



Legal Aid

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Legal Aid Eligibility and Remuneration changes 1995

The new eligibility limits will take effect from 10 April 1995. Certain remuneration rates are being increased with effect from 24 April 1995. There are increases in criminal remuneration and additional

increases for franchisees for criminal and green form work within their franchise categories. The new rates of payment apply to work done on or after 24 April 1995. If work was

done before 24 April but the solicitor applies for payment after that date, the old rates continue to apply. Details of the new rates can be found on pages 2-6 of this issue of Focus.

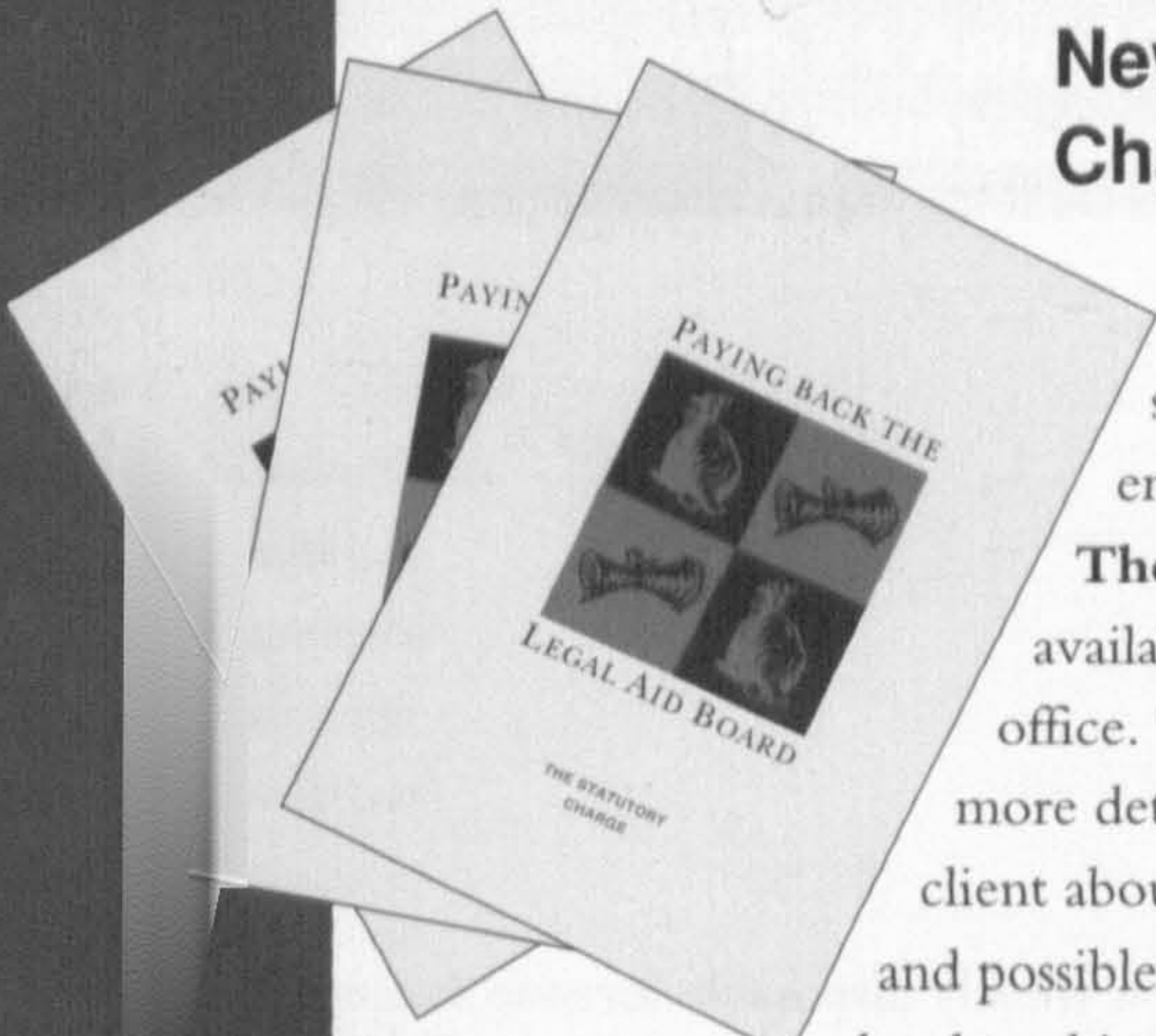
Guidelines on counsel's opinions

Last year the Bar Council produced guidelines on the contents of counsel's opinions when advising on the merits of civil legal aid cases. The aim of the guidelines is to ensure that the Board has the best possible information available when deciding whether to continue funding a case which has been limited to counsel's opinion. For example, the guidelines require counsel to be specific on his or her views about prospects of success, using the same categories as are required

