

22 March 2007

Changes to family remuneration rates for private law proceedings

Following the Department for Constitutional Affairs/Legal Services Commission paper "Legal Aid Reform: the Way Ahead", paragraphs 45 and 46, the Department for Constitutional Affairs has consulted with practitioner bodies on the Legal Aid in Family Proceedings (Remuneration) (Amendment) Regulations 2007, SI 2007/742, which will harmonise solicitor remuneration rates for private law family cases as between the county court and the Magistrates'/Family Proceedings Court.

This change is being made in advance of the introduction of the Family Help – private scheme in October 2007. Key points regarding the changes and the amended rates appear below:

- The amended rates and provisions apply to work carried on or after 2 April 2007, but only where funding is granted on or after 2 April 2007.
- The amended rates apply to prescribed family proceedings and introduce equalized rates for county court and Family Proceedings Court proceedings.
- The amended rates do not apply to care proceedings (as defined in the Legal Aid in Family Proceedings (Remunerations) Regulations 1991) where harmonised rates are already applied. All the rates applicable to proceedings in the High Court remain unchanged.
- A new rate for receiving routine letters in the Family Proceedings Court is introduced.
- Increased rates are payable where the fee earner's office is situated within the South Eastern Circuit. Previously an increased rate was payable for proceedings in the Magistrates' Court where the fee earner's office was situated in the LSC's London region.
- A differential rate is introduced for travelling and waiting where the fee earner's office is situated in the South Eastern Circuit.
- Regulation 59 Civil Legal Aid (General) Regulations 1989 regarding authority for counsel will continue to apply to proceedings in the Family Proceedings Court. As previously, in appropriate cases a condition will continue to be applied requiring proceedings to be commenced in the Family Proceedings Court.

- The 15% uplift (for Law Society Advance Family Panel members, Resolution accredited specialists and Law Society Children Panel members in children cases) as well as enhancements based on competence, expedition or other exceptional circumstances will apply to the harmonised rates regardless of venue.
- Software suppliers and costs draftsmen have been alerted to the rates.
- The Amendment Regulations will be included in the next available update of the Legal Services Commission Manual.

The amended rates are set out below. These rates will be replaced by revised family fee schemes to be introduced later in 2007 and 2008. However, they will continue to apply to cases falling outside the fee schemes and for cases which become exceptional under those schemes.

**Prescribed family proceedings
County court and magistrates' court proceedings**

Writing routine letters	£6 per item
Receiving routine letters	£3 per item
Routine telephone calls	£6 per item
All other preparation work	£61 per hour (South Eastern Circuit £66 per hour)
Travelling and waiting	£31 per hour (South Eastern Circuit £32 per hour)
Attending with counsel at the trial, hearing or other appointment	£36 per hour
Attending without counsel at the trial, hearing or other appointment	£63 per hour (South Eastern Circuit £66 per hour)
Preparing the bill (where allowable) and completing the detailed assessment.	£35.70 - £56.95
Preparing for and attending the hearing of the detailed assessment	Discretionary
Appeal to costs judge, district judge or judge	Discretionary

Any queries on the operation of the revised rates can be addressed to Jane Worsey, jane.worsey@legalservices.gov.uk or Anthony Cox, anthony.cox@legalservices.gov.uk.