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Dear Mr Jones

### **Consultation on Legal Aid Regulations**

I write on ILPA's behalf in response to your letters of 26 June and 3 July concerning this consultation.

We will comment only on the proposed Community Legal Service (Funding) Order 2007 as the proposed amendments to the other three Statutory Instruments fall outside ILPA's ambit.

Our comments are as follows.

1. In respect of the Schedule to the Funding Order we repeat everything we have said already in our various responses during the remuneration "reform" consultation process. In summary:
  - a. In Tables 4(a)-(b) the "graduated" fees and "additional payments" proposed for immigration and asylum work are misconceived and inadequate. Among the various defects in the scheme to which we have previously drawn attention, this Schedule perpetuates both the failure to make allowance under CLR for payment for time spent travelling to and waiting at court, and also the injustice of imposing on London suppliers a cut in the hourly rate on which the fees are based.
  - b. In tables 7(a) and 8(a)-(b) the hourly rates are the same as they are now, which is to say that the rates in tables 7(a) and 8(a) are the rates set with effect from 1 April 2001, while the table 8(b) rates for s.101 order CLR cases are based on those old rates with the same meagre enhancement as at present. It remains wholly unacceptable that legal aid practitioners, including our members, should, uniquely among those providing public services in this country, be expected to continue to run

their organisations without any inflation increase for so many years, and for that state of affairs to be continued into the future. That your department apparently remains deaf to representations on this point betrays a startling willingness to risk the future availability of quality legal services to those most in need, and undercuts the government's self-proclaimed commitment to legal aid as one of the three pillars of the welfare state along with the education system and the NHS, neither of which is expected to operate without regard to the effect of inflation on salaries and running costs.

2. In respect of the main text of the proposed Order, we note that paragraph 2(2) provides that the Funding Order 2000 is to remain in force in respect of applications for Funded Services made before 1<sup>st</sup> October 2007, and to certain other applications for Funded Services. The Immigration Specification provides that hourly rates will continue to apply as at present in all cases arising from asylum claims lodged prior to 1<sup>st</sup> October 2007 (including fresh applications following the refusal of such claims) regardless of whether the application for Funded Services is made before or after 1<sup>st</sup> October 2007. We therefore expected to see the Funding Order 2000 continue in force for this class of case also. As no such provision is made we deduce that it is considered that paragraphs 7(a) and 8(a)-(b) of the Schedule to the proposed new Order are sufficient statutory authority to underpin this part of the Specification. Please confirm.

Yours faithfully

Chris Randall  
**Chair, ILPA**