

Notice of Amendment

Words and expressions defined in the Unified Contract Standard Terms 2007 shall have the same meaning when used in this notice unless the context otherwise requires.

The amendments made by the Community Legal Service (Funding) (Amendment No. 2) Order SI 2011 No 2066 (the "Amendment Order") to the Community Legal Service (Funding) Order 2007 (the "Funding Order") amount to a change in UK legislation for the purpose of clause 13.2 of the Standard Terms.

Accordingly, we are entitled, pursuant to clause 13.2 of the Standard Terms, to make such amendments to the Contract Documents as we consider necessary to comply with or take account of such changes.

As the proposed changes to the Contract Documents affect all Providers we have consulted with the Consultative Bodies. The amendments to the Funding Order effected by the Amendment Order will take effect on 3 October 2011. Therefore we considered that there was an urgent need to make the amendment. Accordingly, consultation with the Consultative Bodies commenced on 20 July 2011 and ended on 15 August 2011.

Therefore, with effect from the date on which those Articles of the Amendment Order specified in articles 2(a) and 2(b)(i) come into effect, the Contract Documents shall, in accordance with clause 13.10 of the Standard Terms, be amended as set out in Schedule 1 to this notice.

Dated: 1 September 2011

Schedule 1

Amendments to the Contract Documents

1. The following shall replace the Preliminary part of the Specification as a new Part 4. For the avoidance of doubt, the transitional provisions contained under the previous Unified Contract Specification shall apply to all work commenced on or after 1 October 2007 but before the date on which the Amendment Order came into force.

Preliminary

4. Transitional Provisions:

The terms of this Specification shall apply to all matters commenced by you on or after the 3 October 2011. For the purposes of this rule you “commence” a matter when you complete an application for Contract Work. You may continue to perform Contract Work on any Matter Start properly started prior to 3 October 2011 under the previous Unified Contract Specification or General Civil Contract. These Matter Starts will be governed by the provisions of the previous specification under the Unified Contract, or General Civil Contract.

Help at Court, Family Help (Lower) and Controlled Legal Representation do not constitute a separate Matter Start where Legal Help has already been provided in relation to the same matter. If Legal Help has been commenced prior to 3 October any subsequent provision of Help at Court, Family Help (Lower) or Controlled Legal Representation in relation to the same matter will, subject to Category Specific provisions, be governed by the remuneration provisions of the previous specifications under the Unified Contract or General Civil Contract.

In relation to Licensed Work, this Specification applies to any application you or your Client make for funding on or after 3 October 2011. Remuneration under a certificate granted following an application made prior to 3 October 2011 will be governed by the previous specifications under the Unified Contract or General Civil Contract provided that all forms have been signed by you or your client before 3 October 2011 and are received by the Commission by 10 October.

For the purposes of deciding under this Specification whether a new Matter Start is justified, nothing in these transitional provisions prevents the

existence of any Matter Starts under any previous specifications under the Unified Contract or General Civil Contract being taken into account.

2. "Paragraph 5.23 of Section 5 of the Specification shall be deleted and replaced with the following:

"5.23 You may incur disbursements where:

- (a) it is in the best interests of the Client to do so;
- (b) it is reasonable for you to incur the disbursement for the purpose of providing Controlled Work to the Client;
- (c) the amount of the disbursement is reasonable and where applicable complies with Paragraph 8.38 of this Specification; and
- (d) incurring the disbursement is not prohibited by this section or the applicable part of Sections 10 to 16 of this Specification."

3. Paragraph 5.26 of Section 5 of the Specification shall be deleted and replaced with the following:

"5.26 A non-exhaustive list of disbursements, which may not be incurred in the provision of Controlled Work, appears below.

