



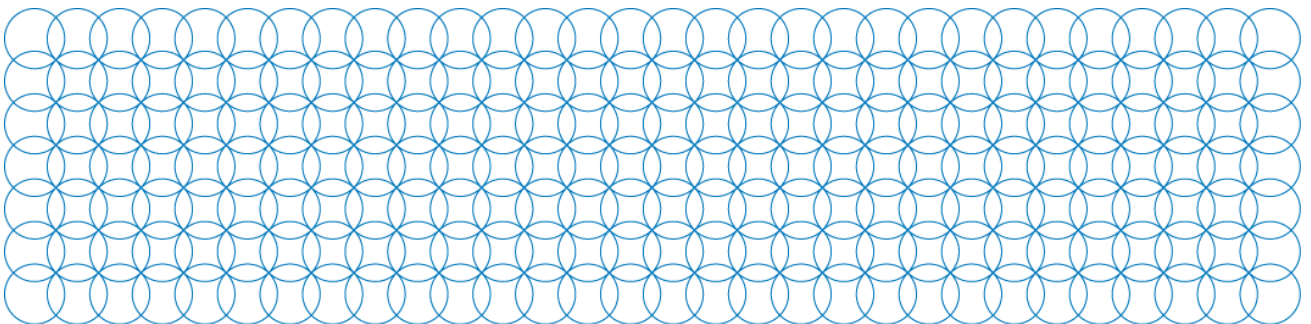
Ministry
of Justice

Anti-Social Behaviour Crime & Policing Act 2014:

Consequential changes to remuneration for legal aid services

Consultation

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of Justice

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Consequential changes to remuneration for legal aid services

A consultation produced by the Ministry of Justice. It is also available on the
Ministry of Justice website at www.justice.gov.uk

About this consultation

- To:** This consultation seeks views from the legal profession.
- Duration:** From 10/11/2014 to 01/12/2014
- Enquiries (including requests for the paper in an alternative format) to:** Christine Okiya
Legal Aid Policy (Civil Remuneration and Experts)
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Email: Christine.Okiya@justice.gsi.gov.uk
- How to respond:** Responses to the consultation questions should be submitted online at:
<https://consult.justice.gov.uk/>
Responses can also be submitted to the 'Enquiries' contact details above
- Response paper:** A response to this consultation exercise will be published at:
www.gov.uk/moj

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Anti-Social Behaviour Crime & Policing Act 2014:
Consequential changes to remuneration for legal aid services

Chapter 1: Executive Summary

- 1.1 This document sets out the Government's proposals to make changes to remuneration for legal aid services in anticipation of the coming into force of Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCPA) early next year.
- 1.2 Chapter 2 covers the solutions proposed to resolve the issues which arise as a consequence of the provision of civil legal aid¹ for injunctions under Part 1 of the ASBCPA. In summary, we propose to provide appropriate remuneration for the new proceedings within the framework of the existing schemes as follows:
- providers holding a civil or criminal contract² may provide civil legal aid services for an application or appeal of a Part 1 injunction and would be remunerated at the applicable standard civil legal aid rates for legal help and legal representation in housing matters, including travel and waiting time³ (where appropriate), and
 - providers holding a criminal contract⁴ may provide representation for contempt proceedings on breach of a Part 1 injunction and would be remunerated at the applicable criminal legal aid rates payable for representation in proceedings for breach of a magistrates' court order, plus travel and waiting time⁵ (where appropriate).

For ease of reference, the proposed rates are set out in **Annex A**.

- 1.3 The proposals aim to ensure that civil legal aid services are available for Part 1 injunctions with remuneration to legal aid providers made at the same or similar rates to that payable now for legal services provided in respect of Anti-Social Behaviour Injunctions (ASBIs) or Anti-Social Behaviour Orders (ASBOs) where appropriate. The reforms are therefore intended to work within the current framework of the legal aid remuneration schemes to ensure that any financial impacts on the legal aid fund are kept to a minimum.
- 1.4 Views are invited on the questions set out below.

