

The Legal Aid in Family Proceedings (Remuneration) Regulations 1991 (as amended)

(S.I. 1991 No. 2038)

These Regulations have been amended by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 1991 (S.I. 1991 No. 2112), the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 1992 (S.I. 1992 No. 596), the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 1993 (S.I. 1993 No. 1117), the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 1994 (S.I. 1994 No. 230), (in respect of certificates granted on or after 25 February 1994 unless the assisted person's solicitor represents any other assisted person in the same proceedings under a legal aid certificate granted before 25 February 1994), the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 1996 (S.I. 1996 No. 650), the Legal Aid in Family Proceedings (Remuneration)(Amendment No. 2) Regulations 1996 (S.I. 1996 No. 1555), the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 1997 (S.I. 1997 No.2394) (applicable to certificates issued on or after 1 November 1997 only), the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830) with effect from 2 April 2001, the Legal Aid in Family Proceedings (Remuneration)(Amendment No. 2) Regulations 2001(S.I. 2001 No. 1255) with effect fom 2 April 2001, the Legal Aid in Family Proceedings (Remuneration)(Amendment No. 3) Regulations 2001 (S.I. 2001 No.2417) with effect from 26 July 2001 and the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2002 (S.I. 2002 No. 710) with effect from 8 April 2002.

Only changes made by the last 4 amending instruments are shown in bold.

Legal Aid and Advice, England and Wales

<i>Made</i>	<i>9th September 1991</i>
<i>Laid before Parliament</i>	<i>10th September 1991</i>
<i>Coming into force</i>	<i>14th October 1991</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 2 (5), (7), 34 and 43 of the Legal Aid Act 1988 and all other powers enabling him in that behalf, having regard to the matters specified in section 34 (9) and consulted the General Council of the Bar and the Law Society, and with the consent of the Treasury, hereby makes the following Regulations:-

1 Citation, commencement and transitional provisions

- (1) These Regulations may be cited as the Legal Aid in Family Proceedings (Remuneration) Regulations 1991 and shall come into force on 14th October 1991.

- (2) Subject to paragraph (3), these Regulations shall apply to remuneration payable in respect of work done on or after 14th October 1991 and remuneration payable in respect of work done in proceedings commenced before that date shall be determined as if these Regulations and the Legal Aid in Criminal and Care Proceedings (Costs)(Amendment)(No. 3) Regulations 1991 had not been made

Provided that regulation 3 of, and Schedule 1 to, these Regulations shall apply to remuneration payable in respect of work done on or after 14th October 1991 in relation to care proceedings (within the meaning of section 27 of the Legal Aid Act 1988) as if those proceedings were care proceedings within the meaning of these Regulations.

- (3) For the purposes of determining remuneration payable in respect of work done before 14th October 1991 in relation to proceedings of a kind described in paragraph (a) of the definition of "prescribed family proceedings", Schedule 2 to the Rules shall have effect as if that Schedule were substituted for Schedule 2(a) to these Regulations and Schedule 2 (as so substituted) shall have effect as it had effect during the year in which the work in question was done.

2 Interpretation

- (1) In these Regulations, unless the context otherwise requires

"the relevant authority" means the Area Director in the case of an assessment and the **costs officer** in the case of a **detailed assessment**, and "determination" shall mean an assessment or **detailed assessment** as the case may be;

"care proceedings" means proceedings for an order under Parts IV or V of the Children Act 1989 and includes proceedings under section 25 of that Act (secure accommodation orders);

"fee-earner" means a solicitor, a legal executive or any clerk who regularly does work for which it is appropriate to make a direct charge to a client;

"the General Regulations" means the Civil Legal Aid (General) Regulations 1989;

"prescribed family proceedings" means-

- (a) proceedings commenced before 14th October 1991 with respect to which rules made under section 50 of the Matrimonial Causes Act 1973 applied immediately before the date of the coming into force of these Regulations;
- (b) proceedings commenced on or after 14th October 1991 to which those rules would have applied if they had continued in force on and after that date, other than proceedings under Part IV of the Family Law Act 1996;

- (c) proceedings under the Children Act 1989, excluding care proceedings;
- (d) proceedings under sections 20 or 27 of the Child Support Act 1991 in the High Court, a county court or a magistrates' court;
- (e) proceedings under section 30 of the Human Fertilisation and Embryology Act 1990 in the High Court, a county court or a magistrates' court.

