

2024 No. 624

CIVIL PROCEEDINGS, ENGLAND AND WALES
FAMILY PROCEEDINGS, ENGLAND AND WALES
SENIOR COURTS OF ENGLAND AND WALES
FAMILY COURT, ENGLAND AND WALES

The Prohibition of Cross-Examination in Person (Fees of Court-Appointed Qualified Legal Representatives) (Amendment) Regulations 2024

<i>Made</i> - - - -	<i>8th May 2024</i>
<i>Laid before Parliament</i>	<i>10th May 2024</i>
<i>Coming into force</i> - -	<i>31st May 2024</i>

The Lord Chancellor, in exercise of the powers conferred by sections 31X and 31Z(1) of the Matrimonial and Family Proceedings Act 1984(a) and sections 85L and 108(6) of the Courts Act 2003(b), makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Prohibition of Cross-Examination in Person (Fees of Court-Appointed Qualified Legal Representatives) (Amendment) Regulations 2024.

(2) These Regulations come into force on 31st May 2024.

(3) These Regulations extend to England and Wales.

Amendment of the Prohibition of Cross-Examination in Person (Fees of Court-Appointed Qualified Legal Representatives) Regulations 2022

2.—(1) The Prohibition of Cross-Examination in Person (Fees of Court-Appointed Qualified Legal Representatives) Regulations 2022(c) are amended as follows.

(2) In regulation 1(3) after the definition of “public law (section 31 care proceedings) case” insert—

““terminated appointment” means an appointment of a qualified legal representative which was terminated by the court before a hearing.”.

(a) 1984 c. 42. Section 31X was inserted by section 65 of the Domestic Abuse Act 2021 (c. 17).
(b) 2003 c. 39. Section 85L was inserted by section 66 of the Domestic Abuse Act 2021.
(c) S.I. 2022/567, amended by S.I. 2023/1319.

(3) After regulation 5 insert—

“Terminated appointments

5A.—(1) A fee in respect of a terminated appointment may be claimed where—

- (a) a preliminary hearing or a cross-examination hearing is listed;
- (b) the qualified legal representative subsequently undertakes at least 30 minutes of preparatory work; and
- (c) the court terminates the appointment before the hearing.

(2) A terminated appointment fee in respect of a preliminary hearing is—

- (a) in family proceedings, a Hearing Unit 1 fee as described in Table 1 in the Schedule or;
- (b) in civil proceedings, a Hearing Unit 1 fee as described in Table 3 in the Schedule.

(3) A terminated appointment fee in respect of a cross-examination hearing is—

- (a) in family proceedings, half of a single day fee as described in Table 2 in the Schedule; or
- (b) in civil proceedings, half of a single day fee as described in Table 4 in the Schedule.

(4) Costs in respect of a terminated appointment may be claimed where—

- (a) a preliminary hearing or a cross-examination hearing is listed;
- (b) the qualified legal representative has incurred costs in anticipation of attending the hearing;
- (c) the court terminates the appointment of the qualified legal representative before the hearing; and
- (d) the qualified legal representative has complied with paragraph (5) but is unable to recover all of the costs incurred.

(5) The qualified legal representative must attempt to recover the costs incurred within 24 hours of being notified of the termination of the appointment.”.

(4) In regulation 6—

- (a) in paragraph (2), for “or cancelled hearing” substitute “, cancelled hearing or terminated appointment”;
- (b) in paragraph (3), for “or cancelled hearing” substitute “, cancelled hearing or terminated appointment”.

(5) For Table 1 in the Schedule, substitute—

<i>Case type</i>	<i>“Level of judge</i>		
	<i>Justices’ legal adviser or lay justice</i>	<i>Judge of circuit or district judge level</i>	<i>Judge of High Court judge level</i>
Private law (children)			
<i>HU1⁽¹⁾ (under one hour)</i>	£68.96	£75.83	£91.04
<i>HU2⁽²⁾ (1 to 2.5 hours)</i>	£172.41	£189.64	£227.56
Private law (domestic abuse)			
<i>HU1 (under one hour)</i>	£89.65	£89.65	£89.65
<i>HU2 (1 to 2.5 hours)</i>	£224.14	£224.14	£224.14
Private law (finance and other)			
<i>HU1 (under one hour)</i>	£69.50	£69.50	£83.41
<i>HU2 (1 to 2.5 hours)</i>	£173.75	£173.75	£208.49
Public law (section 31 care proceedings)			
<i>HU1 (under one hour)</i>	£95.39	£104.94	£125.93
<i>HU2 (1 to 2.5 hours)</i>	£238.49	£262.31	£314.78