¹ ASBCPA amends paragraph 36, Part 1 to Schedule 1 to the Legal Aid Sentencing & Punishment of Offenders Act 2012 (LASPO) to designate, as civil legal services, those provided in relation to an application for, or proceedings in respect of, an injunction against the individual under section 1 (paragraph 49, Schedule 11 to ASBCPA).

² The Legal Aid Agency contracts referred to are the 2010 Standard Civil Contract, the 2013 Standard Civil Contract, the 2014 Standard Civil Contract, the 2010 Standard Crime Contract and the Own Client Crime Contract 2015.

³ The applicable rates are set out in the Civil Legal Aid (Remuneration) Regulations 2013 (as amended). For controlled work, the housing rate shown in Schedule 1, Table 1 and Schedule 1, Part 2, Table 7(e) applies and for licensed work, the rates shown in Schedule 1, Part 3, Table 10(a) apply. These rates are applicable to all advocates except barristers in independent practice, who are remunerated on the basis of the rates shown in Schedule 2. The rates applicable to the youth courts, where counsel is assigned to a hearing, would be those that apply for County Courts. Where counsel is assigned in the Crown Court, the applicable rates will be those that apply to the High Court

⁴ The Legal Aid Agency contracts referred to are the Standard Crime Contract 2010 and the Own Client Crime Contract 2015.

⁵ Paragraph 5, Schedule 4, Criminal Legal Aid (Remuneration) Regulations 2013 (as amended). It should be noted, however, that these rates may change next year as a result of the Legal Aid Transformation criminal litigation reforms set out in Transforming Legal Aid – Next Steps: Government Response (available at: <https://consult.justice.gov.uk/digital-communications/transforming-legal-aid-next-steps/results/transforming-legal-aid-next-steps-respons.pdf>).

Proposals for reform

- 1.5 Chapter 2 sets out the Government's proposals to amend the legal aid scheme to provide remuneration for Part 1 injunctions.

Impact Assessment

- 1.6 An initial Impact Assessment has been published with this consultation document. As the reforms proposed are intended to work within the current framework of the legal aid remuneration schemes, our initial assessment is that there should be no or minimal impact on provider income.
- 1.7 An Equalities Statement also accompanies this consultation and sets out the Government's initial consideration of the equalities⁶ impacts on solicitors and advocates providing legal aid services from the reforms proposed. Our initial view is that we do not anticipate that the reforms proposed will particularly disadvantage people with a protected characteristic under the Equality Act. We do recognise that some providers may argue that in breach proceedings, higher rates should apply in the County Court as a result of the change in venue. We do not agree, that this presents any disadvantage. The majority of breaches which occur on anti-social behaviour matters currently relate to ASBOs. On implementation of Part 1, it is expected that the greatest number of breach matters will continue to concern ASBO-type issues and, as the burden of proof required will be the same as that for ASBOs currently (i.e. proof beyond reasonable doubt), this is unlikely to result in additional work for providers. In remunerating criminal legal aid providers for breach of a Part 1 injunction at the rates which currently apply to breach proceedings in ASBO matters, we do not anticipate that this will pose any disadvantage to either legal aid providers or their clients. We have, however, considered the potential for disproportionate impacts in the Equality Statement.
- 1.8 We would welcome any relevant information to further inform our analysis and better understand the potential impacts of the proposals. We will be updating our assessments once we have considered all relevant responses to this consultation.

Consultation

- 1.9 The Government would welcome responses to the questions set out in this consultation paper from legal professionals affected by the proposals. Please respond via the online template. For those who have queries in relation to the consultation process or the content of this document during the consultation, please submit your query/concern directly to Christine Okiya (Christine.Okiya@justice.gsi.gov.uk) or 4th floor, point 4.41, Ministry of Justice, 102 Petty France, London SW1H 9AJ.

⁶ In considering our duty under the Equalities Act 2010, we have given due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
- advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
- foster good relations between different groups (those who share a relevant protected characteristic and those who do not).