Disbursements which may not be claimed under Controlled Work
Costs of (or expenses relating to) the residential assessment of a child or treatment, therapy, training or other interventions of an educative or rehabilitative nature unless authorised by the Lord Chancellor. (See section 1.3 Funding Code Criteria
Ad Valorem stamp duties.
Capital duty.
Client's travelling and accommodation expenses save in the circumstances prescribed in the Costs Assessment Guidance and unless they relate to treatment, therapy, training or other interventions of an educative or rehabilitative nature or to the residential assessment of a child.
Contact centre fees
Court fees unless for a search/photocopies/bailiff service or as part of Controlled Legal Representation or otherwise permitted by Category Specific Rules
Discharge of debts owed by the Client, for example, rent or mortgage arrears.
Fee payable on voluntary petitions in bankruptcy
Immigration application fees

Mortgagees' or lessors' legal costs and disbursements.
Passport fees.
Probate fees.
In the Family Category of Law only, costs of or expenses in relation to the provision of Family Mediation, conciliation or any other dispute resolution including Family Group conferences.
Any administration fee charged by an expert including, but not limited to, (i) a fee in respect of office space or provision of a consultation room, (ii) a fee in respect of administrative support services, such as typing services, (iii) a fee in respect of courier services and (iv) a subsistence fee
Any cancellation fee charged by an expert, where the notice of cancellation was given to the expert more than 72 hours before the relevant hearing or appointment

Where you instruct an expert:

- (a) we will not pay in excess of 45 pence per mile in respect of an expert's vehicle mileage costs; and
- (b) we will not pay in excess of £40 per hour in respect of an expert's travel time

4. Paragraph 7.45 of Section 7 of the Specification shall be deleted and replaced with the following:

"7.45 Where counsel applies to us under Paragraph 7.43 we will, subject to Paragraph 7.49, pay counsel up to 75% of what we consider to be counsel's reasonable fees, taking into account any payments on account previously made and subject also to any Cost Limitation on the Certificate. Where counsel's final fees are assessed at an amount less than our total payments on account to counsel we will recoup any deficit from counsel."

5. Paragraph 7.47 of Section 7 of the Specification shall be deleted and replaced with the following:

"7.47 Where you instruct counsel in relation to Licensed Work, other than Family Help or work covered by the Graduated Fees Order, counsel's fees will be subject to Assessment by us or by the court under this Specification and in accordance with paragraph 7.49 below as appropriate, but we will pay counsel directly, save where any Category Specific rules or individual case contract specifies otherwise and subject to any overall Cost Limitation on the Certificate (see paragraph 8.40 below).

6. The following shall be added to Section 7 of the Specification as a new paragraph 7.49:

“7.49 When you instruct barristers in independent practice in relation to Licensed Work the rates at which we will fund services provided by barristers in independent practice are set out in Part 15 of the Payment Annex, provided that we may increase the hourly rate applicable to junior counsel in the County Court if we consider it reasonable to do so. This paragraph does not apply to services provided in the Family Category except for proceedings under the Trusts of Land and Appointment of Trustees Act 1996 or the Inheritance (Provision for Family and Dependents) Act 1975 and proceedings for judicial review arising out of family relationships.”

7. Paragraph 8.38 of Section 8 of the Specification shall be deleted and replaced with the following:

“8.38 Where you instruct an expert to deliver services of a type set out in Part 14 of the Payment Annex we will not pay fees in excess of those set out in that Part unless:

- (a) we consider it reasonable to increase such fixed fees or rates in exceptional circumstances; and
- (b) we have granted prior authority to exceed such fixed fees or rates on such basis.

Subject to such limits where applicable, the amounts claimed for the provision of expert services must be justified on detailed assessment by the court or Assessment by us in the usual way. For the purpose of this paragraph 8.38, “exceptional circumstances” means that the expert’s evidence is key to the client’s case and either (i) the complexity of the material is such that an expert with a high level of seniority is required; or (ii) the material is of such a specialised and unusual nature that only very few experts are available to provide the necessary evidence. We will fund expert services of a type not listed in Part 14 of the Payment Annex at such rate as we may from time to time determine and in considering the same we will have regard to the rates set out in Part 14 of the Payment Annex and we may require you to provide us with a number of quotes in respect of the provision of the relevant service.”

8. The Payment Annex to the Specification shall be deleted and replaced with the Payment Annex set out in Schedule 2 to this notice.

Schedule 2

New Payment Annex

Unified Contract – Civil Specification

Payment Annex 2011

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This Payment Annex forms part of the Civil Specification of the Unified Contract. It applies from 3 October 2011, subject to the

commencement and transitional provisions contained in the main provisions of the Specification and any relevant Funding Order.