on the application form CLA1. The Guidelines are printed in full in the 1994 Legal Aid Handbook on pages 529-531. As from 3 May 1995 area offices will be taking the guidelines into account, and may reject opinions if the guidelines are not followed and the Board does not have the necessary information to make its decision. The guidelines are intended to be applied flexibly. Opinions should not be unduly long and not every point need be

covered in every case. For example, information on likely costs may well come directly from solicitors rather than being included in the body of counsel's opinion. The Board will be keeping the guidelines under review, and is interested in any views on how they operate in practice. If you would like to contact the Board on this matter please write to: the Legal Department, Legal Aid Board, 85 Gray's Inn Road, London WC1X 8AA.

New Statutory Charge Leaflet



Copies of the new statutory charge leaflet entitled **'Paying Back The Legal Aid Board'** are available from your local area office. The new leaflet provides more detailed information to the client about how the charge works and possible exemptions. It was developed in consultation with the Law Society, NCC and the SFLA.

Franchising Publications



The second edition of the franchising specification and an updated copy of the Self-Assessment Audit check-list were published in March. Copies are available free of charge from your local area office's Franchise Section or Legal Aid Board Head Office on 0171 813 1000 ext. 8676. A new leaflet entitled **'Legal Aid: A Quality Service'** is available for organisations taking part in the non-solicitor advice agencies pilot. Copies are available from Head Office.

Green form – Legal Advice and Assistance

Income limit: £72 per week

Weekly dependants' allowances:

	partner	£26.50
Dependants:	under 11	£15.95
	11–15	£23.40
	16–17	£28.00
	18 & over	£36.80

Capital limits:	No dependants	£1000
	One dependant	£1335
	Two dependants	£1535
	Plus £100 for each additional dependant.	

Contribution system: none. Ineligible if weekly disposable income exceeds £72.

State benefits: automatically qualify on income if on income support, family credit or disability working allowance, but may still be out of scope on capital.

ABWOR

Income Limit: £156 per week

Weekly dependants' allowances: as for green form – see above

Capital Limits:	No dependants	£3000
	One dependant	£3335
	Two dependants	£3535
	Plus £100 for each additional dependant.	

Contribution system: free if weekly disposable income up to £64. If between £64 and £156 weekly contribution of one-third of excess income over £64.

State benefits: automatically qualify on income free of contribution if on income support, family credit, or disability working allowance. Automatically qualify on capital if on income support.

Criminal legal aid

Free legal aid income limit: £48

Free legal aid capital limit: £3000

No upper income or capital limit

Contribution system: contributions from capital of the excess over £3000.

Weekly contributions from income of £1 for every £3 or part of £3 by which weekly disposable income exceeds £47.

State benefits: automatically eligible free of contribution if on income support, family credit or disability working allowance.

Civil legal aid

	£ per year
Lower income limit	£2425
Upper income limit	£7187
	£7920 personal injury
Lower capital limit	£3000
Upper capital limit	£6750
	£8560 for personal injury

Yearly dependants' allowances:

	partner	£1384
Dependants:	under 11	£833
	11–15	£1222
	16–17	£1462
	18 and over	£1921

Capital disregards for pensioners:

Annual disposable income (excluding net income derived from capital)	Amount of capital
up to £370	£35,000
£371–£670	£30,000
£671–£970	£25,000
£971–£1270	£20,000
£1271–£1570	£15,000
£1571–£1870	£10,000
£1871 and above	£5000

Contribution system: contribution from capital of excess over £3000. Ongoing monthly contribution from income of 1/36th of excess over £2425 for the life of the certificate.

State benefits: automatically qualify for civil legal aid free of contribution if on income support.