Paying 'due regard' needs to be considered against the "protected characteristics" under the Equalities Act – namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Schedule of Consultation Questions

Chapter 2

Changes to the legal aid remuneration scheme

- Q1.** Do you agree that all applications for and appeals against Part 1 injunctions should be available under both the civil and criminal contracts and be remunerated at the applicable civil (non-family) hourly rates (current rates shown in Annex A)? If not, please give reasons.
- Q2.** Do you agree that all breaches of a Part 1 injunction should be available under the criminal contract only and remunerated under the criminal legal aid scheme at applicable magistrates' court criminal rates (current rates shown in Annex B)? If not, please give reasons.
- Q3.** In relation to travel and waiting time incurred as a result of attendance at the County Court for the breach of a Part 1 injunction, do you agree that remuneration should be automatically payable to criminal legal aid providers at the criminal rates applicable in the magistrates' court? If not, please give reasons.

Equalities Impact

- Q4.** What do you consider to be the equalities impacts on individuals with protected characteristics who will be affected by this policy (i.e. providers of civil and criminal legal aid services (both barrister and solicitors) and their clients)? Please give reasons.
- Q5.** Do you agree that we have correctly identified the range of impacts under the reforms proposed in this consultation paper? Please give reasons.
- Q6.** Do you agree that we have correctly identified the extent of the impacts under the reforms proposed? Please give reasons.
- Q7.** Are there forms of mitigation in relation to impacts that we have not considered?

Chapter 2: Introduction

Background

2.1 The ASBCPA received Royal Assent on 13 March 2014. The Act introduces a number of new injunctions and orders, including a series of orders to prevent sexual harm, criminal behaviour orders and the new injunctions under Part 1 dealing with anti-social behaviour. The new injunction, which aims to prohibit a certain activity or requires some positive activity from the offender where they have caused nuisance or annoyance within a household context or harassment, alarm or distress elsewhere, will be a purely civil order and will be available against individuals aged 10 years or over. The new injunction will replace the ASBIs and ASBOs, and several other tools designed to deal with anti-social individuals including:

- Drinking Banning Orders (DBO);
- Intervention Orders; and
- Individual Support Orders.

The new injunction has been modelled on the current ASBI which has been used by social landlords to deal with anti-social behaviour issues where they relate to housing, for example a local authority dealing with a disruptive tenant or family.

2.2 A Part 1 injunction will be available in the County Court or High Court for adults and in the youth court (sitting in its civil capacity) for under-18s. Appeals against an injunction will be made either to the County Court (dependant on the level of judge that conducted the earlier proceedings to which the appeal relates), the High Court or the Crown Court (for appeals against decisions made by the youth court). Breach of an injunction will be punishable as civil contempt of court and for over-18s will be dealt with in the County Court or High Court. For under-18s, contempt proceedings will be heard in the youth court.

Current position - ASBIs

2.3 Currently, ASBIs are made on application in the County Court by social landlords and housing authorities and use the civil standard of proof (balance of probabilities test). Appeals would be made to the County Court (dependant on the level of judge hearing the initial case) or the High Court. Breach is classified as contempt of court on breach which could risk imprisonment, but as the orders relate to housing management issues, social landlords are more likely to seek possession of the property (taking no action on the breach) or raise the issue of breach during possession proceedings (as opposed to pursuing it as a separate issue). Possession proceedings by a social landlord would have serious consequences for an individual as it could result in them losing their home. Legal help and representation for ASBI proceedings is therefore provided by civil legal aid providers who have housing expertise (including where breach of an ASBI arises in conjunction with such proceedings). These proceedings are remunerated at civil legal aid rates.