Tables which relate to fees and rates for services which are no longer covered by the Unified Contract have been omitted from this Payment Annex

All fees in this Payment Annex are exclusive of VAT. See the General and Category Specific provisions of the Specification for all remuneration rules, including any enhancement provisions.

Civil Standard Fees

1 Legal Help and Help at Court

Note: Fees for these services in the Family Category are set out in sections 2 and 3 of this Payment Annex. The fees below for Housing do not apply for the Housing Possession Court Duty Scheme.

Category	Under SQM		Tolerance	
	Standard Fee	Exceptional Threshold	Standard Fee	Exceptional Threshold
Actions Against the Police	£266	£798	£154	£462
Clinical Negligence	£217	£651	-	-
Community Care	£296	£888	£179	£537
Consumer General Contract	£177	£531	£149	£447
Debt	£200	£600	£123	£369
Education	£302	£906	£152	£456
Employment	£230	£690	£150	£450
Housing	£174	£522	£138	£414
Miscellaneous	£88	£264	-	-
Personal Injury	£226	£678	£154	£462
Public Law	£288	£864	£207	£621
Welfare Benefits	£167	£501	£136	£408

2 Family Public Law

Table 2 (a): Legal Help

<i>National</i>
£147

Table 2 (b): Family Help (Lower) – s31 Care Proceedings Only

<i>National</i>
£405

Table 2 (c): Legal Representation – s31 Care Proceedings Only

Party	Court	No. of Clients	Midlands	North	London and South	Wales
Child	Other	1	£2,165	£1,775	£2,485	£2,426
Child	Other	2+	£3,247	£2,662	£3,728	£3,639
Child	High Court	1	£2,879	£2,361	£3,305	£3,226
Child	High Court	2+	£4,319	£3,542	£4,957	£4,838
Joined Party	Other		£1,148	£887	£1,334	£1,445
Joined Party	High Court		£1,527	£1,180	£1,774	£1,922
Parent	Other	1	£2,840	£2,359	£3,230	£2,925
Parent	Other	2	£3,551	£2,948	£4,037	£3,657
Parent	High Court	1	£3,777	£3,137	£4,296	£3,891
Parent	High Court	2	£4,721	£3,922	£5,369	£4,864

3 Family Private Law

Table 3 (a): Legal Help

<i>National</i>
£96

Table 3 (b): Legal Help – Divorce Petition Only

<i>National</i>
£162

Table 3 (c): Family Help (Lower) – Children

	Fee	Settlement Fee
London	£256	£153
Non-London	£221	£132

Table 3 (d): Family Help (Lower) - Finance

	Fee	Settlement Fee
London	£268	£161
Non-London	£231	£139

Table 3 (e): Higher Standard Fee Schemes – Children

Region	Court	Family Help (Higher) Standard Fee	Legal Representation Standard Fee
London	Other	£471	£335
	High Court	£565	£402
Non-London	Other	£392	£279
	High Court	£471	£335

Table 3 (f): Higher Standard Fee Schemes - Finance

Region	Court	Family Help (Higher) Standard Fee	Family Help (Higher) Settlement Fee	Legal Representation Standard Fee
London	Other	£523	£105	£416
	High Court	£628	£125	£499
Non-London	Other	£436	£87	£346
	High Court	£523	£105	£416

Table 3 (g): Higher Standard Fee Schemes – Domestic Abuse Proceedings

Region	Court	Legal Representation Standard Fee
London	Other	£675

	High Court	£810
Non-London	Other	£563
	High Court	£675

4 Immigration (*omitted*)

5 Mental Health (*omitted*)

6 Housing Possession Court Duty Scheme (*omitted*)

Hourly Rates – Controlled Work

7 Legal Help, Help at Court and Family Help (Lower)

Table 7 (a): Immigration Exceptional Cases, Mental Health, Actions Against the Police Etc, Public law, Education and Community Care (*omitted*)

Table 7 (b): Family and Housing (except as in 7(c), below), and Employment

Activity	London Rate	Non-London Rate
Preparation, attendance and advocacy	£54.15 per hour	£51.05 per hour
Travel & Waiting time	£28.60 per hour	£28.60 per hour
Routine letters out and telephone calls	£4.20 per item	£4.05 per item

Table 7 (c) : Legal Help or Help at Court provided in relation to a review under section 202 of the Housing Act 1996 and to a defendant to a possession claim in the County Court; Family Help (Lower) and related Legal Help in relation to s31 Care Proceedings.

