
STATUTORY INSTRUMENTS

1996 No. 650

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

**The Legal Aid in Family Proceedings
(Remuneration) (Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>7th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 34 and 43 of the Legal Aid Act 1988(1), having had regard to the matters specified in section 34(9) and having consulted the General Council of the Bar and the Law Society, and with the consent of the Treasury, hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid in Family Proceedings (Remuneration) (Amendment) Regulations 1996 and shall come into force on 1st April 1996.

2. The Legal Aid in Family Proceedings (Remuneration) Regulations 1991(2) shall be amended, in respect of work done on or after 1st April 1996, by

(a) inserting at the end of the definition of “care proceedings” in regulation 2(1) the words “and includes proceedings under section 25 of that Act (secure accommodation orders)”;

(b) inserting after regulation 3(4)(b) the following

“(bb) in allowing costs under Parts I to III and V of Schedule 1 and Part I to III and V of Schedule 2, shall allow the rates specified for franchisees in Schedules 1A and 2A where the work done was done by a person or body (other than the Board) acting under the terms of a franchising contract which was entered into by the Board pursuant to its powers under section 4 of the Legal Aid Act 1988 and references in these Regulations to Schedule 1 or 2 shall, in relation to work done by franchisees, be construed as references to Schedule 1A or, as the case may be, 2A;” and

(c) substituting, for Schedules 1 and 2, the following new Schedules.

(1) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.

(2) S.I. 1991/2038; the relevant amending instruments are S.I. 1991/2112 and 1992/596.

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SCHEDULE 1
CARE PROCEEDINGS

PART I
PREPARATION

Column 1	Column 2 <i>High Court</i>	Column 3 <i>County Court or Magistrates' Court</i>
ITEM		
1. Writing routine letters.	£4.25 per item	£3.65 per item
2. Receiving routine letters.	£2.05 per item	£1.80 per item
3. Routine telephone calls.	£4.25 per item	£3.65 per item
4. All other preparation work including any work which was reasonably done out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine.	£65.50 per hour (£69.75 per hour for a fee-earner whose office is situated within legal aid area 1)	£58.00 per hour £61.25 per hour for a fee-earner whose office is situated within legal aid area 1)
5. Travelling and waiting time in connection with the above matters.	£32.00 per hour	£29.25 per hour

PART II
CONFERENCES WITH COUNSEL

6. Attending counsel in conference.	£37.00 per hour	£32.50 per hour
7. Travelling and waiting.	£32.00 per hour	£29.25 per hour

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PART III ATTENDANCES

8. Attending with counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment.	£37.00 per hour	£32.50 per hour
9. Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment.	£64.00 per hour	£64.00 per hour
10. Travelling and waiting.	£32.00 per hour	£29.25 per hour

PART IV FEES FOR JUNIOR COUNSEL

11. With a brief on an unopposed application for an injunction, or procedural issue.	Standard £88.25 Maximum £146.25	£76.25 £127.00
12. With a brief on the trial of a cause or matter or on the hearing of an application where the hearing lasts for	Standard £133.50 Maximum £268.00	£114.25 £228.50
(a) one hour		
(b) (b) a half day	Standard £184.75 Maximum £304.50	£159.25 £268.0
(c) (c) a full day	Standard £368.50 Maximum £584.75	£317.75 £508.50
(d) (d) more than a full day	Discretionary	Discretionary
13. For each day or part of a day on which the trial of a cause or matter, or the hearing of an ancillary application, or a children appointment, is continued after the first day.	Discretionary	Discretionary
14. Conference (including time reasonably spent in preparation and conference, but not otherwise remunerated).	Standard £20.25 per ½ hour	Standard £17.75 per ½ hour
(a) (a) Complex items of written work	Standard £96.25 per item	Standard £82.75 per item

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(such as advices on evidence, opinions and affidavits of a substantial nature, requests for particulars or answers).

