
STATUTORY INSTRUMENTS

2014 No. 586

**The Civil Legal Aid (Remuneration)
(Amendment) (No. 2) Regulations 2014**

PART 1

GENERAL AND AMENDMENTS

Amendments to the 2013 Regulations

2.—(1) The 2013 Regulations are amended as follows.

(2) In regulation 2(1) (Interpretation)—

(a) after the definition of “the Act” insert—

““1981 Act” means the Senior Courts Act 1981(1);

“1984 Act” means the Matrimonial and Family Proceedings Act 1984(2);

“2003 Act” means the Courts Act 2003(3);”

(b) after the definition of “advocacy services” insert—

““assistant to a justices’ clerk” has the meaning given in section 27(5) of the 2003 Act;

“authorised” means authorised by the President of the Family Division, or nominated by or on behalf of the Lord Chief Justice to conduct particular business, under powers granted by rules made under section 31D of the 1984 Act(4);”

(c) after the definition of “Controlled Work” insert—

““costs judge” means—

(a) the Chief Taxing Master;

(b) a taxing master of the Senior Courts; or

(c) a person appointed to act as deputy for the person holding office referred to in sub-paragraph (b) or to act as a temporary additional officer for any such office;”

(d) after the definition of “family proceedings” insert—

““judge of circuit judge level” means—

(a) a circuit judge who is authorised, where applicable;

(b) a Recorder who is authorised, where applicable; or

(c) any other judge of the family court authorised to sit as a judge of circuit judge level in the family court;

(1) 1981 c. 54.

(2) 1984 c. 42.

(3) 2003 c. 39.

(4) Section 31D was inserted by section 17 of, and Schedule 10 to, the Crime and Courts Act 2013 (c. 22).

“judge of district judge level” means—

- (a) the Senior District Judge of the Family Division;
- (b) a district judge of the Principal Registry of the Family Division;
- (c) a person appointed to act as deputy for the person holding office referred to in sub-paragraph (b) or to act as a temporary additional officer for any such office;
- (d) a district judge who is authorised, where applicable;
- (e) a deputy district judge appointed under section 102 of the 1981 Act or section 8 of the County Courts Act 1984⁽⁵⁾ who is authorised, where applicable;
- (f) an authorised District Judge (Magistrates’ Courts); or
- (g) any other judge of the family court authorised to sit as a judge of district judge level in the family court;

“judge of High Court judge level” means—

- (a) a deputy judge of the High Court;
- (b) a puisne judge of the High Court;
- (c) a person who has been a judge of the Court of Appeal or a puisne judge of the High Court who may act as a judge of the family court by virtue of section 9 of the 1981 Act;
- (d) the Senior President of Tribunals;
- (e) the Chancellor of the High Court;
- (f) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court);
- (g) the President of the Queen’s Bench Division;
- (h) the President of the Family Division;
- (i) the Master of the Rolls; or
- (j) the Lord Chief Justice;

“judge of the family court” means a judge referred to in section 31C(1) of the 1984 Act⁽⁶⁾;

“justices’ clerk” has the meaning given in section 27(1) of the 2003 Act;

“lay justice” means an authorised justice of the peace who is not a District Judge (Magistrates’ Courts);”.

(3) The amendments to Schedule 1 to the 2013 Regulations set out in the Schedule to these Regulations have effect, subject to Part 2.

(4) Schedule 3 to the 2013 Regulations (Family Advocacy Scheme: Fees and Rates) is amended as follows.

(5) Tables 1(a) (Care or supervision proceedings under section 31 of the Children Act 1989 – graduated fees), 1(b) (Other Public Law Case – graduated fees), 2(a) (Private Law Children – Graduated Fees) and 2(b) (Domestic Abuse – Graduated Fees) are amended as follows—

- (a) in the heading of each first column, for “Court” substitute “Person before whom proceedings are heard”;
- (b) for “Family Proceedings Court”, wherever it appears, substitute “Assistant to a justices’ clerk, justices’ clerk or lay justices”;

⁽⁵⁾ 1984 c. 28.

⁽⁶⁾ Section 31C was inserted by section 17 of, and Schedule 10 to, the Crime and Courts Act 2013 (c. 22).

- (c) for “County Court”, wherever it appears, substitute “Judge of district judge level, judge of circuit judge level or costs judge”; and
 - (d) for “High Court”, wherever it appears, substitute “Judge of High Court judge level”.
- (6) Table 2(c) (Private Law Finance – Graduated Fees) is amended as follows—
- (a) in the heading of the first column, for “Court” substitute “Person before whom proceedings are heard”;
 - (b) for “County Court and Family Proceedings Court”, substitute “Assistant to a justices’ clerk, justices’ clerk, lay justice, judge of district judge level, judge of circuit judge level or costs judge”; and
 - (c) for “High Court” substitute “Judge of High Court judge level”.