Activity	London Rates	Non-London Rates
Preparation, attendance and advocacy	£62.40 per hour	£58.40 per hour
Travel and Waiting time	£30.90 per hour	£30.05 per hour
Routine letters out and telephone calls	£4.50 per item	£4.20 per item

Table 7 (d): Immigration Hourly Rates Cases (*omitted*)

Table 7 (e): All other categories and all tolerance work

Activity	London Rate	Non-London Rate
Preparation, attendance and advocacy	£51.70 per hour	£48.75 per hour
Travel & Waiting time	£27.35 per hour	£27.35 per hour
Routine letters out and telephone calls	£4.00 per item	£3.85 per item

8 Controlled Legal Representation (*omitted*)

Hourly Rates – Licensed Work

9 Family Prescribed Rates

Table 9 (a): Care Proceedings

Activity	Higher Courts	County Court and Family Proceedings Court
Writing routine letters	£ 4.70 per item	£ 4.10 per item
Receiving routine letters	£ 2.35 per item	£ 2.05 per item
Routine telephone calls	£ 4.70 per item	£ 4.10 per item
Preparation and attendance	£77.85 per hour (London Rate) £ 73.15 per hour (Non-London Rate)	£68.20 per hour (London Rate) £ 64.90 per hour (Non-London Rate)
Attending at court or conference with counsel	£ 41.25 per hour	£ 36.30 per hour
Advocacy	£77.85 per hour (London Rate) £ 73.15 per hour (Non-London Rate)	£ 71.50 per hour
Travelling and waiting time	£ 35.75 per hour	£ 32.45 per hour.

Table 9 (b): Other Family Proceedings

Activity	Higher Courts	County Court and Family Proceedings Court
Routine letters out	£ 7.05 per item	£ 6.00 per item
Receiving routine letters	£ 3.50 per item	£ 3.00 per item
Routine telephone calls	£ 7.05 per item	£ 6.00 per item
Preparation and attendance	£78.40 per hour (London Rate) £73.05 per hour (non London Rate)	£66.00 per hour (London Rate) £61.00 per hour (Non London Rate)
Attending court or conference with counsel	£41.25 per hour	£36.00 per hour
Advocacy	£78.40 per hour (London Rate) £73.05 per hour (Non-London Rate)	£66.00 per hour (London Rate) £63.00 per hour (Non-London Rate)
Travelling and waiting time	£ 35.75 per hour	£ 32.00 per hour (London Rate) £31.00 per hour (Non-London Rate)

10 Non-Family Prescribed Rates

Table 10 (a): Higher Courts, County Courts and Magistrates' Courts for work carried out within an SQM Category

Activity	Higher Courts	County Court and Magistrates' Court
Routine letters out	£7.50 per item	£6.60 per item
Routine telephone calls	£4.15 per item	£3.65 per item
Preparation and attendance	£79.50 per hour (London Rate) £75.00 per hour (Non-London Rate)	£70.00 per hour (London Rate) £66.00 per hour (Non-London Rate)
Attending court or conference with counsel	£37.00 per hour	£32.50 per hour
Advocacy	£75.00 per hour	£66.00 per hour
Traveling and waiting time	£33.25 per hour	£29.20 per hour

Table 10 (b): High Court, County Court and Magistrates' Court for work not carried out within an SQM Category

Activity	Higher Courts	County Court and Magistrates' Court
Routine letters out	£7.40 per item	£6.50 per item
Routine telephone calls	£4.10 per item	£3.60 per item
Preparation and attendance	£78.50 per hour (London Rate) £74.00 per hour (Non-London Rate)	£69.00 per hour (London Rate) £65.00 per hour (Non-London Rate)
Attending court or conference with counsel	£36.40 per hour	£32.00 per hour
Advocacy	£74.00 per hour	£65.00 per hour
Traveling and waiting time	£32.70 per hour	£28.75 per hour