Remuneration Rates from 24 April 1995: Green Form and ABWOR

(Figures in brackets apply where fee earner is within London legal aid area)

1. Green Form

	Franchisees		Non-Franchisees	
Preparation rate	44.25	(46.75)	43.25	(45.75)
Travelling and waiting rate	24.75	(24.75)	24.25	(24.25)
Routine letters written	3.45	(3.60)	3.35	(3.50)
Cost limit – Petition prepared	132.75	(140.25)	129.75	(137.25)
– Other cases	88.50	(93.50)	86.50	(91.50)

2. ABWOR – (other than Mental Health Review Tribunals, Discretionary Life Prisoners and Warrants of Further Detention – see below)

	Franchisees		Non-Franchisees	
Preparation	44.25	(46.75)	43.25	(45.75)
Advocacy	55.50	(55.50)	54.50	(54.50)
Attendance at Court where counsel assigned	30.00	(30.00)	29.50	(29.50)
Travelling & Waiting	24.75	(24.75)	24.25	(24.25)
Routine letters written and telephone calls	3.45	(3.60)	3.35	(3.50)

3. ABWOR – Mental Health Review Tribunals and Discretionary Life Prisoners

	Franchisees		Non-Franchisees	
Preparation	53.00	56.50	52.00	(55.50)
Advocacy	64.25	(64.25)	63.00	(63.00)
Attendance at Court where counsel assigned	30.00	(30.00)	29.50	(29.50)
Travelling & Waiting	24.75	(24.75)	24.25	(24.25)
Routine letters written and routine telephone calls	3.80	(3.80)	3.70	(3.70)

4. ABWOR – Warrants of Further Detention *

	Franchisees		Non-Franchisees	
Preparation	59.00	(62.33)	57.67	(61.00)
Advocacy	74.00	(74.00)	72.67	(72.67)
Attendance at Court where counsel assigned	40.00	(40.00)	39.33	(39.33)
Travelling & Waiting	33.00	(33.00)	32.33	(32.33)
Routine letters written and telephone calls	4.60	(4.80)	4.47	(4.67)

*Note these rates apply only to Duty Solicitors providing ABWOR in unsocial hours.

ABWOR for warrants of further detention at other times or by own solicitors, is paid at the normal ABWOR rates in 2 above.

Remuneration Rates from 24 April 1995 Criminal Higher Courts – Counsel's Fees

Jury Trials	218.25
Guilty Pleas	115.25
Appeals against convictions	115.25
Appeals against sentence	72.50
Committals for sentence	72.50
Standard appearance fee	45.75
Standard refresher fee	
(1) Half day	80.50
(2) Full day	156.00
(3) More than full day	234.50
Standard written work fee	29.50

Remuneration Rates from 24 April 1995 Contempt Proceedings

Contempt Proceedings

Standard Appearance fee	71.75
Division where solicitor and advocate both instructed	
Advocate	45.75
Solicitor	26.00

Mileage

36p per mile

Remuneration Rates from 24 April 1995: Criminal Higher Courts – Hourly Rates

(Figures in brackets apply where fee earner is within London legal aid area)

Preparation

Senior Solicitor	52.25	(54.75)
Fee earner (or equivalent)	44.25	(46.50)
Articled clerk (or equivalent)	29.25	(33.50)

Advocacy

Senior solicitor	63.50	(63.50)
Solicitor	55.25	(55.25)

Attendance at court

Senior solicitor	41.75	(41.75)
Solicitor	33.50	(33.50)
Articled clerk	20.25	(20.25)

Travelling and Waiting

Senior solicitor	24.50	(24.50)
Solicitor	24.50	(24.50)
Articled clerk	12.25	(12.25)

Letters/Phone Calls

3.40	(3.55)
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Remuneration Rates from 24 April 1995: Criminal Higher Courts – Standard Fees

Outside London

	Lower Fee	Lower Limit	Principal Fee	Upper Limit
Jury Trial	127.50	176.00	245.75	307.00
Guilty Plea	80.25	108.00	172.50	222.00
Appeal against conviction	50.25	67.00	150.75	229.00
Appeal against sentence	35.75	51.00	91.75	129.00
Committal for sentence	41.75	50.00	96.25	139.00
Advocacy	25.75	—	—	—
Attendance	21.10	—	—	—
Travelling	18.25	—	—	—

