STATUTORY INSTRUMENTS

2015 No. 325

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015

Made - - - -	*12th February 2015*
Laid before Parliament	*23rd February 2015*
Coming into force - -	*23rd March 2015*

The Lord Chancellor makes the following Regulations(**1**) in exercise of the powers conferred by sections 2(3) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**2**).

Citation and commencement

1. These Regulations may be cited as the Civil and Criminal Legal Aid (Remuneration) (Amendment) Regulations 2015 and come into force on 23rd March 2015.

Amendments to the Civil Legal Aid (Remuneration) Regulations 2013

2.—(1) The Civil Legal Aid (Remuneration) Regulations 2013(**3**) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of "the relevant contract", after "2010 Standard Civil Contract," insert "the 2010 Standard Crime Contract,".

(3) In Schedule 1—

(a) in Part 1 (Civil Standard and Graduated Fees), in Table 1—

(i) omit "Schedule Authorisation" in the heading of the second and third columns, and

(ii) in the entry for "Miscellaneous", after the sub-category "(employment)", in the second and third columns, respectively, insert—

(**1**) Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of that Act "regulations" means regulations made by the Lord Chancellor.

(**2**) 2012 c. 10.

(**3**) S.I. 2013/422; relevant amending instruments are S.I. 2014/7, 2014/586, 2014/1389 and 2014/1824.

"£157 (injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014(**4**) and related parenting orders)	£471 (injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 and related parenting orders)";

(b) in Part 3 (Hourly Rates – Licensed Work)—

(i) in Table 10(a), in the heading after "Schedule Authorisation" insert "or injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 and related parenting orders", and

(ii) in Table 10(b), in the heading after "Schedule Authorisation" insert "(except as in Table 10(a))".

Amendments to the Criminal Legal Aid (Remuneration) Regulations 2013

3.—(1) The Criminal Legal Aid (Remuneration) Regulations 2013(**5**) are amended as follows.

(2) In regulation 3(2) (scope), after "magistrates' courts," insert "to proceedings in the County Court,".

(3) In Schedule 1 (Advocates' Graduated Fee Scheme), in Part 7 (Table of Offences), under the heading "Class H: Miscellaneous other offences", for the first and second entries substitute—

"Breach of a sexual harm prevention order or interim sexual harm prevention order	Sexual Offences Act 2003, s.103I(**6**)	2003 c. 42
Breach of a sexual risk order or interim sexual risk order	Sexual Offences Act 2003, s.122H(**7**)	As above
Breach of a criminal behaviour order	Anti-social Behaviour, Crime and Policing Act 2014, s.30	2014 c. 12".

(4) Schedule 4 (Rates Payable for the Claims Specified in Regulation 8) is amended as follows.

(5) For paragraph 1 (Interpretation of this Schedule) substitute—

"**Interpretation of this Schedule**

1. In this Schedule—

(a) unless the context otherwise requires, words and expressions have the same meaning as in the 2010 Standard Crime Contract, and

(b) "the 2014 Act" means the Anti-social Behaviour, Crime and Policing Act 2014.".

(6) In paragraph 5 (Representation in the Magistrates' Court)—

(a) in sub-paragraph (1), after "rates" insert "for representation in a magistrates' court (except where paragraph 5A applies)";

(b) in sub-paragraph (2), after "a magistrates' court" insert "(except where paragraph 5A applies)", and

(**4**) 2014 c. 12.
(**5**) S.I. 2013/435; relevant amending instruments are S.I. 2013/862 and 2014/415.
(**6**) Section 103I was inserted into the Sexual Offences Act 2003 (c. 42) by paragraph 2 of Schedule 5 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
(**7**) Section 122H was inserted into the Sexual Offences Act 2003 (c. 42) by paragraph 2 of Schedule 5 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(c) in sub-paragraph (3)—

(i) after paragraph (a)(i) insert—

"(ia) guilty pleas in proceedings for low-value shoplifting as defined in section 22A(3) of the Magistrates' Court Act 1980(**8**) (low-value shoplifting);";

(ii) in paragraph (a)(iii) and (iv), after "offences" insert "or proceedings referred to in sub-paragraph (ia)", and

(iii) in paragraph (b), after "proceedings" insert "(other than proceedings referred to in paragraph (a)(ia))".

(7) After paragraph 5 insert—

"**Representation in proceedings relating to an injunction under Part 1 of the 2014 Act or related parenting order in any court**

5A.—(1) This paragraph applies to proceedings prescribed as criminal proceedings under section 14(h) of the Act (other than an appeal) relating to—

(a) an injunction under Part 1 of the 2014 Act; or

(b) a parenting order under section 8(1)(b) of the Crime and Disorder Act 1998(**9**) where an injunction is granted under Part 1 of the 2014 Act.

(2) The fixed amounts and hourly rates for—

(a) determining whether the lower or higher fee limit has been reached, and

(b) claiming costs in cases which fall outside the fixed fee limits, are specified in the table following this sub-paragraph.

Representation in proceedings relating to an injunction under Part 1 of the 2014 Act or related parenting order in any court

	All Areas
Routine letters written and telephone calls per item	£3.56
Preparation hourly rate	£45.35
Advocacy hourly rate (including applications for bail and other applications to court)	£56.89
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£31.03

(3) The table following this sub-paragraph sets out the fees and fee limits for representation in any court.

(**8**) 1980 c. 43. Section 22A was inserted by section 176 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
(**9**) 1998 c. 37.