Table 10 (c): First-tier Tribunal

<i>Activity</i>	<i>London Rate</i>	<i>Non-London Rate</i>
Preparation and attendance	£61.20 per hour	£57.25 per hour
Routine letters out and telephone calls	£4.40 per item	£4.10 per item
Advocacy	£69.60 per hour	£69.60 per hour
Attending tribunal or conference with counsel	£32.55 per hour	£32.55 per hour
Travelling and waiting time	£30.30 per hour	£29.45 per hour

Family Advocacy Scheme

11 Public Law Advocacy Fees

Table 11 (a) s31 Care Proceedings Graduated Fees

Court	Hearing Unit 1 (up to 1 hour)	Hearing Unit 2 (up to 2.5 hrs)	Conference fee	Opinion fee	Advocates' meeting fee	Final hearing fee (per day)
FPC	£96.35	£240.90	£141.90	£117.40	£142.40	£562.50
County Court	£106.00	£264.95	£141.90	£117.40	£156.65	£618.75
High Court	£127.20	£317.95	£141.90	£117.40	£188.00	£742.50

Table 11 (b) Other Public Law Graduated Fees

Court	Hearing Unit 1 (up to 1 hr)	Hearing Unit 2 (up to 2.5hrs)	Conference Fee	Opinion fee	Advocates' meeting fee	Final hearing fee (per day)
FPC	£84.25	£210.65	£141.90	£117.40	£142.40	£515.90
County Court	£92.65	£231.70	£141.90	£117.40	£156.65	£567.50
High Court	£111.20	£278.00	£141.90	£117.40	£188.00	£681.00

Table 11 (c): Public Law Bolt-on Fees

Bolt-on Fee	Payable for	Fee Payable
Client – Allegations of Harm	Hearings	25% of Hearing Unit Fee
Client – Lack of Understanding etc	Hearings	25% of Hearing Unit Fee
Expert’s Cross Examination	Hearings	25% of Hearing Unit Fee
Court Bundle Payments	Hearings	See Table 11(d) below
Exceptional Travel Fee	Hearings, Advocates’ Meetings and Conferences	£35.60

Table 11(d): Public Law Court Bundle Payments

	CB1 (351-700 pages)	CB2 (701-1,400 pages)	CB3 (Over 1,400 pages)
Interim hearing	£ 66.00	£ 99.00	£99.00
Final hearing	£177.00	£266.00	£354.00

12 Private Law Advocacy Fees

Table 12 (a): Private Law Children Graduated Fees

Court	Hearing Unit 1 (up to 1 hour)	Hearing Unit 2 (up to 2.5 hours)	Conference fee	Opinion fee	Final hearing fee (per day)
FPC	£69.65	£174.15	£139.30	£104.50	£441.15
County Court	£76.60	£191.55	£139.30	£104.50	£485.25
High Court	£91.95	£229.85	£139.30	£104.50	£582.30

Table 12(b): Domestic Abuse Graduated Fees

Court	Hearing Unit 1 (up to 1 hour)	Hearing Unit (up to 2.5 hours)	Final hearing fee (per day)
FPC	£90.55	£226.40	£401.30
County Court	£90.55	£226.40	£401.30
High Court	£90.55	£226.40	£401.30

Table 12(c): Private Law Finance Graduated Fees

Court	Hearing Unit 1 (up to 1 hour)	Hearing Unit 2 (up to 2.5 hours)	FDR Hearing Unit 1	FDR Hearing Unit 2	Early Resolution Fee
County Court	£70.20	£175.50	£112.30	£280.80	£140.40
High Court	£84.25	£210.60	£134.80	£336.95	£168.50

Court	Conference Fee	Opinion fee	Final hearing fee (per day)
County Court	£140.40	£105.30	£493.00
High Court	£140.40	£105.30	£591.60

