STATUTORY INSTRUMENTS

2001 No. 1180

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) Regulations 2001

Made - - - -	*27th March 2001*
Laid before Parliament	*28th March 2001*
Coming into force	*2nd April 2001*

The Lord Chancellor, in exercise of the powers conferred on him by sections 25(2), 34 and 43 of the Legal Aid Act 1988**(a)**, having had regard to the matters specified in section 34(9) and having consulted the General Council of the Bar and the Law Society and with the consent of the Treasury, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) Regulations 2001 and shall come into force on 2nd April 2001.

Interpretation

2. In these Regulations any reference to a Schedule by number alone means the Schedule so numbered in the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989**(b)**.

Amendments to the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989

3.—(1) Part I of Schedule 1 shall be amended as follows.

(2) In paragraph 1(1), after "1A," there shall be inserted "1AA,".

(3) In paragraph 1(1)(a) and (b), for "within legal aid area 1", wherever it occurs, there shall be substituted "in the Legal Services Commission's London Region".

(4) Paragraph 1(2) shall be omitted.

(5) In paragraph 1A, after "paragraphs" there shall be inserted "1AA,".

(a) 1988 c.34; sections 25(2), 34 and 43 were amended by the Courts and Legal Services Act 1990 (c.41), Schedule 18, paragraphs 60 and 63. Sections 25, 34 and 43 are repealed (together with other provisions) by Part I of Schedule 15 to the Access to Justice Act 1999 (c.22), which was brought into force on 1st April 2000 by the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774), but subject to savings. Section 43 is an interpretation provision, and is cited because of the meaning given to "regulations".

(b) S.I. 1989/343, as amended by S.I. 1996/2655.

(6) The text inserted after paragraph 1A by regulation 5 of the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) Regulations 1999**(a)** and there described as sub-paragraph (1B) shall be re-numbered as paragraph 1B.

(7) After paragraph 1A, and before the paragraph 1B referred to in the preceding sub-paragraph, there shall be inserted the following:—

"**1AA.**—(1) Subject to paragraphs 2 and 3, the following prescribed rates shall apply to work done by a person who is a party to a general criminal contract instead of the corresponding rates in paragraph 1(1)(a) and 1A:

Class of work	Rate	
Preparation	£47.38 per hour—	(£49.96 per hour for a fee-earner whose office is situated in the Legal Services Commission's London Region)
Advocacy	£59.48 per hour	
Attendance at court where more than one legal representative assigned	£32.45 per hour	
Travelling and waiting	£26.27 per hour	
Routine letters written and routine telephone calls	£3.66 per item—	(£3.81 per item for a fee-earner whose office is situated in the Legal Services Commission's London Region)

(2) In this paragraph, "general criminal contract" means a contract with the Legal Services Commission in the form of the Commission's General Criminal Contract for the time being, and any reference to a party to a general criminal contract includes every person authorised to do work under the contract.".

(8) In paragraphs 2 and 3(1), for "1 or 1A" there shall be substituted "1, 1A or 1AA".

(9) In paragraph 3(4), for "paragraph" there shall be substituted "sub-paragraph".

4.—(1) Part III of Schedule 1 shall be amended as follows.

(2) In paragraph 1, for "(or paragraph 8(1A) in the case of a franchisee)", wherever it occurs, there shall be substituted "(or paragraph 8(1A) or (1B) as the case may be)".

(3) In paragraph 6(a), for "(or paragraph 8(1A) in the case of a franchisee)" there shall be substituted "(or paragraph 8(1A) or (1B) as the case may be)".

(4) In paragraph 7(3), for "(or paragraph 8(1A) in the case of a franchisee)" there shall be substituted "or paragraph 8(1A) or (1B) as the case may be)".

(5) In paragraph 8(1), for "paragraph (1A)" there shall be substituted "paragraphs (1A) and (1B)".

(6) At the beginning of paragraph 8(1A) there shall be inserted "Subject to paragraph (1B),".

(7) After paragraph 8(1A) there shall be inserted the following:

"(1B) Where the work was done by a person who is a party to a general criminal contract, and the hearing in connection with which the work was done concluded on or after 2nd April 2001, standard fees are payable in accordance with the Table below:—

(a) S.I. 1999/345.

TABLE

Type of proceedings	*Lower standard fee*	*Lower limit*	*Higher standard fee*	*Higher limit*
Category 1	£152.70	£284.28	£367.71	£492.34
London rate	£196.73	£364.62	£466.59	£615.94
Category 2	£270.12	£488.22	£619.03	£813.70
London rate	£346.34	£620.06	£777.65	£991.89
Category 3	£243.60	£430.54	£552.08	£751.90
London rate	£308.23	£522.21	£647.87	£801.34

(1C) In this paragraph, "general criminal contract" means a contract with the Legal Services Commission in the form of the Commission's General Criminal Contract for the time being, and any reference to a party to a general criminal contract includes every person authorised to do work under the contract.".

Signed

Willy Bach
Parliamentary Secretary,
Lord Chancellor's Department

Dated 25th March 2001

We consent

Greg Pope
Clive Betts
Two of the Lords Commissioners of
Her Majesty's Treasury

Dated 27th March 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 to provide increased rates of remuneration for solicitors who hold general criminal contracts under the Access to Justice Act 1999.

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