<i>Case type</i>	<i>“Level of judge</i>		
	<i>Justices’ legal adviser or lay justice</i>	<i>Judge of circuit or district judge level</i>	<i>Judge of High Court judge level</i>
Public law (other)			
<i>HU1 (under one hour)</i>	£83.41	£91.73	£110.09
<i>HU2 (1 to 2.5 hours)</i>	£208.55	£229.38	£275.22

⁽¹⁾ Hearing Unit 1

⁽²⁾ Hearing Unit 2”

(6) For Table 2 in the Schedule, substitute—

<i>Case type</i>	<i>“Day 1</i>			<i>Further days</i>		
	<i>Level of judge</i>			<i>Level of judge</i>		
	<i>Justices’ legal adviser or lay justice</i>	<i>Judge of circuit or district judge level</i>	<i>Judge of High Court judge level</i>	<i>Justices’ legal adviser or lay justice</i>	<i>Judge of circuit or district judge level</i>	<i>Judge of High Court judge level</i>
Private law (children)	£545.93	£600.50	£720.60	£436.74	£480.40	£576.48
Private law (domestic abuse)	£496.61	£496.61	£496.61	£397.29	£397.29	£397.29
Private law (finance and other)	£610.09	£610.09	£732.11	£488.07	£488.07	£585.68
Public law (section 31 care proceedings)	£696.09	£765.71	£918.84	£556.88	£612.57	£735.08
Public law (other)	£638.43	£702.28	£842.74	£510.74	£561.83	£674.19”

(7) For Table 3 in the Schedule, substitute—

<i>Case type</i>	<i>“Level of judge</i>		
	<i>Justices’ legal adviser or lay justice</i>	<i>Judge of circuit or district judge level</i>	<i>Judge of High Court judge level</i>
Civil proceedings			
<i>HU1 (under one hour)</i>	N/A	£69.50	£83.41
<i>HU2 (1 to 2.5 hours)</i>	N/A	£173.75	£208.49”

(8) For Table 4 in the Schedule, substitute—

<i>Case type</i>	<i>“Day 1</i>			<i>Further days</i>		
	<i>Level of judge</i>			<i>Level of judge</i>		
	<i>Justices’ legal adviser or lay justice</i>	<i>Judge of circuit or district judge level</i>	<i>Judge of High Court judge level</i>	<i>Justices’ legal adviser or lay justice</i>	<i>Judge of circuit or district judge level</i>	<i>Judge of High Court judge level</i>
Civil proceedings	N/A	£610.09	£732.11	N/A	£488.07	£585.68”

(9) For Table 5 in the Schedule, substitute—

<i>“Number of bundle pages</i>		
351-700	701-1,400	over 1,400
£175.23	£263.34	£350.46”

Transitional provision

3. The amendments made by regulation 2(2) to (9) do not apply to the payment of a claim where that claim relates to a hearing, the cancellation of a hearing or the termination of an appointment which takes place before 31st May 2024.

8th May 2024

Laura Farris
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Prohibition of Cross-Examination in Person (Fees of Court-Appointed Qualified Legal Representatives) Regulations 2022(a) (“the 2022 Regulations”) make provision for payment out of central funds of sums to cover the fees of court-appointed qualified legal representatives. These Regulations amend the 2022 Regulations to make provision in respect of terminated appointments and to increase the fixed fees payable under the scheme by 10%.

Regulation 2(2) introduces a new definition of ‘terminated appointment’ to refer to circumstances in which the court terminates the appointment of a qualified legal representative before a hearing. This may arise, for example, where the prohibited party subsequently arranges their own legal representation and the court-appointed qualified legal representative is no longer required.

Regulation 2(3) and (4) makes provision for the payment of fees and costs to a qualified legal representative whose appointment is terminated by the court before a hearing, where the qualified legal representative has undertaken preparatory work or has incurred costs in respect of the hearing that they have been unable to recover.

Regulation 2(5) to (9) applies a 10% increase (exclusive of VAT) to each of the fees specified in Tables 1 to 5 of the Schedule.

Regulation 3 makes transitional provision which provides that the increased fees may only be claimed in respect of hearings that take place or are cancelled after 31st May 2024.

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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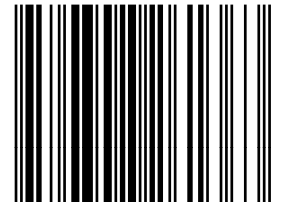
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