(b) (b) All other written work.	Standard £57.00 per item	Standard £50.25 per item
16. Except where the court is within 40 kilometres of Charing Cross or where there is no local Bar in the court town, or within 40 kilometres thereof, for travelling time.	Standard £18.50 per hour + expenses	Standard £15.85 per hour + expenses

PART V
TAXATION AND REVIEW OF TAXATION
(HIGH COURT AND COUNTY COURT ONLY)

17. Preparing the bill (where allowable) and completing the taxation (excluding preparing for and attending the taxation)	£32.00 – £89.25	£32.00 – £51.00
18. Preparing for and attending the taxation (including travelling and waiting).	Discretionary	Discretionary
19. Review by district judge or judge (including preparation).	Discretionary	Discretionary

SCHEDULE 1A
CARE PROCEEDINGS

PART I
PREPARATION

Column 1	Column 2 <i>High Court</i>	Column 3 County Court or Magistrates' Court
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ITEM

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Column 1	Column 2 <i>High Court</i>	Column 3 County Court or Magistrates' Court
1. Writing routine letters.	£4.25 per item	£3.70 per item
2. Receiving routine letters.	£2.10 per item	£1.85 per item
3. Routine telephone calls.	£4.20 per item	£3.70 per item
4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine.	£66.50 per hour (£70.75 per hour for a fee-earner whose office is situated within legal aid area 1)	£59.00 per hour £62.00 per hour for a fee-earner whose office is situated within legal aid area 1)
5. Travelling and waiting time in connection with the above matters.	£32.50 per hour	£29.50 per hour

PART II

CONFERENCES WITH COUNSEL

6. Attending counsel in conference.	£37.50 per hour	£33.00 per hour
7. Travelling and waiting.	£32.50 per hour	£29.50 per hour

PART III

ATTENDANCES

8. Attending with counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment.	£37.50 per hour	£33.00 per hour
9. Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment.	£65.00 per hour	£65.00 per hour

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10. Travelling and waiting. £32.50 per hour £29.50 per hour

PART V

TAXATION AND REVIEW OF TAXATION (HIGH COURT AND COUNTY COURT ONLY)

17. Preparing the bill (where allowable) and completing the taxation (excluding preparing for and attending the taxation).	£32.50 – £90.75	£32.50 – £51.75
18. Preparing for and attending the taxation (including travelling and waiting).	Discretionary	Discretionary
19. Review by district judge or judge (including preparation).	Discretionary	Discretionary

SCHEDULE 2

PRESCRIBED FAMILY PROCEEDINGS

PART I

PREPARATION

(a) High Court and county court proceedings

Column 1	Column 2 <i>High Court</i>	Column 3 <i>County Court</i>
ITEM		
1. Writing routine letters.	£4.25 per item	£3.65 per item
2. Receiving routine letter.	£2.05 per item	£1.80 per item
3. Routine telephone calls.	£4.25 per item	£3.65 per item
4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with,	Where the proceedings were conducted in the divorce registry or in another court on the South Eastern Circuit at the time when the relevant work was done:	

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Column 1	Column 2 <i>High Court</i>	Column 3 <i>County Court</i>
documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine.		
	£46.75 per hour All other circuits: £43.75 per hour	£41.00 per hour £38.75 per hour
5. In addition to items 1-4 above, to cover the general care and conduct of the proceedings.	+50%	+50%
6. Travelling and waiting time in connection with the above matters.	£32.00 per hour	£29.25 per hour

PART II

CONFERENCES WITH COUNSEL

7. Attending counsel in conference.	£37.00 per hour	£32.50 per hour
8. Travelling and waiting.	£32.00 per hour	£29.25 per hour

PART III

ATTENDANCES

9. Attending with counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment.	£37.00 per hour	£32.50 per hour
10. Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment.	£55.75 per hour	£52.75 per hour
11. Travelling and waiting.	£32.00 per hour	£29.25 per hour

