

**2015 No. 325**

**LEGAL AID AND ADVICE, ENGLAND AND WALES**

**The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015**

*Made* - - - - *12th February 2015*  
*Laid before Parliament* *23rd February 2015*  
*Coming into force* - - *23rd March 2015*

The Lord Chancellor makes the following Regulations<sup>(a)</sup> in exercise of the powers conferred by sections 2(3) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012<sup>(b)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 and come into force on 23rd March 2015.

**Amendments to the Civil Legal Aid (Remuneration) Regulations 2013**

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

(2) In regulation 2(1) (interpretation), in the definition of “the relevant contract”, after “2010 Standard Civil Contract,” insert “the 2010 Standard Crime Contract,”.

(3) In Schedule 1—

(a) in Part 1 (Civil Standard and Graduated Fees), in Table 1—

(i) omit “Schedule Authorisation” in the heading of the second and third columns, and

(ii) in the entry for “Miscellaneous”, after the sub-category “(employment)”, in the second and third columns, respectively, insert—

“£157 (injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 <sup>(d)</sup> and related parenting orders)	£471 (injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 and related parenting orders)”;
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(b) in Part 3 (Hourly Rates – Licensed Work)—

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<sup>(a)</sup> 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.

<sup>(b)</sup> 2012 c. 10.

<sup>(c)</sup> S.I. 2013/422; relevant amending instruments are S.I. 2014/7, 2014/586, 2014/1389 and 2014/1824.

<sup>(d)</sup> 2014 c. 12.

- (i) in Table 10(a), in the heading after “Schedule Authorisation” insert “or injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 and related parenting orders”, and
- (ii) in Table 10(b), in the heading after “Schedule Authorisation” insert “(except as in Table 10(a))”.

### **Amendments to the Criminal Legal Aid (Remuneration) Regulations 2013**

**3.—**(1) The Criminal Legal Aid (Remuneration) Regulations 2013(a) are amended as follows.

(2) In regulation 3(2) (scope), after “magistrates’ courts,” insert “to proceedings in the County Court,”.

(3) In Schedule 1 (Advocates’ Graduated Fee Scheme), in Part 7 (Table of Offences), under the heading “Class H: Miscellaneous other offences”, for the first and second entries substitute—

“Breach of a sexual harm prevention order or interim sexual harm prevention order	Sexual Offences Act 2003, s.103I <b>(b)</b>	2003 c. 42
Breach of a sexual risk order or interim sexual risk order	Sexual Offences Act 2003, s.122H <b>(c)</b>	As above
Breach of a criminal behaviour order	Anti-social Behaviour, Crime and Policing Act 2014, s.30	2014 c. 12”.

(4) Schedule 4 (Rates Payable for the Claims Specified in Regulation 8) is amended as follows.

(5) For paragraph 1 (Interpretation of this Schedule) substitute—

#### **“Interpretation of this Schedule**

**1.** In this Schedule—

(a) unless the context otherwise requires, words and expressions have the same meaning as in the 2010 Standard Crime Contract, and

(b) “the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014.”.

(6) In paragraph 5 (Representation in the Magistrates’ Court)—

(a) in sub-paragraph (1), after “rates” insert “for representation in a magistrates’ court (except where paragraph 5A applies)”;

(b) in sub-paragraph (2), after “a magistrates’ court” insert “(except where paragraph 5A applies)”, and

(c) in sub-paragraph (3)—

(i) after paragraph (a)(i) insert—

“(ia) guilty pleas in proceedings for low-value shoplifting as defined in section 22A(3) of the Magistrates’ Court Act 1980**(d)** (low-value shoplifting);”;

(ii) in paragraph (a)(iii) and (iv), after “offences” insert “or proceedings referred to in sub-paragraph (ia)”, and

(iii) in paragraph (b), after “proceedings” insert “(other than proceedings referred to in paragraph (a)(ia))”.

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(a) S.I. 2013/435; relevant amending instruments are S.I. 2013/862 and 2014/415.

(b) Section 103I was inserted into the Sexual Offences Act 2003 (c. 42) by paragraph 2 of Schedule 5 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(c) Section 122H was inserted into the Sexual Offences Act 2003 (c. 42) by paragraph 2 of Schedule 5 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(d) 1980 c. 43. Section 22A was inserted by section 176 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(7) After paragraph 5 insert—

**“Representation in proceedings relating to an injunction under Part 1 of the 2014 Act or related parenting order in any court**

**5A.**—(1) This paragraph applies to proceedings prescribed as criminal proceedings under section 14(h) of the Act (other than an appeal) relating to—

- (a) an injunction under Part 1 of the 2014 Act; or
- (b) a parenting order under section 8(1)(b) of the Crime and Disorder Act 1998(a) where an injunction is granted under Part 1 of the 2014 Act.

(2) The fixed amounts and hourly rates for—

- (a) determining whether the lower or higher fee limit has been reached, and
- (b) claiming costs in cases which fall outside the fixed fee limits, are specified in the table following this sub-paragraph.

**Representation in proceedings relating to an injunction under Part 1 of the 2014 Act or related parenting order in any court**

	<i>All Areas</i>
Routine letters written and telephone calls per item	£3.56
Preparation hourly rate	£45.35
Advocacy hourly rate (including applications for bail and other applications to court)	£56.89
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£31.03

(3) The table following this sub-paragraph sets out the fees and fee limits for representation in any court.

