

2016 No. 983

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Civil Legal Aid (Remuneration and Statutory Charge)
(Amendment) Regulations 2016**

<i>Made</i>	- - - -	<i>7th October 2016</i>
<i>Laid before Parliament</i>		<i>11th October 2016</i>
<i>Coming into force</i>	- -	<i>1st November 2016</i>

The Lord Chancellor makes the following Regulations(a) in exercise of the powers conferred by sections 2(3), 25(3), 25(4)(c), 25(5)(c), 41(1)(a) and (b) and 41(3)(b) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(b).

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (Remuneration and Statutory Charge) (Amendment) Regulations 2016 and come into force on 1st November 2016.

Amendments to the Civil Legal Aid (Remuneration) Regulations 2013

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

(2) In regulation 2(1) (interpretation)(d)—

- (a) in the definition of “the relevant contract”, for “or the 2015 Standard Civil Contract” substitute “, the 2015 Standard Civil Contract or the 2016 Standard Civil Contract (Welfare Benefits)”, and
- (b) in the definition beginning “the 2010 Standard Civil Contract”—
 - (i) after ““the 2010 Standard Civil Contract”,” insert ““the 2010 Standard Crime Contract”,”, and
 - (ii) for “and “the 2015 Standard Civil Contract”” substitute “, “the 2015 Standard Civil Contract” and “the 2016 Standard Civil Contract (Welfare Benefits)””.

(3) In Part 1 of Schedule 1 (Civil Standard and Graduated Fees)—

- (a) in paragraph 2A (Legal help and help at court)(e), after “the 2014 Standard Civil Contract (Welfare Benefits)” insert “or the 2016 Standard Civil Contract (Welfare Benefits)”, and

(a) Section 41(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of that Act “prescribed” means prescribed by regulations and “regulations” means regulations made by the Lord Chancellor.
(b) 2012 c. 10.
(c) S.I. 2013/422.
(d) Amended by S.I. 2014/7, 2014/1824, 2015/325 and 2015/1678. There are other amendments not relevant to these Regulations. Amendments that were due to be made by S.I. 2015/1369, as amended by S.I. 2015/2049, were revoked by S.I. 2016/313 before they came into force.
(e) Inserted by S.I. 2014/7.

- (b) at the end of the heading for Table 7 (Standard Fee)(a) insert “and 2016 Standard Civil Contract (Welfare Benefits)”.

Amendments to the Civil Legal Aid (Statutory Charge) Regulations 2013

3. In regulation 2(1) of the Civil Legal Aid (Statutory Charge) Regulations 2013 (interpretation)(b), in the definition of “legal aid only costs”—

- (a) in sub-paragraph (f) omit “or”, and
(b) at the end of sub-paragraph (g) insert—
 “or
 (h) the 2016 Standard Civil Contract (Welfare Benefits);”.

Sir Oliver Heald QC
Minister of State
Ministry of Justice

7th October 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend two statutory instruments relating to the provision of civil legal services under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”), consequential on the commencement of the 2016 Standard Civil Contract (Welfare Benefits) (“the Contract”) on 1st November 2016. The Contract governs certain arrangements made under section 2 of the Act, namely the provision of face to face work in the category of Welfare Benefits.

Regulations 2 and 3 insert reference to the Contract as necessary to ensure that existing arrangements for the remuneration of those services and the exclusion of certain civil costs from the statutory charge apply in relation to the Contract.

Regulation 2 also inserts a reference to the 2010 Standard Crime Contract to the definition of the legal aid contracts in the Civil Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/422).

The contracts referred to in these Regulations are available at <https://www.gov.uk/government/publications/standard-crime-contract-2010> and <https://www.gov.uk/government/publications/standard-civil-contract-welfare-benefits-2016>. Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London, SW1H 9AJ.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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(a) Inserted by S.I. 2014/7.
(b) S.I. 2013/503, amended by S.I. 2014/1824 and S.I. 2015/1678.

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