

Legal Aid Franchises Awarded

Twelve solicitors' offices and one advice agency are now operating under a Legal Aid Board franchise in the second leg of the Birmingham franchising experiment.

52 applications were received from firms and advice agencies in Birmingham last year and decisions to grant or refuse are now coming through following the compulsory monitoring period which all applicants underwent in the selection procedure.

A "franchise" offers several benefits to solicitors. Speed of response and significantly improved cash flow are chief among these. The Board delegates certain decision making powers to franchisees including the power to grant green form extensions, ABWOR and emergency certificates. The franchisee can immediately claim payment of £250 for emergency certificate work

and £150 in ABWOR cases.

These are fixed amounts.

In addition, 75% of costs incurred can be claimed at nine month intervals. This also applies to certificates existing at the time the franchise is granted. This compares extremely favourably to the present arrangements. Payments on account in respect of green form work may also be claimed.

In return for these benefits the Board stipulates certain quality standards (set out in our Franchising Specification) which the applicant must meet in order to get, and retain, a franchise. The standards relate to general facilities, experience of

supervisors, case administration, file management systems, training requirements and work submitted to the area office. Perhaps the most important quality standard the Board is interested in is the quality of advice given to the client. It is this aspect which is most difficult to monitor in the pre-franchise period. To look at the adviser/client-relationship - whether the client gets good advice, understands that advice and is clear about what his options are - the Board is monitoring the operation of franchising through research.

Avrom Sherr of Liverpool University and Alan Paterson of Strathclyde University are

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Photograph by Caroline O'Dwyer

The Birmingham Settlement Money Advice Centre is the first advice agency to be paid under the Green Form Scheme in the Franchising Experiment in Birmingham. Advice workers specialise in money matters and will offer advice to the public on debt related problems.

conducting the research. They are developing criteria which, although not part of the decision making in this experiment, are expected to be invaluable in developing quality criteria for any successive franchising scheme.

The research also monitors whether the solicitor/advice agency has been operating delegated powers according to the legal aid guidelines and whether they have exercised proper care in spending public money. Such information will be important in deciding whether or not franchising can be extended nationally.

Advice agencies can also benefit from franchising and for the first time agencies without a solicitor can claim payment for advice given under the green form scheme. This recognises the valuable work advice agencies do in areas of law which traditionally

solicitors have not addressed.

The Birmingham Settlement Money Advice Centre, the first advice agency to be granted a franchise, will be giving green form advice to people with debt problems.

The other categories of work available under franchising (for both solicitors and advice agencies) are matrimonial/family, personal injury, housing, crime, employment, welfare benefits, consumer/general contract and immigration/nationality.

In addition to the Birmingham Settlement, Morton Fisher, Jagger Son & Tilley, Amery-Parkes, McGrath & Co, Carvill Walsh, Russell Jones & Walker, George Jonas & Co, Blair Allison and four branches of the firm Cartwright & Lewis are operating franchises in one or more of the categories. More franchises are expected to be granted

to solicitors and advice agencies in the near future.

The research is due to finish in autumn 1992 and proposals on whether or not arrangements should be introduced nationally - and in what form - will then be submitted to the Lord Chancellor.

In the meantime if you would like a copy of the current Franchising Specification please contact Caroline O'Dwyer, Assistant Information Officer, Legal Aid Board Head Office. In addition, look out for an article on franchising by Sally Barnby of Cartwright & Lewis - one of the lead firms in the experiment. The article is due to be published in the Law Society's Gazette at the beginning of March and gives a detailed account of what it is like to work under franchise conditions.

Speed of Payment of Bills

In spite of record numbers of bills being submitted for payment, the Board is well on course to meet its published targets for the end of the financial year. Area offices have had to grapple with the installation of new computer systems as well as new procedures for handling bills and this caused some problems in the late Summer and early Autumn of 1991. However, December figures were very encouraging:-

	Target	Paid within 6 weeks	Target	Paid within 8 weeks
<i>Civil Bills - Taxed and Assessed</i>	65%	71%	85%	84%
<i>Magistrates Courts' Bills</i>	80%	83%	-	-
<i>Other Bills</i>	95%	91%	-	-

Remember that we start to measure time taken only when the bill has been submitted in correct form. Check lists have been published by the Board to assist you to do this. Please follow the check lists. Also, you would be surprised how many solicitors and barristers do not quote their correct account number.

Experience has shown that payment by BACS can get money into your accounts at least three days earlier than payment by cheque. Have you changed to BACS yet?