**Higher and Lower Fees Table**

	<i>Lower fee (£)</i>	<i>Lower fee limit (£)</i>	<i>Higher fee (£)</i>	<i>Higher fee limit (£)</i>
Uncontested	158.27	272.34	380.70	471.85
Contested	279.45	467.84	640.94	779.64

(4) The hourly rate for travelling and waiting in any court is £24.00.”.

(8) In paragraph 7 (Representation in proceedings prescribed as criminal proceedings under section 14(h) of the Act)—

- (a) in sub-paragraph (1), after “a magistrates’ court” insert “or where paragraph 5A applies”;
- (b) in the heading of the table following sub-paragraph (1), for “Magistrates’ Court” substitute “Crown Court”, and
- (c) in sub-paragraph (2), after “the Act” insert “(except where paragraph 5A or paragraph 10 applies)”.

(9) In paragraph 10 (Representation in the Crown Court on an appeal from a magistrates’ court in proceedings prescribed as criminal proceedings under section 14(h) of the Act), after “the Act” insert “or an appeal to the County Court relating to an injunction under Part 1 of the 2014 Act or

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(a) 1998 c. 37.

a parenting order under section 8(1)(b) of the Crime and Disorder Act 1998 made in connection with an injunction under Part 1 of the 2014 Act”.

### **Transitional provision**

4.—(1) The amendments made by regulation 3(3) do not apply to a determination under section 15 (advice and assistance for criminal proceedings) or section 16 (representation for criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 for advice and assistance or representation for relevant criminal proceedings.

(2) For the purposes of paragraph (1), “relevant criminal proceedings” means the following criminal proceedings whenever commenced—

- (a) breach of an anti-social behaviour order under section 1(10) (anti-social behaviour orders) of the Crime and Disorder Act 1998(a), and
- (b) breach of a sex offender order under section 2(8)(b) (sex offender orders) of that Act.

(3) The amendments made by regulation 3(6)(c) apply to the determination of a claim for fees on or after 23rd March 2015.

12th February 2015

*Shailesh Vara*  
Parliamentary Under Secretary of State  
Ministry of Justice

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Civil Legal Aid (Remuneration) Regulations (S.I. 2013/422) (“the Civil Regulations”) make provision about the payment by the Lord Chancellor to persons who provide civil legal services under arrangements made under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”). The Criminal Legal Aid (Remuneration) Regulations (S.I. 2013/435) (“the Criminal Regulations”) make provision for the funding and payment of advice, assistance and representation in relation to criminal proceedings under the Act. These Regulations make amendments to the Civil Regulations and the Criminal Regulations which are consequential to changes made by the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) (“the 2014 Act”).

Regulation 2 amends table 1 of Schedule 1 to the Civil Regulations to provide a fixed fee for payment of certain civil legal services provided in relation to injunctions under Part 1 of the 2014 Act and related parenting orders. It also amends the headings of tables 10(a) and 10(b) of Schedule 2 to the Civil Regulations to apply the rates in table 10(a) to representation in connection with injunctions under Part 1 of the 2014 Act and related parenting orders.

Regulation 3 amends the scope of the Criminal Regulations to encompass proceedings in the County Court (which is relevant for contempt proceedings including breach of an injunction under Part 1 of the 2014 Act, among others, which are within scope of criminal legal aid) and makes amendments to the table of offences in Schedule 1 to the Criminal Regulations to update that table in respect of offences introduced or amended by the 2014 Act.

Regulation 3 also amends Schedule 4 to do two things. Firstly, it provides for payment for representation relating to breach of injunctions under Part 1 of the 2014 Act, including related parenting orders. Secondly, regulation 3(6)(c) provides for representation in relevant proceedings

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(a) Section 1(10) was amended by section 61(8) of the Police Reform Act 2002 (c. 30) and is repealed by paragraph 24(a) of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), subject to saving and transitional provisions contained in section 21 of that Act.

(b) Section 2(8) was repealed by paragraph 38(2) of Schedule 6, and Schedule 7, to the Sexual Offences Act 2003 (c. 42).

relating to low-level shoplifting (as defined in section 22A(3) of the Magistrates' Court Act 1980 (c. 43)) to be paid the Category 1A fee (as set out in the table following paragraph 5(2) of Schedule 4 to the Criminal Regulations) instead of the lower Category 1B fee. Relevant proceedings are those which result in a guilty plea, are withdrawn or discontinued, where the prosecution offer no evidence or which result in a bind over.

Regulation 4(1) provides that the amendments to the table of offences in Schedule 1 to the Criminal Regulations (made by regulation 3(3)) do not apply in relation to proceedings for a breach of an anti-social behaviour order under section 1(10) of the Crime and Disorder Act 1998 (c. 37) or a breach of a sex offender order under section 2(8) of that Act. Regulation 4(3) provides that the amendments made by regulation 3(6)(c) apply to the determination of claims for fees on or after 23rd March 2015.

The 2010 Standard Crime Contract is available at <https://www.gov.uk/government/publications/standard-crime-contract-2010>. Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London SW1H 9AJ.

A full impact assessment of the effect on the costs of business and the voluntary sector of the policy implemented by this instrument in relation to injunctions under Part 1 of the 2014 Act was produced with the Government's response to consultation, Anti-Social Behaviour Crime & Policing Act 2014: Changes to remuneration for legal aid services, and is available at <https://www.gov.uk/government/consultations/changes-to-remuneration-for-legal-aid-services>. A full impact assessment of the policy implemented by Regulation 3(6)(c) (relating to low-value shoplifting) has not been produced for this instrument, as no impact on the private or voluntary sectors is foreseen.

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