

This Statutory Instrument has been made in consequence of an omission in S.I. 2023/1177 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2023 No. 1322

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Civil Legal Aid (Remuneration) (Amendment) Regulations
2023**

Made - - - - - *4th December 2023*

Laid before Parliament *7th December 2023*

Coming into force in accordance with regulation 1(2)

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Civil Legal Aid (Remuneration) (Amendment) Regulations 2023.

(2) These Regulations come into force on the same day as and immediately following the coming into force of section 56(3) of the Illegal Migration Act 2023(b).

(3) These Regulations extend to England and Wales.

Amendments to the Civil Legal Aid (Remuneration) Regulations 2013

2.—(1) Part 2 of Schedule 1 to the Civil Legal Aid (Remuneration) Regulations 2013(c) is amended as follows.

(2) At the end of the heading in Table 7(d) (Immigration and Asylum hourly rate cases), insert “(except where Table 7(da) applies)”.

(3) After Table 7(d) (Immigration and Asylum hourly rate cases) insert—

“Table 7(da) Civil legal services under paragraph 31C of Part 1 of Schedule 1 to the Act:
Removal notices under the Illegal Migration Act 2023

Legal help and help at court

(a) 2012 c. 10.

(b) 2023 c. 37.

(c) S.I. 2013/422 as amended by S.I. 2014/7, S.I. 2014/586, S.I. 2014/1824, S.I. 2015/898, S.I. 2015/1678, S.I. 2016/983, S.I. 2018/803, S.I. 2020/1001, S.I. 2022/1379 and S.I. 2023/1177. There are other amending instruments but none are relevant.

Activity	London Rate	Non-London Rate
Preparation, Attendance and Advocacy	£59.36 per hour	£54.40 per hour
Travel and Waiting Time	£31.36 per hour	£30.49 per hour
Routine Letters Out and Telephone Calls	£4.55 per item	£4.24 per item”.

4th December 2023

Bellamy
Parliamentary Under Secretary of State
Ministry of Justice

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 Remuneration Regulations”).

The Remuneration Regulations make provision about payment by the Lord Chancellor to providers of legal services under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (2012 c.10) (“the Act”). This Statutory Instrument has been made in consequence of an omission in SI 2023/1177 and is being issued free of charge to all known recipients of that Statutory Instrument.

Regulation 2 adds new hourly rates to remunerate legal aid providers for Controlled Work carried out in relation to work described in paragraph 31C of Part 1 of Schedule 1 to the Act. This work will be brought into scope of legal aid by an amendment to the Act to be made by section 56 of the Illegal Migration Act 2023 when it is commenced.

The amendments made by these Regulations are to come into force on the same date that and immediately after the relevant section of the Illegal Migration Act 2023 is commenced.

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector has been published as part of the Government Response to the consultation on fees in relation to the Illegal Migration Act 2023 and is available from the Legal Aid Policy Team, Access to Justice Directorate, Ministry of Justice, 102 Petty France, London, SW1H 9AJ.

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£5.78

<http://www.legislation.gov.uk/id/uksi/2023/1322>

ISBN 978-0-34-825475-4

