) and 9(aa) also implement the amendments made in consequence of the introduction of the family court.

Regulation 3 provides that the amendments made by paragraphs 1(3), 2(2) and 2(4) of the Schedule do not apply to pre-commencement applications for civil legal services. Regulations 4 to 6 define a “pre-commencement application”.

A full impact assessment of the 10% reduction in fees on the costs of business and the voluntary sector was produced with the Government’s response to consultation, *Transforming Legal Aid: Next Steps*, and is available at <https://consult.justice.gov.uk/>. A full impact assessment of the policy implemented by the amendments consequential to the introduction of the single family court has not been produced for this instrument, as no impact on the private or voluntary sectors is foreseen. However, the amendments were consulted on in *Supporting the introduction of the single Family Court – Proposed changes to Family legal aid remuneration schemes*, available at <https://consult.justice.gov.uk/>.