"the Rules" means the Matrimonial Causes (Costs) Rules 1988.

- (2) Unless the context otherwise requires-
 - (a) expressions used in the Rules, the Family Proceedings Rules 1991 and in the General Regulations shall have the same meanings as in those Rules or Regulations;
 - (aa) the expressions "detailed assessment", "costs judge" and "costs officer" shall have the meanings given to them in Part 43 of the Civil Procedure Rules; and¹**
 - (b) any reference in these Regulations to a regulation, Part or Schedule by number means the regulation, Part or Schedule so numbered in these Regulations.

3 Remuneration

- (1) The sums to be allowed to legal representatives in connection with family proceedings shall be determined in accordance with these Regulations, Part XII of the General Regulations, the Family Proceedings (Costs) Rules 1991 and paragraphs 1(3), (4)(a) and (5) and paragraph 2(2)(a) of Part I of Schedule I to the Rules.
- (1A) The following paragraphs of this regulation shall apply solely on a determination under Regulation 107A of the General Regulations.
- (2) Subject to the following paragraphs, the amounts to be allowed on determination under this regulation shall be-
 - (a) in accordance with Schedule 1 where the certificate was issued in relation to care proceedings;
 - (b) in accordance with Schedule 2 where the certificate was issued in relation to prescribed family proceedings, or, in relation to proceedings in a magistrates' court, any family proceedings other than care proceedings or proceedings under Part IV of the Family Law Act 1996;

¹ Paragraph (aa) was inserted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830).

- (bb) in accordance with the county court rate in column 3 of Schedule 2(a) where the certificate was issued in relation to proceedings in the High Court, a county court or a magistrates' court under Part IV of the family Law Act 1996;
 - (c) in accordance with the Legal Aid in Civil Proceedings (Remuneration) Regulations 1994 where the certificate was issued in relation to family proceedings not falling within sub-paragraph (a), (b) or (bb);
 - (d) in accordance with paragraph (2) of rule 8 of the Rules where the costs incurred relate to the kind of work to which that paragraph applies;
 - (e) in accordance with paragraph 1(1) of Part I of Schedule 1 to the Rules where no provision is made in the Schedules to these Regulations for the kind of work to which the costs relate.
- (3) Where a certificate relating to proceedings under paragraph 2(c) is extended to cover proceedings falling within sub-paragraphs (a) or (b), the amounts to be allowed on determination shall be in accordance with Schedule 1 or 2 as the case may be, or, if it is extended to cover proceedings falling within both sub-paragraphs, in accordance with Schedule 2.
- (3A) Where a certificate relating to proceedings under paragraph (2)(c) is extended to cover proceedings falling within sub-paragraph (bb), the amounts to be allowed on determination shall be in accordance with that sub-paragraph.
- (4) On determination the relevant authority-
- (a) in allowing costs under item 4 of Part I of Schedule 1, shall allow costs at the higher rate where the work was done by a fee-earner whose office is situated within legal aid area 1;
 - (b) in allowing costs under item 4 of Part I of Schedule 2(a), shall allow costs at the higher rate where at the time when the relevant work was done the proceedings were conducted in the principal registry or in another court on the South-Eastern Circuit;

- (bb) in allowing costs under Parts I to III and V of Schedule 1 and Parts I to III and V of Schedule 2, shall **subject to paragraph (4A)**² allow the rates specified *for franchisees*³ in Schedules 1A and 2A where the work done was done by a person or body **who is authorized to carry out work in family proceedings by a contract with the Legal Services Commission**⁴ and references in these Regulations to Schedule 1 or 2 shall, in relation to **such work**⁵, be construed as references to Schedule 1A or, as the case may be, 2A;
- (c) may allow a larger amount than that specified in column 2 or column 3, as the case may be, of Parts I, II, III and V of Schedules 1 and 2(a) where it appears to him reasonable to do so having regard to-
- (i) the exceptional competence with which the work was done, or
 - (ii) the exceptional expedition with which the work was done, or
 - (iii) any other exceptional circumstances of the case *including, in the case of care proceedings, the fact that the solicitor was a member of the Law Society's Children Act panel,*⁶

but, without prejudice to regulation 109 of the General Regulations or rules 15 or 16 of the Rules, the relevant authority may in respect of any item in Part I, II, III or V of Schedule 1 or 2(a) allow a lower amount than that specified in column 2 or column 3 of that Part, as the case may be, where it appears to him reasonable to do so having regard to any failure on the part of the solicitor to provide timely preparation or advice, or for any similar reason.

