

LSA Circular 09/26

22 June 2026

Dear Practitioner,

Public Law Pilot and Requesting Payment for Uncertified Counsel

This circular introduces two pieces of guidance. The first relates to a time limited pilot for the authorisation of counsel in the Family Proceedings Court (FPC). The second piece of guidance explains how solicitors can bill for uncertified counsel.

Pilot: Authorisation of Counsel in Family Proceedings Court (Public Law Cases only)

1. The '[LSANI Representation Lower guidance – To request certification of counsel for Public Law cases in the Family Proceedings Court](#)' provides legal professionals with an overview of the rationale, scope, and operation of the pilot. The guidance sets out a flexible framework to support transparent and consistent decision making.
2. The Agency will continue to assess each application on its own merits and practitioners should familiarise themselves with the guidance, in particular that the onus is on the solicitor to set out the key aspects of the case that justify and require certification of counsel.


Requesting payment for Uncertified Counsel

3. Where a request for counsel has been unsuccessful a solicitor may choose to instruct counsel – this is referred to as 'uncertified counsel'. The '[LSANI Representation Lower guidance – To submit a request for payment for uncertified counsel](#)' sets out how payment requests for uncertified counsel in

Family Children Order proceedings and Family Homes and Domestic Violence Order proceedings in the Representation Lower courts should be made.

4. A new '[LSANI Representation Lower – Uncertified Counsel Fee Note](#)' is also available for use when submitting payment requests for uncertified counsel.
5. The Legal Services Agency have worked closely with the Law Society to produce a useful recording which provides helpful information on the Public Law Pilot for the authorisation of counsel in the FPC, which is available via [Zoom](#).

Yours faithfully,



Paul Andrews
Chief Executive