Current position - ASBOs

- 2.4 ASBOs aim to address everyday nuisance, disorder and lower level criminal activity where it has had a significant impact on the victims' quality of life. ASBOs are civil orders which are made on application or on conviction in the magistrates' court or Crown Court under their civil jurisdiction using a heightened civil evidential test that is equivalent to the criminal standard of proof (beyond reasonable doubt). However, unlike ASBIs, breach of an ASBO is currently a criminal offence, with the potential to result in imprisonment or a fine. Appeals against an application or breach of an ASBO would be heard by the Crown Court. As ASBOs tend to relate to sub-criminal behaviour issues and are heard mainly in the magistrates' court, representation is provided by criminal legal aid providers under the criminal legal aid scheme. Remuneration in these cases is made by way of a fixed fee⁷, with escape thresholds to enable complex cases to be paid at hourly rates to reflect the extra work involved. Where an application for an ASBO is made to the Crown Court, different hourly⁸ rates apply.

Part 1 Injunction – Remuneration

- 2.5 Consistent with current anti-social behaviour legislation, the ASBCPA empowers different authorities to bring proceedings in different situations. For example, the police or a local authority may seek an injunction to stop anti-social behaviour in a local street or area. For anti-social behaviour in a housing context, social landlords will also be able to apply for an injunction in relation to anti-social behaviour where an individual's conduct is causing nuisance or annoyance to a person's occupation of residential premises⁹. However, unlike current anti-social behaviour proceedings, the same procedures and considerations will apply to all cases, regardless of the authority seeking the order, the behaviour complained of or the venue in which the injunction is heard. For all applications and appeals against a Part I injunction, proof will be considered on the basis of the civil standard of proof (balance of probabilities). For all breach matters, consideration will be made on the basis of whether proof has been established beyond reasonable doubt.
- 2.6 As the new injunctions will be within scope of civil legal aid except on breach, whereupon contempt proceedings are prescribed as criminal for purposes of legal aid, the key issue for Government has been to seek to provide reasonable remuneration for the work involved on the new injunctions whilst ensuring, as far as possible, no or minimal impact on the current levels of remuneration payable to legal aid providers.

⁷ Remuneration to legal providers for ASBO proceedings in the magistrates' court are set out at Paragraph 5, Schedule 4, Criminal Legal Aid (Remuneration) Regulations 2013 (as amended). Where an ASBO is applied for in the Magistrates' Court, appeal would be to the Crown Court. Remuneration to legal aid providers would be made on the basis of the rates set out in Schedule 2, Part 5, paragraph 19, Criminal Legal Aid (Remuneration) Regulations 2013 (as amended). Applications to the Crown Court would also, on appeal, be heard at the Crown Court. Remuneration to legal aid providers here would be made at the rates set out Schedule 4, Paragraph 7(1), Criminal Legal Aid (Remuneration) Regulations 2013 (as amended). It should be noted, however, that these rates may change next year as a result of the Legal Aid Transformation criminal litigation reforms set out in Transforming Legal Aid – Next Steps: Government Response (available at: <https://consult.justice.gov.uk/digital-communications/transforming-legal-aid-next-steps/results/transforming-legal-aid-next-steps-respons.pdf>)

⁸ Paragraph 19, Part 5, Schedule 2, Criminal Legal Aid (Remuneration) Regulations 2013 (as amended).

⁹ S.2(1)(b), Part 1, Anti-Social Behaviour Crime & Policing Act 2014

Applications for an Injunction

- 2.7 On the coming into force of Part 1 ASBCPA, all applications for an injunction will be subject to the lower civil standard of proof, irrespective of the type of anti-social behaviour being addressed. The application of the lower civil standard of proof to all anti-social behaviour related injunctions, i.e. to non-housing as well as housing related matters, represents a change for crime providers.
- 2.8 All applications for an injunction should be made either to the youth court (for under-18s) or the County Court or High Court (for 18s and over). For civil providers previously dealing with ASBIs, this will make little difference as all applications are currently made to the County Court. For crime providers previously dealing with an ASBO, this will represent a change as ASBO applications tend in the main to be made to the magistrates' court, although some are made to the Crown Court.
- 2.9 Given that the procedure to be followed on applications will be the same for all Part 1 injunctions, regardless of either the venue or the nature of the anti-social behaviour being addressed, the Government considers that the work should be available under both the civil and criminal contracts and all cases should be remunerated on the same basis under the civil legal aid scheme. Remuneration is therefore proposed at the following rates:
 - For controlled work, legal help will be payable at the current Housing fixed rate of £157¹⁰, (the current rate applicable in ASBI matters) with an escape threshold of £471. Where the escape threshold is reached, the rates in *Table 1* below would apply:

Table 1¹¹: All other categories

Activity	London Rate	Non London rate
Preparation, attendance and advocacy	£46.53 per hour	£43.88 per hour
Travel & waiting time	£24.62 per hour	£24.62 per hour
Routine letters out and telephone calls	£3.60 per item	£3.47 per item

- Legal Representation at current standard civil (non-family) hourly rates, as set out in *Tables 2* (applicable to solicitors and advocates other than barristers in independent practice) *and 3* (applicable to barristers in independent practice) below. For barristers in independent practice, we propose to apply the County Court rate to all applications in the youth court and the High Court rate to any appeals to the Crown Court.

¹⁰ Housing fixed fee in Table 1 of Schedule 1 to the Civil Legal Aid (Remuneration) Regulations 2013 (as amended)

¹¹ Schedule 1, Part 2, Table 7(e), Civil Legal Aid (Remuneration) Regulations 2013 (as amended)

Table 2: Non Family Prescribed Rates¹²

Activity	Higher Courts	County Courts and Magistrates' Court
Routine letters out	£6.75 per item	£5.94 per item
Routine telephone calls	£3.74 per item	£3.29 per item
Preparation and attendance	£71.55 per hour (London rate) £67.50 per hour (Non-London rate)	£63.00 per hour (London rate) £59.40 per hour (Non-London rate)
Attendance at court or conference with Counsel	£33.30	£29.25
Advocacy	£67.50 per hour	£59.40 per hour
Travelling and waiting time	£29.93 per hour	£26.28 per hour

Table 3: Remuneration of barristers in independent practice in relation to work that is not controlled work, advocacy services in family proceedings or other legal services in relation to inquests¹³

Category	Hourly Rate
Preparation and attendance in the High Court or Upper Tribunal	£71.55 (London rate) £67.50 (Non-London rate)
Preparation and attendance in the County Court	£63.00 (London rate) £59.40 (Non-London rate)
Attendance at court or conference in the High Court or Upper Tribunal	£33.30
Attendance at court or conference in the County Court	£29.25
Advocacy in the High Court or Upper Tribunal	£67.50
Advocacy in the County Court	£59.40
Travel and waiting time in the High Court or Upper Tribunal	£29.93
Travel and waiting in the County Court	£26.28

Appeals against an Injunction

2.10 The routes of appeal for a Part 1 injunction will differ depending on whether the application for an injunction is made in the youth court, County Court or High Court. Currently appeals against an ASBI are heard in either the County Court or High Court, whilst for ASBOs appeals are to the Crown Court. Appeals against decisions made in these courts are mainly paid at hourly rates, although remuneration for appeals heard in the Crown Court are lower than those payable under the civil legal aid scheme.

¹² All advocates (other than barristers in independent practice) will be remunerated at the Non Family Prescribed rates for Licensed Work set out in Table 10(a) of Schedule 1 to the Civil Legal Aid (Remuneration) Regulations 2013 (as amended). All self-employed barristers will be remunerated at the relevant hourly rates set out in Schedule 2 to the Civil Legal Aid (Remuneration) Regulations 2013 (as amended). For applications made to the youth court, the rates applicable will be those listed under "County Court and Magistrates' Court". For all other "Higher" courts, the Higher Courts rates will apply.

¹³ Schedule 2, Civil Legal Aid (Remuneration) Regulations 2013. The rates applicable to the youth courts, where Counsel is assigned to a hearing, would be those that apply for County Courts. Where Counsel is assigned in the Crown Court, the applicable rates will be those that apply to the High Court.