(4A) Except in relation to prescribed family proceedings in a magistrates' court, where paragraph (4)(bb) applies and the relevant work is done by a member of a relevant panel the relevant authority shall, subject to paragraph (4B), allow whichever is the higher of -

- (a) an amount 15% higher than the amount in Schedule 1A or (as the case may be) 2A(a) which he would have allowed but for this paragraph and paragraph (4)(c); and**

² Inserted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830).

³ The words in italic were deleted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830).

⁴ Substituted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830).

⁵ Substituted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830).

⁶ The words in italic were deleted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830).

- (b) **if he decides to award such an amount, a larger amount than that specified in column 2 or column 3, as the case may be, of Parts I, II, III and V of Schedule 1A or (as the case may be) 2A(a), awarded in accordance with paragraph (4)(c).**

(4B) Paragraph (4A) shall not apply in relation to any item if, but for that paragraph, the relevant authority would, in accordance with regulation 3(4)(c), have allowed a lower amount for that item than the one in Part I, II, III or V of Schedule 1A or 2A(a).⁷

- (5) Without prejudice to regulation 109 of the Legal Aid General Regulations or rules 15 or 16 of the Rules, where a standard fee is specified in Part IV of Schedules 1 or 2(a) for work done by junior counsel that fee shall be allowed unless the relevant authority considers that it would be unreasonable to do so, in which case he shall allow such lesser or greater fee as may be reasonable-

Provided that the fee allowed shall not exceed any maximum fee which is specified unless the relevant authority considers that, owing to the time and labour expended by counsel or to any other special circumstance of the case, the maximum fee specified would not provide reasonable remuneration for some or all of the work done, in which case the fee to be allowed shall be in the discretion of the relevant authority.

- (6) For the purpose of determining which of the brief fees provided by item 13 of Schedules I and 2(a) should be allowed—
 - (a) a one hour fee shall be allowed where the hearing lasts for one hour or less than one hour;
 - (b) a half day fee shall be allowed where the hearing lasts for more than one hour and
 - (i) begins and ends before the luncheon adjournment; or
 - (ii) begins after the luncheon adjournment and ends before 5.30p.m.;
 - (c) a full day fee shall be allowed where the hearing lasts for more than one hour and
 - (i) begins before and ends after the luncheon adjournment but before 5.30p.m.; or
 - (ii) begins after the luncheon adjournment and ends after 5.30p.m.; and

⁷ Paragraphs (4A) and (4B) were inserted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830).

- (d) a more than a full day fee shall be allowed where the hearing
 - (i) begins before the luncheon adjournment and ends after 5.30p.m on the same day, or
 - (ii) begins on one day and continues into a subsequent day.
- (7) In exercising his discretion under this regulation or in relation to any provision of the Schedules where the amount of costs to be allowed is in his discretion, the relevant authority shall exercise his discretion in accordance with paragraph 1(2) of Part I of Schedule 1 to the Rules.
- (8) Disbursements (other than counsel's fees) for which no allowance is made in Schedules 1 or 2(a) shall be determined and allowed, or disallowed, according to the general principles applicable to the taxation of costs in **Parts 43 to 48 of the Civil Procedure Rules 1998⁸**.
- (9) **In this regulation:**
 - (a) **"relevant panel" means-**
 - (i) **the Solicitors' Family Law Association Accredited Specialist Panel; or**
 - (ii) **in relation to work done under a certificate which includes proceedings relating to children, the Law Society's Children Act Panel; and**
 - (iii) **The Law Society Family Law Panel Advanced; and**
 - (b) **"proceedings relating to children" means proceedings in which the welfare of children is determined, including, without limitation, proceedings under the Children Act 1989 or under the inherent jurisdiction of the High Court in relation to children⁹.**

Mackay of Clashfern, C.

Dated 6th September 1991

⁸ Substituted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830) replacing the reference to R.S.C. Order 62 with the relevant provisions in the CPR.

⁹ Paragraph (9) was inserted by Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830). Paragraph (9)(a)(iii) was inserted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2002 (S.I. 2002 No. 710).