In London

	Lower Fee	Lower Limit	Principal Fee	Upper Limit
Jury Trial	137.00	183.00	257.75	321.00
Guilty Plea	86.25	112.00	182.75	231.00
Appeal against conviction	53.75	69.00	156.75	240.00
Appeal against sentence	38.75	53.00	96.50	133.00
Committal for sentence	44.25	52.00	101.50	143.00
Advocacy	28.25	—	—	—
Attendance	21.10	—	—	—
Travelling	18.25	—	—	—

Remuneration Rates from 24 April 1995 Magistrates' Court Criminal – FEE EARNER OUTSIDE LONDON AREA

1. HOURLY RATES

	Franchisees	Non-Franchisees
Preparation	44.75	44.00
Advocacy	56.00	55.50
Attendance at court where counsel assigned	30.50	30.00
Travelling & Waiting	24.75	24.50
Routine letters written and telephone calls	3.45	3.40

2. STANDARD FEES FOR FRANCHISEES

	Lower Standard Fee	Lower Limit	Higher Standard Fee	Higher Limit
Category 1	144.00	268.00	346.00	464.00
Category 2	254.50	460.00	583.00	767.00
Category 3	229.50	406.00	520.00	709.00

3. STANDARD FEES FOR NON-FRANCHISEES

	Lower Standard Fee	Lower Limit	Higher Standard Fee	Higher Limit
Category 1	142.00	264.00	341.00	457.00
Category 2	250.75	453.00	574.50	756.00
Category 3	226.25	400.00	512.50	699.00

Remuneration Rates from 24 April 1995 Magistrates' Court Criminal – FEE EARNER IN LONDON AREA

1. HOURLY RATES

	Franchisees	Non-Franchisees
Preparation	47.25	46.50
Advocacy	56.00	55.50
Attendance at court where counsel assigned	30.50	30.00
Travelling & Waiting	24.75	24.50
Routine letters written and telephone calls	3.60	3.55

2. STANDARD FEES FOR FRANCHISEES

	Lower Standard Fee	Lower Limit	Higher Standard Fee	Higher Limit
Category 1	185.80	344.00	440.00	581.00
Category 2	326.50	584.00	732.50	935.00
Category 3	290.50	492.00	611.00	755.00

3. STANDARD FEES FOR NON-FRANCHISEES

	Lower Standard Fee	Lower Limit	Higher Standard Fee	Higher Limit
Category 1	182.75	339.00	433.50	573.00
Category 2	321.75	575.00	721.75	921.00
Category 3	286.25	486.00	602.00	744.00

Remuneration Rates from 24 April 1995 – Duty Solicitor Scheme and Police Stations

(Figures in brackets apply where fee earner is within London legal aid area)

Court Duty Solicitor		Franchisees		Non-Franchisees	
	Standard Rates	50.38	(51.63)	49.75	(51.00)
	Enhanced Rate	62.97	(64.53)	62.19	(63.75)
	Travelling	24.75	(24.75)	24.50	(24.50)
Police Station Duty Solicitor		Franchisees		Non-Franchisees	
	Availability during duty period	3.65*	(3.70)*	3.60	(3.65)
	to a maximum of	87.60	(88.80)	86.40	(87.60)
	Advice and assistance other than by telephone				
	– Duty Solicitor Unsocial Hours	59.50	(59.50)	58.75	(58.75)
	– Duty Solicitor Other Hours	45.00	(48.50)	44.50	(47.50)
	– Own Solicitor	45.00	(48.50)	44.50	(47.50)
	Travelling and Waiting				
	– Duty Solicitor Unsocial Hours	59.50	(59.50)	58.75	(58.75)
	– Duty Solicitor Other Hours	45.00	(48.50)	44.50	(47.50)
	– Own Solicitor	25.00	(25.00)	24.75	(24.75)
	Telephone Advice	20.50	(21.25)	20.25	(21.00)
	Routine telephone calls	3.45	(3.60)	3.40	(3.55)
	Cost limit per case	90.00*	(90.00)	90.00	(90.00)

*Note Franchisees are not subject to any clawback of standby payments and do not require authority to exceed £90 costs limit.