PART IV

FEES FOR JUNIOR COUNSEL

12. With a brief on an unopposed application for an injunction, or procedural issue.	Standard £88.25 Maximum £146.25	£76.25 £127.00
13. With a brief on the trial of a cause or matter or on the hearing of an ancillary application or on a children appointment where the hearing lasts for	Standard £133.50 Maximum £268.00	£114.25 £228.50
(a) one hour		
(b) (b) a half day	Standard £184.75 Maximum £304.50	£159.25 £268.0
(c) (c) a full day	Standard £368.50 Maximum £584.75	£317.75 £508.50
(d) (d) more than a full day	Discretionary	Discretionary
14. For each day or part of a day on which the trial of a cause or matter, or the hearing of an ancillary application, or a children appointment, is continued after the first day.	Discretionary	Discretionary
15. Conference (including time reasonably spent in preparation and conference, but not otherwise remunerated).	Standard £20.25 per ½ hour	Standard £17.75 per ½ hour
(a) (a) Complex items of written work (such as advices on evidence, opinions and affidavits of a substantial nature, requests for particulars or answers).	Standard £96.25 per item	Standard £82.75 per item
(b) (b) All other written work.	Standard £57.00 per item	Standard £50.25 per item
17. Except where the court is within 40 kilometres of Charing Cross or where there is no local Bar in the court town, or within 40 kilometres thereof, for travelling time.	Standard £18.50 per hour + expenses	Standard £15.85 per hour + expenses

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PART V

TAXATION AND REVIEW OF TAXATION

18. Preparing the bill (where allowable) and completing the taxation (excluding preparing for and attending the taxation).	£32.00 – £89.25	£32.00 – £51.75
19. Preparing for and attending the taxation (including travelling and waiting).	Discretionary	Discretionary
20. Review by district judge or judge (including preparation).	Discretionary	Discretionary

(b) Magistrates' court proceedings

<i>Class of work</i>	<i>Rate</i>
Preparation	£44.00 per hour— (£46.75 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£55.25 per hour
Attendance at court where counsel assigned	£30.00 per hour
Travelling and waiting	£24.60 per hour
Routine letters written and routine telephone	£3.40 per item— (£3.55 per item for a fee-earner whose office is situated within legal aid area 1)

SCHEDULE 2A

PRESCRIBED FAMILY PROCEEDINGS

PART I

PREPARATION

(a) High Court and county court proceedings

Column 1	Column 2 <i>High Court</i>	Column 3 <i>County Court</i>
ITEM		
1. Writing routine letters.	£4.25 per item	£3.70 per item
2. Receiving routine letters.	£2.10 per item	£1.85 per item

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Column 1	Column 2 <i>High Court</i>	Column 3 <i>County Court</i>
3. Routine telephone calls.	£4.20 per item	£3.70 per item
4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine.	Where the proceedings were conducted in the divorce registry or in another court on the South Eastern Circuit at the time when the relevant work was done: £47.50 per hour All other circuits: £44.25 per hour	£41.50 per hour £39.25 per hour
5. In addition to items 1-4 above, to cover the general care and conduct of the proceedings.	+50%	+50%
6. Travelling and waiting time in connection with the above matters.	£32.50 per hour	£29.50 per hour

PART II

CONFERENCES WITH COUNSEL

7. Attending counsel in conference.	£37.50 per hour	£33.00 per hour
8. Travelling and waiting.	£32.50 per hour	£29.50 per hour

PART III

ATTENDANCES

9. Attending with counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment.	£37.50 per hour	£33.00 per hour
10. Attending without counsel at the trial or hearing of any cause or the hearing of any	£56.75 per hour	£53.50 per hour

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summons or other application at court, or other appointment.

11. Travelling and waiting. £32.50 per hour £29.50 per hour

PART V

TAXATION AND REVIEW OF TAXATION

18. Preparing the bill (where allowable) and completing the taxation (excluding preparing for and attending the taxation)	£32.50 – £90.75	£32.00 – £51.00
19. Preparing for and attending the taxation (including travelling and waiting).	Discretionary	Discretionary
20. Review by district judge or judge (including preparation).	Discretionary	Discretionary

(b) Magistrates' court proceedings

<i>Class of work</i>	<i>Rate</i>
Preparation	£44.50 per hour— (£47.50 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£56.25 per hour
Attendance at court where counsel assigned	£30.25 per hour
Travelling and waiting	£25.00 per hour
Routine letters written and routine telephone	£3.45 per item— (£3.60 per item for a fee-earner whose office is situated within legal aid area 1)

Dated 5th March 1996

Mackay of Clashfern, C.

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We consent,

Dated 7th March 1996

Simon Burns
Derek Conway
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations increase the rates of remuneration for work done under a legal aid certificate in family proceedings and provide higher rates for franchisees.