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Building a Brighter Future
for Injured People

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By email only: EAJDConsultations@justice-ni.gov.uk

Dear Sir/ Madam,

Amendments to Legal Aid Remuneration

APIL welcomes the opportunity to comment on the Department for Justice's proposals to enhance the level of remuneration paid to solicitors and barristers for civil legal aid.

APIL believes that fair remuneration for legal representatives providing legal aid services is key to ensuring the viability of civil legal aid and safeguarding advice, and representation for individuals who are unable to afford representation in their own right.

Legal aid rates have not been reviewed for over 20 years, so we would welcome the 16% increase. However, it only represents half of the inflationary rise in real terms. In the last 10 years, there has been a 34% increase in inflation according to the Bank of England's rudimentary inflation calculator.¹ The Gross domestic product (GDP) deflator model also shows a 29% increase in inflation over the last 10 years.² Conversely, during this period, court fees applied by Northern Ireland Courts and Tribunals Service (NICTS) have rapidly increased, a cost largely borne by the profession.

It is also important to note that His Honour Tom Burgess CBE recommended that the 16% increase and all others proposed should take effect as soon as possible, recognising that the proposed levels of increase reflected, in part, the rate of inflation as calculated up to August 2024. We suggest that the proposed increases be revisited upon implementation, to ensure that they accurately reflect the level of inflation when they take effect.

Ensuring that the remuneration of legal representatives is set at the right level is fundamental for access to justice. While we understand that scale fees are not part of this review, the fact that these fees have not been updated since 2018 has also left the profession chronically underfunded during a period of extraordinarily high inflationary pressure. Insufficient remuneration impacts access to justice and poses a risk to the availability of legal representatives able to take on these claims.

¹ <https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>

² <https://www.ons.gov.uk/economy/grossdomesticproductgdp/timeseries/ihys/>

APIL also supports the proposals to increase travel and waiting time hourly rates, and mileage rates.

We hope our comments prove useful.

Yours sincerely,



Ana Ramos

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