
STATUTORY INSTRUMENTS

2005 No. 3382

**The Proceeds of Crime Act 2002 (Legal Expenses
in Civil Recovery Proceedings) Regulations 2005**

PART 5

Basis for assessment of legal expenses

Effect of this Part

15. This Part sets out the basis on which the court must assess the amount payable in respect of a person's reasonable legal expenses of civil recovery proceedings pursuant to provision made in a recovery order.

General principles

16.—(1) Subject to regulation 17, the court will assess a person's legal expenses on the standard basis.

(2) The court must give effect to—

- (a) any provision made in the recovery order for the purpose of enabling the person to meet his reasonable legal expenses of civil recovery proceedings; and
- (b) subject to sub-paragraph (a), the terms of any exclusion made for the purpose of enabling that person to meet those legal expenses (including the required conditions).

(3) In paragraph (1), "the standard basis" has the meaning given in—

- (a) CPR rule 44.4 in relation to proceedings in England and Wales;
- (b) RSC (NI) Order 62 rule 12 in relation to proceedings in Northern Ireland.

Rates of remuneration

17.—(1) Subject to the following paragraphs of this regulation, remuneration for work done by a legal representative may only be allowed at the appropriate hourly rate shown in the Table below.

(2) The higher hourly rates specified in the third column of the Table may only be allowed where the case involves substantial novel or complex issues of law or fact.

(3) The rates specified in the Table will be increased by—

- (a) 20% for legal representatives whose offices are situated in Central London; and
- (b) 10% for legal representatives whose offices are situated in Outer London.

(4) In paragraph (3)—

- (a) "Central London" means postcode districts EC1–4, SW1, W1 and WC1–2;
- (b) "Outer London" means all other postcode districts in postcode areas BR, CR, DA, E, N, NW, SE, SW, UB and W.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

and “postcode area” and “postcode district” shall be construed in accordance with the Postcode Address File within the meaning given in section 116 of the Postal Services Act 2000(1).

Table: rates of remuneration for legal representatives

<i>Category of fee earner⁽¹⁾</i>	<i>Standard hourly rate (excluding VAT)</i>	<i>Higher hourly rate (excluding VAT)</i>
Solicitors and their employees		
Senior solicitor (of at least 8 years' standing)	£187.50	£225.00
Solicitor (of at least 4 years' and less than 8 years' standing)	£150.00	£187.50
Junior solicitor (of less than 4 years' standing)	£107.50	£131.25
Trainee solicitor, paralegal or other fee earner	£75.00	£93.75
Counsel		
Queen's Counsel		£275.00
Senior junior counsel (of at least 10 years' standing)	£150.00	£225.00
Junior counsel (of less than 10 years' standing)	£100.00	£150.00
(1) In relation to England and Wales, a reference to a number of years' standing as a solicitor or counsel to be interpreted as referring to that number of years' general qualification (within the meaning of section 71 of the 1990 Act).		