- 2.11 Given that the procedure to be followed on appeals will be the same for all legal aid providers on Part 1 injunctions, regardless of either the venue or the nature of the anti-social behaviour being addressed, the Government considers that all civil and criminal providers should be remunerated on the same basis under the civil legal aid scheme as that proposed for applications for injunctions as shown in paragraph 2.9 above.

Q1. Do you agree that all applications for and appeals against Part 1 injunctions should be available under both the civil and criminal contracts and be remunerated at the applicable civil (non-family) hourly rates (current rates shown in Annex A)? If not, please give reasons.

Breach of an Injunction

- 2.12 Currently, breach of an ASBI is considered to be contempt of court and would be treated as criminal proceedings¹⁴ for the purposes of legal aid. However, for social landlords an ASBI is usually the last step in attempting to curb the behaviour of a disruptive tenant before pursuit of possession proceedings. Social landlords would therefore usually tend to pursue possession proceedings on standard discretionary grounds using the breach as evidence to support their action as opposed to tackling the breach any other way. Such cases would be remunerated at standard civil rates. Where breach of an ASBI is pursued separately, i.e. outside possession proceedings, the proceedings would be dealt with by crime providers at criminal rates. The breach of an ASBO is a criminal offence and therefore constitutes criminal proceedings for the purposes of legal aid¹⁵. These proceedings are, in the main, heard in the magistrates' court and are remunerated at standard fees under the criminal legal aid scheme.
- 2.13. Breach of an injunction under Part 1 ASBCPA will be punishable as contempt of court and will be subject to the criminal standard of proof (i.e. beyond reasonable doubt) which, given the potential implications for the individual affected would be treated as criminal proceedings for the purposes of legal aid, with the work available under the criminal contract (as for ASBIs currently). It will still remain possible, however, for social housing providers to pursue possession proceedings on standard discretionary grounds following a breach and where they do so the proceedings would be dealt with by housing specialists with remuneration continuing to be made at the standard civil rates. However, Part 1 of the ASBCPA also provides that a decision given by a court which shows that an individual has breached a Part 1 injunction will constitute a mandatory ground for possession. As such, it is possible that social housing providers may choose to pursue separate breach proceedings first in order to provide greater certainty in any subsequent possession case. This will mean a potential increase in the number of cases falling under the criminal scheme.
- 2.14 Under Part 1, the criminal burden of proof (i.e. proof beyond reasonable doubt) will apply to a breach. This is a much higher test than that required at the application or appeal stage (i.e. the balance of probabilities) and is exactly the same test that applies now to a breach of an ASBO. While the majority of breaches of Part 1 injunctions will be heard in the County Courts, the matters that need to be considered by the court in such cases are generally more straight forward than at the initial application, i.e. whether the individual did or did not do what they were required to do. As a result, the Government

¹⁴ Regulation 9(v) of the Criminal Legal Aid (General) Regulations 2013 (as amended).

¹⁵ Regulation 9(d), Criminal Legal Aid (General) Regulations 2013 (as amended).

therefore considers that remuneration should be based on the fixed rates payable for representation in breach proceedings heard in the magistrates' court regardless of venue. The proposed remuneration rates are set out below in *Table 4* (the standard fees applicable) and *Table 5* (the fees applicable where the escape threshold has been reached) for ease of reference. It should be noted, however, that these rates may change next year as a result of the Legal Aid Transformation criminal litigation reforms set out in Transforming Legal Aid – Next Steps: Government Response (available at: <https://consult.justice.gov.uk/digital-communications/transforming-legal-aid-next-steps/results/transforming-legal-aid-next-steps-respons.pdf>).

