

Legal Services Agency Northern Ireland Circular LSA/16/01

7 April 2016

Dear Practitioner

Ministerial Direction - Re-instatement of the Children Order Uplift

1. The purpose of this circular is to draw your attention to the attached Ministerial Direction which re-instates the 5% uplift to legal aid fees for solicitors who are members of the Children Order Panel. This is only relevant to cases in which the legal aid certificate was granted on or after 1 April 2015.
2. Members of the Children Order Panel will be aware from recent Fees Remittance Notes that the 5% uplift, in cases where the certificate had been granted on or after 1 April 2015, was being withheld pending the Department's Direction to the Agency to authorise this uplift.
3. The Agency has maintained a list of those cases where the 5% uplift was not paid to a member of the Children Order Panel. The Agency is now working through this list of cases and authorising the appropriate additional fee in each case. These fees will be paid during April 2016 and the details will appear on the Fees Remittance Note.
4. As such, there is no requirement for a solicitor to write to the Agency in individual cases to request the additional fee. If, however, a member of the Children Order Panel does not receive an outstanding fee in a particular case by 30 April 2016, please contact the Agency with the details of the case. Such enquiries will be treated as a priority.
5. Any enquiries regarding this circular should be made to Jill Herron, Director Payment Services at jillherron@lsani.gov.uk

Paul Andrews

Paul Andrews
Chief Executive

DIRECTION ISSUED BY THE DEPARTMENT OF JUSTICE
PAYMENT OF UPLIFT TO SOLICITORS IN CHILDREN ORDER CASES

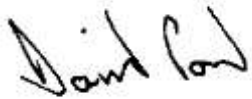
1. This Direction is issued to the Department of Justice (“the Department”) under Article 5 of the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 (“the Remuneration Order”).
2. It relates to the determination of the remuneration payable to solicitors in respect of work done providing civil legal services:
 - (a) regarding proceedings under the Children (Northern Ireland) Order 1995 heard in the Family Proceedings Court or the Family Care Centre;
 - (b) under a certificate granted on or after 1st April 2015.
3. (1) Subject to sub-paragraph (2), where a panel solicitor submits a claim to the Department under the Remuneration Order which falls within the scope of this Direction, the Department shall pay an uplift of five per cent on the amount of the prescribed fees which it allows.

(2) Where the claim includes work falling outside the scope of this Direction, the uplift referred to in sub-paragraph (1) shall be payable only in respect of that work falling within the terms of paragraph 2(a).
4. In relation to cases heard in the Family Proceedings Court, the uplift provided for under this Direction shall be payable whether the solicitor claimed remuneration by way of the hourly rates or the applicable composite fee.
5. In relation to cases heard in the Family Care Centre, the uplift provided for under this Direction shall not be payable where a certificate has been granted under paragraph 3 of Part 1 of Schedule 4 to the Remuneration Order.
6. In this Direction—

“panel solicitor” means a solicitor on the Children Order Panel within the meaning of the Children Order Panel Regulations 2011;

“prescribed fees” means the fees prescribed, as applicable, in Table 1 or Table 2 in Part 2 of Schedule 3 (Family Proceedings Court), or in Table 1 in Part 2 of Schedule 4 (Family Care Centre), to the Remuneration Order.

7. Subject to paragraph 6, expressions used in this Direction shall have the same respective meanings as in the Remuneration Order.
8. The Department shall publish this Direction on the Legal Services Agency Northern Ireland website.

A handwritten signature in black ink, appearing to read "David Ford". The signature is written in a cursive, slightly slanted style.

DAVID FORD MLA
Minister of Justice
23 March 2016