Advice at Police Stations

Section 4 of the DSPS 1 report form must be completed in respect of all advice given. This includes the name of the adviser and their category. Personal identification numbers (PIN numbers) must always be inserted where the adviser falls within categories 5 (accredited) or 6 (probationary). From 1 September 1995 immigration representatives will also be subject to registration and will have to insert the number '7' together with their PIN number. However, accredited and probationary representatives (categories 5 and 6) will be able to continue to undertake immigration cases and will therefore continue to insert '5' or '6' as appropriate, together with their PIN number.

It is essential that any PIN number inserted in Section 4 of the DSPS 1 is a PIN number issued by the Board itself and not, for example, by an accreditation testing organisation.

The Board has *only* issued PIN numbers to accredited and probationary representatives. PIN numbers have not been issued to solicitors, trainee solicitors or duty solicitor representatives (except duty solicitor representatives selected after 1 February 1995 who should also be registered and will therefore have a PIN number). Section 4 must be completed in respect of all solicitors and representatives giving advice, but Board PIN numbers should only be included where the Board has issued a number.

The DSPS 1 form is to be slightly modified to include an additional case in the 'type of case' line at the foot of Section 4 – 'immigration'.

Categories of Advisers

Trainee solicitors/duty solicitor representatives (including ex-duty solicitor representatives if still within the five-year selection/re-selection period).

Other non-solicitor representatives.

Solicitors
(All solicitors must have a practising certificate – sec. 1A Solicitors Act 1974.)

Own Solicitor cases

Insert '4' (trainee solicitor) or '2' (duty solicitor representative). Representatives who are both trainee solicitor and duty solicitor representative can insert either '2' or '4'.

Insert '5' (accredited), '6' (probationary) or '7' (immigration) as appropriate. An immigration case is one where the client is interviewed by an immigration, rather than a police, officer.

Insert '3'.

Duty Solicitor cases

Trainee solicitors cannot advise unless they have been selected as duty solicitor representatives, in which case, they should insert '2'.

Other non-solicitor representatives cannot advise in duty solicitor cases.

Insert '1' provided the solicitor is a duty solicitor. Solicitors who are duty solicitor representatives should insert '2' for duty solicitor cases.

Representation in Contempt Proceedings

As a result of revised regulations [The Legal Aid in Contempt Proceedings (Remuneration) Regulations 1995], new form CLA35 is being introduced to be used to claim for representation in contempt proceedings. This form replaces forms RCP1 and RCP1A and will be available from May. Supplies will not be held by the Board but rather by the courts, in respect of which, the Board is the costs assessing authority; ie. all courts *except* the Court of Appeal Criminal Division and the Crown Court.

If you wish to claim for representation in contempt proceedings, you should obtain form CLA35 from the court. Once the form has been completed and

endorsed by the court to confirm the grant of representation by the court, it should be submitted to the Non-Civil Bills Section, Legal aid area office 1, 29-37 Red Lion Street, London, WC1R 4PP – DX LDE 170.

The form can be used to claim either a standard fee or a non-standard fee (where there are exceptional circumstances). Where the claim is payable to both the solicitor and counsel, the solicitor must complete and submit the claim on behalf of both claimants.

Your claim will be considered and you will be notified of the amount allowed. You will receive only the standard fee where it is *not* considered that there are

exceptional circumstances to warrant the payment of a non-standard fee. The standard fee for grants of representation on each day, or part of a day of appearance, made on, or after, 10 April 1995 is £71.75. The revised regulations provide for the fee to be apportioned between the advocate and any other legal representative as to £45.75 (advocate) and £26.00 (other legal representative). Claims for payment must, as previously, be submitted within three months of completion of the work, subject to an extension of time for good reason. The amended regulations introduce rights of review and appeal as for criminal costs assessments by the Board.

Changes to Annual Report on Case System

Annual Report on Case forms (yellow CC1 forms) are sent out on all cases ten months after certificates are issued and each year subsequently. These initially allow application for payments on account, but also serve to advise us of the status of each case. Our finding has been that for older cases (five years or more), the response rate from the profession in returning these forms is very low.

We believe that many of these certificates have lapsed, and are of no further interest to the assisted person. It may be that the firm involved has failed to advise us to discharge the certificate, or that we have failed to respond to

such a request. Hence, firms continue to receive unnecessary requests for information.