Table 12 (d): Private Law Bolt-on Fees

Bolt-on Fee	Payable for	Fee Payable
Client – Allegations of Harm	Private Law Children Hearings	25% of Hearing Unit Fee
Expert's Cross Examination	Private law Children Hearings	20% of Hearing Unit Fee
Early Resolution Fee	Private Law Finance Hearings	See Table 12(c) above
Court Bundle Payments	Private Law Children or Finance Hearings	See Table 12(e) below
Exceptional Travel Fee	Hearings and Conferences	£35.60

Table 12(e): Private Law Court Bundle Payments

	CB1 (351-700 pages)	CB2 (701-1,400 pages)	CB3 (Over 1,400 pages)
Interim hearing	£ 66.00	£ 99.00	£99.00
Final hearing	£177.00	£266.00	£354.00

14- Experts Fees and Rates

Table 14

<i>Expert</i>	<i>Non London Hourly Rate or fixed fee</i>	<i>London Rate or fixed fee</i>	<i>Hourly</i>	<i>Comments</i>
A&E consultant	£126	£135		
Accident reconstruction	£90	£68		
Accountant	£50 - £135	£50 - £144		Partner £144, Manager £108, Accountant £80, General staff £50
Anaesthetist	£135	£135		
Architect	£99	£90		
Cardiologist	£144	£144		
Cell telephone site analysis	£90	£90		
Child psychiatrist	£135	£90		
Child psychologist	£126	£90		
Computer expert	£90	£90		
Consultant engineer	£90	£68		
Dentist	£117	£117		
Dermatologist	£108	£108		
Disability consultant	£68	£68		
DNA (per person) – testing of sample	£315 per test £90	£315 per test £90		
DNA (per person) – preparation of report				
Doctor (GP)	£99	£90		
Employment consultant	£68	£68		
Enquiry agent	£32	£23		
ENT surgeon	£126	£126		
General surgeon	£135	£90		
Geneticist	£108	£108		
GP (records report)	£63 fixed fee	£90 fixed fee		
Gynaecologist	£135	£90		
Haematologist	£122	£90		
Handwriting expert	£90	£90		

Interpreter	£32	£25
Lip reader / Signer	£72	£41
Mediator	£126	£126
Medical consultant	£135	£90
Medical microbiologist	£135	£135
Meteorologist	£126	£180 fixed fee
Midwife	£90	£90
Neonatologist	£135	£135
Neurologist	£153	£90
Neuropsychiatrist	£158	£90
Neuroradiologist	£171	£171
Neurosurgeon	£171	£90
Nursing expert	£81	£81
Obstetrician	£135	£135
Occupational therapist	£68	£68
Oncologist	£140	£140
Orthopaedic surgeon	£144	£144
Paediatrician	£135	£90
Pathologist	£153	£540 fixed fee
Pharmacologist	£122	£122
Photographer	£32	£23
Physiotherapist	£81	£81
Plastic surgeon	£135	£135
Process server	£32	£23
Psychiatrist	£135	£90
Psychologist	£117	£90
Radiologist	£135	£135
Rheumatologist	£135	£135
Risk assessment expert	£63	£63
Speech therapist	£99	£99
Surveyor	£50	£50
Telecoms expert	£90	£90
Toxicologist	£135	£135
Urologist	£135	£135
Vet	£90	£90
Voice recognition	£117	£90

15 - Remuneration of barristers in independent practice

Table 15

<i>Category</i>	<i>Hourly Rate</i>
Junior counsel in the County Court	£112.50 (Non-London Rate) £135 (London Rate)
Senior counsel alone or leading in the High Court	£135
Led junior counsel in the High Court, Court of Appeal or the Supreme Court	£112.50
Leading senior counsel in the Court of Appeal	£157.50
Queen's Counsel (where approved for briefing or instruction by us) in the High Court or Court of Appeal .	£180
Leading senior counsel in the Supreme Court	£180
Queen's Counsel (where approved for briefing or instruction by us) in the Supreme Court	£225
Noter/Pupil/2nd led junior counsel	£36

For the purposes of this Table "Junior counsel" means a barrister in independent practice of less than 10 years call; and "Senior Counsel" means a barrister in independent practice of 10 years cal or more.