SCHEDULE 1
CARE PROCEEDINGS
PART I
PREPARATION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County Court or Magistrates' Court</i>
ITEM		
1. Writing routine letters	£4.25 per item	£3.65 per item
2. Receiving routine letters	£2.10 per item	£1.85 per item
3. Routine telephone calls	£4.25 per item	£3.65 per item
4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine	£65.50 per hour (£69.75 per hour for a fee-earner whose office is situated within legal aid area 1)	£58.00 per hour £61.25 per hour
5. Travelling and waiting time in connection with the above matters	£32.00 per hour	£29.25 per hour

PART II
CONFERENCES WITH COUNSEL

6. Attending counsel in conference	£37.00 per hour	£32.50 per hour
7. Travelling and waiting	£32.00 per hour	£29.25 per hour

PART III
ATTENDANCES

8. Attending with counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, of other appointment	£37.00 per hour	£32.50 per hour
9. Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment	£64.00 per hour	£64.00 per hour
10. Travelling and waiting	£32.00 per hour	£29.25 per hour

PART IV

FEEES FOR JUNIOR COUNSEL

11. With a brief on an unopposed application for an injunction, or procedural issue	Standard £88.25	£76.25
	Maximum £146.25	£127.00
12. With a brief on the trial of a cause or matter or on the hearing of an application where the hearing lasts for (a) one hour	Standard £133.50	£114.25
	Maximum £268.00	£228.50
(b) a half day	Standard £184.75	£159.25
	Maximum £304.50	£268.00
(c) a full day	Standard £368.50	£317.75
	Maximum £584.75	£508.50
(d) more than a full day	Discretionary	Discretionary
13. For each day or part of a day on which the trial of a cause or matter, or the hearing of an ancillary application, or a children appointment, is continued after the first day	Discretionary	Discretionary

14. Conference (including time reasonably spent in preparation and conference, but not otherwise remunerated)	Standard £20.25 per half hour	Standard £17.75 per half hour
15. (a) Complex items of written work (such as advices on evidence, opinions and affidavits of a substantial nature, requests for particulars or answers)	Standard £96.25 per item	Standard £82.75 per item
(b) All other written work	Standard £57.00 per item	Standard £50.25 per item
16. Except where the court is within 40 kilometres of Charing Cross or where there is no local Bar in the court town, or within 40 kilometres thereof, for travelling time	Standard £18.50 per hour plus expenses	Standard £15.85 per hour plus expenses

PART V

DETAILED ASSESSMENT AND APPEAL IN RELATION TO DETAILED ASSESSMENT¹⁰ (HIGH COURT AND COUNTY COURT ONLY)

17. Preparing the bill (where allowable) and completing the detailed assessment (excluding preparing for and attending the detailed assessment)	£32.00 - £89.25	£32.00 - £51.00
18. Preparing for and attending the detailed assessment (including travelling and waiting)	Discretionary	Discretionary
19. Appeal to a costs judge, district judge or judge. (including preparation)	Discretionary	Discretionary

¹⁰ The words in bold were substituted by the Legal Aid in Family Proceedings (Remuneration)(Amendment) Regulations 2001 (S.I. 2001 No. 830).

SCHEDULE 1A¹¹
CARE PROCEEDINGS
PART 1
PREPARATION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County court or magistrates' court</i>
ITEM		
1. Writing routine letters	£4.70 per item	£4.10 per item
2. Receiving routine letters	£2.35 per item	£2.05 per item
3. Routine telephone calls	£4.70 per item	£4.10 per item
4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine	£73.15 per hour (£77.85 per hour for a fee-earner whose office is situated in the Legal Services Commission's London Region)	£64.90 per hour (£68.20 per hour for a fee-earner whose office is situated in the Legal Services Commission's London Region)
5. Travelling and waiting	£35.75 per hour	£32.45 per hour

¹¹ Parts I to III and V of Schedule 1A were substituted by the Legal Aid in Family Proceedings (Remuneration) (Amendment) Regulations 2001 (S.I. 2001 No.830).