It is our intention to now dispense with the issue of the CC1s on older cases. In its place, we will issue each firm with a listing of all its cases older than five years, giving details of payments on account outstanding. This will provide the opportunity for the firm to advise us on a simple-to-complete return of the status of each case. A reasonable period will be allowed for firms to respond to the listing after which, if there is no response, we will assume discharge of the case is now appropriate, and will

take action to close it. We will be implementing the new arrangements over this financial year. Your firm will therefore receive the listing sometime between April this year and March 1996, but the production of CC1s for cases more than five years old will cease from April 1995. Your assistance with this exercise would be appreciated. We have consulted with the Law Society on the changes. More details of the new arrangements will be provided when the listings are sent, but if you have any questions please phone our Accounts Department on 0171 813 1000, and ask for the Payments on Account section.

Revised green forms GF1, GF3, GF6 and new form GF7

The GF1 and GF3 forms are currently being revised and a new form GF7 is being introduced.

The GF6 form is also being updated. In the next few weeks solicitors will receive a mailshot consisting of several copies of the new forms and an information notice detailing the changes to the forms.

The revised GF1 will be used to claim for work *not* covered by a franchise category. The main change to the GF1 will be the addition of a schedule on the

reverse of the form. This will allow for a breakdown of completed work specifying the dates the work was done, the time spent on it and the initials of the fee earner.

The new GF7 will be used by solicitors who hold a franchise contract, covering the category of work into which the green form falls. In these instances the GF7 replaces the GF1 form.

Form GF3 will be revised. The main change to this form will be the addition of a schedule on the reverse of the form.

This will allow for a breakdown of completed work, making it easier for the area office to assess the reasonableness of a financial extension application. It will no longer be necessary to submit GF3s with a GF6 consolidated claim form. All GF3 forms can be submitted individually.

Form GF6 is being updated, and will be used to submit all green form claims. The new GF6 will replace both the present GF6 and the GF2.

Have you considered payment by BACS?

If you are still being paid by cheque we recommend that you consider changing your payment method to BACS. BACS offers a more efficient way of receiving your payments. It provides payment direct into a bank account while still receiving a remittance advice. This removes the need to handle cheques, unlike paying in across a bank counter. BACS provides cleared funds to your bank account two or more days earlier than cheque clearance. Under BACS, you will receive

a statement containing full details of your payment similar to the one you do now. This will be received at the same time as you would normally receive your cheque. This informs you when the payment is credited to your bank account. Some counsel chambers, particularly those dealing with criminal work, like to operate 'chamber accounts'; with BACS you can nominate any bank account, including chamber accounts, that you would like payment to go to.

We are keen to promote the use of BACS as we see this as an improvement in customer service providing funds earlier, and there is no risk of payment being lost in the post. It is also a more cost-effective method of payment which can reduce expenditure for the Board and hence the taxpayer. If you require any advice or assistance about payment by BACS, please contact the Master Index Section on 0171 813 1000, ext. 8626.

Proposed Payment Dates for 1 April 1995 – 30 September 1995

There are two payment runs for solicitors and counsel each month. The proposed payment dates for the first six months of the 1995/96 financial year are set out below. Please note that these dates are subject to amendment by the Board should it be necessary but, where possible, you will be told of changes in advance. If you are paid by BACS (Bank Automated Clearing Service) the proposed payment

date shown, is the date on which you will receive a payment in your bank account. For some smaller banks the BACS credit may appear a day later. The proposed payment date will also be the date by which the last of the cheque/remittance advices are despatched from the Accounts Department. Remittance advices are despatched using DX or first class post.

The majority of our payments to the profession are now made through BACS. For details of the benefits of BACS, and an application form, see the above article. If you need to ask about the despatch of your payment or remittance advice, please contact the Solicitor/Counsel Settlement Section on the same number, ext. 8625. These are both matters for the Board's Accounts Department in London. But, if you have a query regarding an individual item shown on a remittance advice, you should contact the relevant area office, which authorises and processes all such bills.

First Payment date of the Month	Second Payment date of the Month
Tuesday 11 April 1995	Friday 28 April 1995
Tuesday 16 May 1995	Tuesday 30 May 1995
Tuesday 13 June 1995	Wednesday 28 June 1995
Thursday 13 July 1995	Friday 28 July 1995
Monday 14 August 1995	Tuesday 29 August 1995
Wednesday 13 September 1995	Thursday 28 September 1995