Table 4: Representation in magistrates' court¹⁶

STANDARD FEES				
	Lower Standard Fee (£)	Lower Standard Fee Limit (£)	Higher Standard Fee (£)	Higher Standard Fee Limit (£)
Undesignated Area Standard Fees				
Category 1B	158.27	272.34	380.70	471.85
Category 2	279.45	467.84	640.94	779.64

Table 5:

ESCAPE THRESHOLD RATES	
	<i>All areas</i>
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 the court)	£56.89
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£31.03
Travelling and waiting hourly rate	£24.00

Q2. Do you agree that all breaches of a Part 1 injunction should be available under the criminal contract only and remunerated under the criminal legal aid scheme at applicable magistrates' court criminal rates (current rates shown in Annex B)? If not, please give reasons.

Travel and waiting

2.15 Travel and waiting time will be payable in all proceedings for applications or appeals of Part 1 injunctions at the rates set out in *Tables 1-3* of this document (where appropriate).

¹⁶ Paragraph 5, Schedule 4, Criminal Legal Aid (Remuneration) Regulations 2013 (as amended). It should be noted, however, that these rates may change next year as a result of the Legal Aid Transformation criminal litigation reforms set out in Transforming Legal Aid – Next Steps: Government Response (available at: <https://consult.justice.gov.uk/digital-communications/transforming-legal-aid-next-steps/results/transforming-legal-aid-next-steps-respons.pdf>). In addition, only the undesignated area standard fixed fees are used as the designated area fees correspond to CJS areas. These are not readily compatible with the county court regime.

Travel and waiting time would not, however, be payable in breach proceedings unless the case reached the escape threshold and the hourly rates applicable in these circumstances applied. Given that crime providers currently carry out the majority of their business at magistrates' courts, and as magistrates' courts are often not co-located with County Courts, the Government considers that there is a case for compensating crime providers for time spent travelling and waiting as a result of attending breach proceedings in the County Court. The Government therefore proposes that travel and waiting is paid to crime providers at the rates set out in the criminal legal aid scheme, shown in *Table 6* below. This will be paid in addition to the standard fee applicable in the magistrates' court for breach proceedings.

Table 6: Travel and waiting ¹⁷

	<i>London (£)</i>	<i>National (£)</i>
Travel and waiting hourly rate	£24.00	£24.00

Q3. In relation to travel and waiting time incurred as a result of attendance at the County Court for the breach of a Part 1 injunction, do you agree that remuneration should be automatically payable to criminal legal aid providers at the criminal rates applicable in the magistrates' court? If not, please give reasons.

Implementation

- 2.16 Subject to the outcome of this consultation, it is anticipated that these reforms would be implemented by way of amendment to applicable legal aid contracts and amendments to the Civil and Criminal Legal Aid (Remuneration) Regulations 2013 (as amended) to coincide with the implementation of Part 1 of the ASBCPA.

¹⁷ Paragraph 5, Schedule 4, Criminal Legal Aid (Remuneration) Regulations 2013 (as amended). Travel and waiting time would be paid to criminal providers in addition to the standard fee which they would receive for services provided in Part 1 breach proceedings. It should be noted, however, that these rates may change next year as a result of the Legal Aid Transformation criminal litigation reforms set out in Transforming Legal Aid – Next Steps: Government Response (available at: <https://consult.justice.gov.uk/digital-communications/transforming-legal-aid-next-steps/results/transforming-legal-aid-next-steps-respons.pdf>).

Annex A

Remuneration for legal aid services: Applications for and appeals against Part 1 Injunctions – Proposed rates

CONTROLLED WORK: LEGAL HELP				
<i>Rate¹⁸</i>	<i>Escape threshold¹⁹</i>	<i>Applicable rate where escape threshold reached²⁰</i>		
£157	£471	Preparation, attendance and advocacy	£46.53 (London rate)	£43.88 per hour (Non London Rate)
		Travel & waiting time	£24.62 per hour	£24.62 per hour
		Routine letters out and telephone calls	£3.60 per item	£3.47 per item
LICENSED WORK: LEGAL REPRESENTATION				
<i>Activity²¹</i>	<i>Higher Courts</i>	<i>County Courts & Magistrates' Courts</i>		
Routine letters out	£6.75 per item	£5.94 per item		
Routine telephone calls	£3.74 per item	£3.29 per item		
Preparation and attendance	£71.55 per hour (London rate) £67.50 per hour (Non-London rate)	£63.00 per hour (London rate) £59.40 per hour (Non London rate)		
Attendance at court or conference with Counsel	£33.30	£29.25		
Advocacy	£67.50 per hour	£59.40 per hour		
Travelling and waiting time	£29.93 per hour	£26.28 per hour		