PART II

CONFERENCES WITH COUNSEL

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County court or magistrates' court</i>
6. Attending with counsel in conference	£41.25 per hour	£36.30 per hour
7. Travelling and waiting	£35.75 per hour	£32.45 per hour

PART III

ATTENDANCES

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County court or magistrates' court</i>
8. Attending with counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment	£41.25 per hour	£36.30 per hour
9. Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment	£73.15 per hour (£77.85 per hour for a fee-earner whose office is situated in the Legal Services Commission's London Region)	£71.50 per hour¹²
10. Travelling and waiting	£35.75 per hour	£32.45 per hour.

¹² The words "£71.50 per hour" were inserted by the Legal Aid in Family Proceedings (Remuneration) (Amendment No.2) Regulations 2001 (S.I. 2001 No. 1255).

PART V

DETAILED ASSESSMENT AND APPEAL IN RELATION TO DETAILED ASSESSMENT

(HIGH COURT AND COUNTY COURT ONLY)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County Court</i>
17. Preparing the bill (where allowable) and completing the detailed assessment (excluding preparing for and attending the hearing of the detailed assessment)	£35.75 - £99.85 [<i>per hour</i>]	£35.75 - £56.95 [<i>per hour</i>]¹³
18. Preparing for and attending the hearing of the detailed assessment (including travelling and waiting)	Discretionary	Discretionary
19. Appeal to costs judge, district judge or judge. (including preparation)	Discretionary	Discretionary

¹³ The words “per hour” in columns 2 and 3 were deleted by the Legal Aid in Family Proceedings (Remuneration)(Amendment No.3) Regulations 2001 (S.I. 2001 No. 2417).

SCHEDULE 2
PRESCRIBED FAMILY PROCEEDINGS
(a) High Court and county court proceedings

PART I
PREPARATION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County Court</i>
ITEM		
1. Writing routine letters	£4.25 per item	£3.65 per item
2. Receiving routine letters	£2.10 per item	£1.85 per item
3. Routine telephone calls	£4.25 per item	£3.65 per item
4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine	<p>Where the proceedings were conducted in the divorce registry or in another court on the South-Eastern Circuit at the time when the relevant work was done:</p> <p style="text-align: center;">£46.75 per hour</p> <p>All other Circuits:</p> <p style="text-align: center;">£43.75 per hour</p>	<p style="text-align: center;">£41.00 per hour</p> <p style="text-align: center;">£38.75 per hour</p>
5. In addition to items 1-4 above, to cover the general care and conduct of the proceedings	Plus 50%	Plus 50%
6. Travelling and waiting time in connection with the above matters	£32.00 per hour	£29.25 per hour

PART II**CONFERENCES WITH COUNSEL**

7. Attending counsel in conference	£37.00 per hour	£32.50 per hour
8. Travelling and waiting	£32.00 per hour	£29.25 per hour

PART III**ATTENDANCES**

9. Attending with counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment	£37.00 per hour	£32.50 per hour
10. Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment	£55.75 per hour	£55.25 per hour
11. Travelling and waiting	£32.00 per hour	£29.25 per hour

PART IV

FEES FOR JUNIOR COUNSEL

12. With a brief on an unopposed application for an injunction, or procedural issue	Standard £88.25	£76.25
	Maximum £146.25	£127.00
13. With a brief on the trial of a cause or matter or on the hearing of an ancillary application or on a children appointment where the hearing lasts for (a) one hour	Standard £133.50	£114.25
	Maximum £268.00	£228.50
(b) a half day	Standard £184.75	£159.25
	Maximum £304.50	£268.00
(c) a full day	Standard £368.50	£317.75
	Maximum £568.75	£508.50
(d) more than a full day	Discretionary	Discretionary
14. For each day or part of a day on which the trial of a cause or matter, or the hearing of an ancillary application, or a children appointment, is continued after the first day	Discretionary	Discretionary

15. Conference (including time reasonably spent in preparation and conference, but not otherwise remunerated)	Standard £20.25 per half hour	Standard £17.75 per half hour
16. (a) Complex items of written work (such as advices on evidence, opinions and affidavits of a substantial nature, requests for particulars or answers)	Standard £96.25 Per item	Standard £82.75 per item
(b) All other written work	Standard £57.00 per item	Standard £50.25 per item
17. Except where the court is within 40 kilometres of Charing Cross or where there is no local Bar in the court town, or within 40 kilometres thereof, for travelling time	Standard £18.50 per hour plus expenses	Standard £15.85 per hour plus expenses