¹⁸ Schedule 1, Part 1, Table 1, Civil Legal Aid (Remuneration) Regulations 2013 (as amended)

¹⁹ Schedule 1, Part 1, Table 1, Civil Legal Aid (Remuneration) Regulations 2013 (as amended)

²⁰ Schedule 1, Part 2, Table 7(e), Civil Legal Aid (Remuneration) Regulations 2013 (as amended)

²¹ Schedule 1, Part 3, Table 10(a), Civil Legal Aid (Remuneration) Regulations 2013 (as amended)

REMUNERATION OF BARRISTERS IN INDEPENDENT PRACTICE IN RELATION TO WORK THAT IS NOT CONTROLLED WORK, ADVOCACY SERVICES IN FAMILY PROCEEDINGS OR OTHER LEGAL SERVICES IN RELATION TO INQUESTS²²	
Category	Hourly Rate
Preparation and attendance in the High Court or Upper Tribunal	£71.55 (London rate) £67.50 (Non-London rate)
Preparation and attendance in the County Court	£63.00 (London rate) £59.40 (Non-London rate)
Attendance at court or conference in the High Court or Upper Tribunal	£33.30
Attendance at court or conference in the County Court	£29.25
Advocacy in the High Court or Upper Tribunal	£67.50
Advocacy in the County Court	£59.40
Travel and waiting time in the High Court or Upper Tribunal	£29.93
Travel and waiting in the County Court	£26.28

²² Schedule 2, Civil Legal Aid (Remuneration) Regulations 2013. The rates applicable to the youth courts, where Counsel is assigned to a hearing, would be those that apply for County Courts. Where Counsel is assigned in the Crown Court, the applicable rates will be those that apply to the High Court.

Annex B

Remuneration for legal aid services: Breach of a Part 1 Injunction – Proposed rates

STANDARD FEES				
	Lower Standard Fee (£)	Lower Standard Fee Limit (£)	Higher Standard Fee (£)	Higher Standard Fee Limit (£)
Undesignated Area Standard Fees				
Category 1B	158.27	272.34	380.70	471.85
Category 2	279.45	467.84	640.94	779.64

ESCAPE THRESHOLD RATES	
	<i>All areas</i>
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 the court)	£56.89
Hourly rate for attendance at court where Counsel is assigned (including conferences with Counsel at court)	£31.03
Travelling and waiting hourly rate	£24.00

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. barristers, solicitor etc)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	Please tick box <input type="checkbox"/>
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

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Contact details/How to respond

To make responding to this consultation easier and to assist Government in analysing the responses it receives, we would encourage respondents to use the online consultation tool at <https://consult.justice.gov.uk>.

Alternatively, please send your response electronically by email to Christine Okiya at Christine.Okiya@justice.gsi.gov.uk.

Publication of response

A paper summarising the responses to this consultation will be published in December 2014. The response paper will be available online at <http://www.justice.gov.uk/index.htm>.

Representative Groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that under the FIOA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality generated by your IT system will not of itself, be regarded as binding on the Ministry of Justice.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

Responses to the consultation should be made using the online survey. However, if you have any complaints or comments about the consultation process you should contact Sheila Morson on 0203 334 4498, or email her at consultation@justice.gsi.gov.uk.

Alternatively you may wish to write to the address below:

Ministry of Justice
Consultation Coordinator
Better Regulation Unit
Analytical Services
7th Floor, 7.02
102 Petty France
London SW1H 9AJ

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Alternative format versions of this report are available on request from Christine.Okiya@justice.gsi.gov.uk