PART V

DETAILED ASSESSMENT AND APPEAL IN RELATION TO DETAILED ASSESSMENT¹⁴

18. Preparing the bill (where allowable) and completing the detailed assessment (excluding preparing for and attending the detailed assessment)	£32.00 - £89.25	£32.00 - £51.00
19. Preparing for and attending the detailed assessment (including travelling and waiting)	Discretionary	Discretionary
20. Appeal to costs judge, district judge or judge (including preparation)	Discretionary	Discretionary

¹⁴ The words in bold were substituted by the Legal Aid in Family Proceedings (Remuneration) (Amendment) Regulations 2001 (S.I. 2001 No.830).

(b) Magistrates' court proceedings

<i>Class of work</i>	<i>Rate</i>	
Preparation	£44.00 per hour	(£46.75 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£55.25 per hour	
Attendance at court where counsel assigned	£30.00 per hour	
Travelling and waiting	£24.60 per hour	
Routing letter written and routine telephone	£3.40 per item	£3.55 per item for a fee-earner whose office is situated within legal aid area 1)

SCHEDULE 2A¹⁵

PRESCRIBED FAMILY PROCEEDINGS

(a) High Court and county court proceedings

PART I

PREPARATION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County court</i>
1. Writing routine letters	£7.05 per item	£6.15 per item
2. Receiving routine letters	£3.50 per item	£3.10 per item
3. Routine telephone calls	£7.05 per item	£6.15 per item
4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine	Where proceedings were conducted in the divorce registry or in another court on the South Eastern Circuit at the time when the relevant work was done: £78.40 per hour All other circuits: £73.05 per hour	Where proceedings were conducted in the divorce registry or in another court on the South Eastern Circuit at the time when the relevant work was done: £68.50 per hour All other circuits: £64.80 per hour
6. Travelling and waiting time in connection with the above matters	£35.75 per hour	£32.45 per hour

¹⁵ Schedule 2A was substituted by the Legal Aid in Family Proceedings (Remuneration) (Amendment) Regulations 2001 (S.I. 2001 No.830).

PART II

CONFERENCES WITH COUNSEL

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County court</i>
7. Attending counsel in conference	£41.25 per hour	£36.30 per hour
8. Travelling and waiting	£35.75 per hour	£32.45 per hour

PART III

ATTENDANCES

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County court</i>
9. Attending with counsel at the trial or hearing of any cause or hearing of any summons or other application at court, or other appointment	£41.25 per hour	£36.30 per hour
10. Attending without counsel at the trial or hearings of any cause or the hearing of any summons or other application at court, or other appointment	Where proceedings were conducted in the divorce registry or in another court on the South Eastern Circuit at the time when the relevant work was done: £78.40 per hour All other circuits: £73.05 per hour	Where proceedings were conducted in the divorce registry or in another court on the South Eastern Circuit at the time when the relevant work was done: £68.50 per hour All other circuits: £68.80 per hour
11. Travelling and waiting	£35.75 per hour	£32.45 per hour

PART V

DETAILED ASSESSMENT AND APPEAL IN RELATION TO
DETAILEDASSESSMENT

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>High Court</i>	<i>County court</i>
18. Preparing the bill (where allowable) and completing the detailed assessment (excluding preparing for and attending the hearing of the detailed assessment)	£35.70-£99.85 [<i>per hour</i>]	£35.70-£56.95 [<i>per hour</i>] ¹⁶
19. Preparing for and attending the hearing of the detailed assessment (including travelling and waiting)	Discretionary	Discretionary
20. Appeal to costs judge, district judge or judge (including preparation)	Discretionary	Discretionary

(b) Magistrates' court proceedings

Preparation	£48.95 per hour - (£52.25 per hour for a fee-earner whose office is situated in the Legal Services Commission's London Region)
Advocacy	£61.90 per hour
Attendance at court where counsel assigned	£33.30 per hour
Travelling and waiting	£27.50 per hour
Routine letters written and telephone calls	£3.80 per item - (£4.00 per item for a fee-earner whose office is situated in the Legal Services Commission's London Region)

¹⁶ The words "per hour" in columns 2 and 3 were deleted by the Legal Aid in Family Proceedings (Remuneration)(Amendment No.3) Regulations 2001 (S.I. 2001 No. 2417).