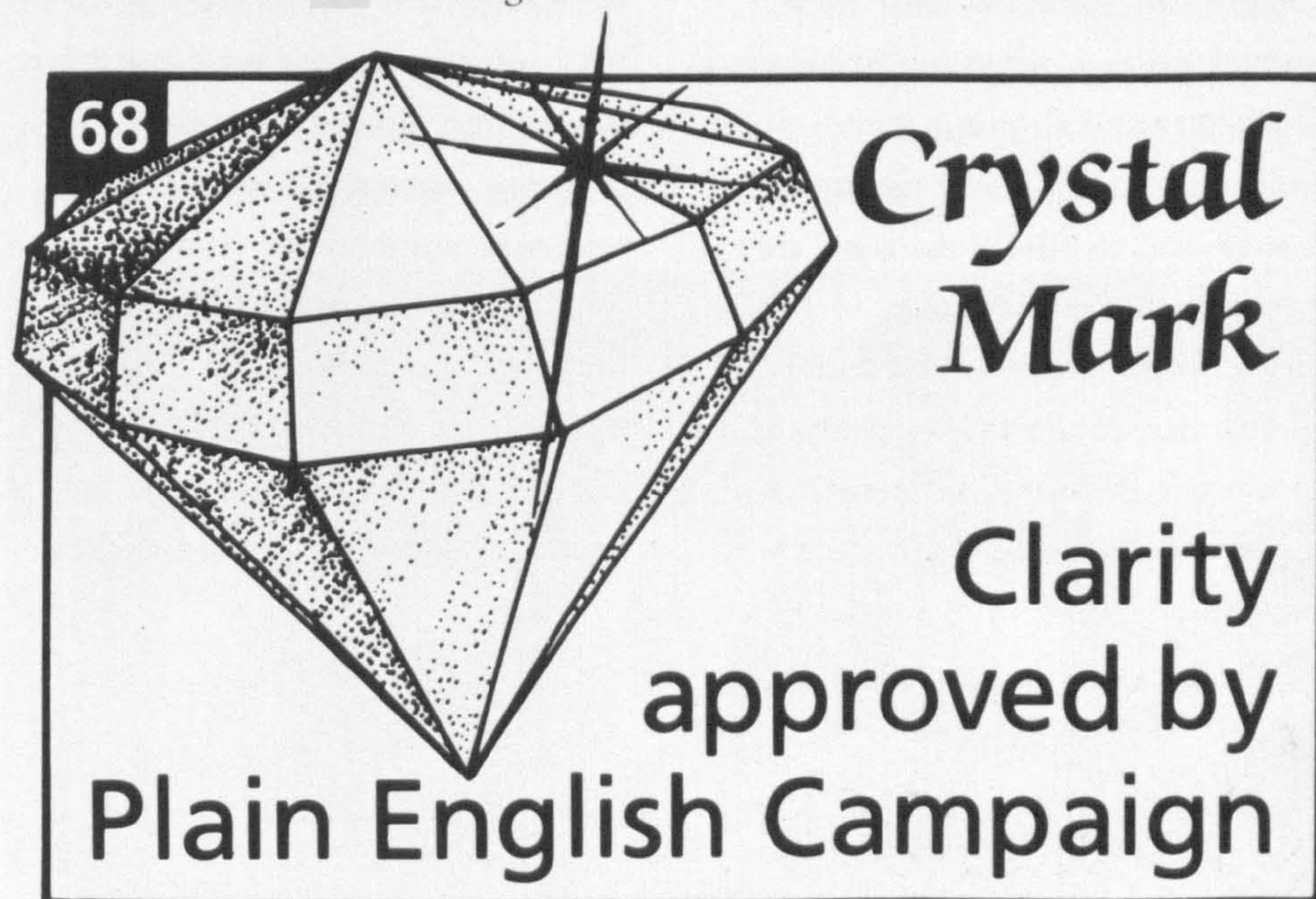
Plain English Campaign Endorses Legal Aid Application Form

Plain English Campaign has given its Crystal Mark seal of approval to the new application for non-matrimonial legal aid -form CLA 1. The Crystal Mark is a symbol of clarity given by Plain English Campaign to documents which meet high standards of clarity and presentation. The move is part of the Board's bid to improve all forms as a way of making our procedures easier to use and understand. The old CLA 1 form failed to set out the precise information needed to make decisions on the grant/refusal of legal aid. This meant that we were refusing a high percentage of applications due to lack of information. The new form spells out exactly what is needed in a straightforward and easy to use format.

Reaction to the new form has been good with the Law Society Forms Consultative Group endorsing the

new format. In addition, Plain English Campaign tested it out on legal aid solicitors before it was introduced nationally. Director of Plain English Campaign, Chrissie Maher, said "To test whether the Board was reaching its audience, we gave the form to several solicitors. Reaction from solicitors was good

with all of them agreeing that the new form was a great improvement." Practitioners should use only the new CLA1 from February onwards. It is easily distinguishable by its new colour and design and of course by the Crystal Mark symbol in the bottom left hand corner of the form.



Standard Fees in the Magistrates' Court

Although at the time of writing negotiations between the profession and the Lord Chancellor's Department over the structure and amounts of standard fees are still proceeding, the Board has been considering what administrative arrangements will be necessary for their introduction. One major development, which flows from the introduction of a unique reference number for every case, will be the Board's ability to monitor the amount and cost of waiting time at each court.

This new numbering system was introduced in the magistrates' courts (January 1992) to identify each legal aid order by giving it its own unique number. This will mean that courts can readily identify orders and the Board (upon introduction of new forms) can, for the first time, tie the legal aid order to the bill. The matching of information in this way will provide valuable data on waiting time which will be of assistance to the Lord Chancellor's Department in its bid to reduce waiting times over the next year or so. As 25% of the increase in average costs of magistrates' court cases is attributable to increased waiting that should benefit both the profession and the taxpayer.

We will fast track all claims for the lower standard fee. Every correct claim will be processed through the Area Offices within three working days. Of course receipt of the payment will continue to depend on the twice monthly pay out but, nevertheless, claims for the lower standard fee should always be paid within one month of receipt. Claims for the higher standard fee will also be processed quickly, although they will have to be checked to ensure it is not the lower fee that should be paid.

Targets for payment of claims for the higher standard fee and for claims other than standard fees will be published in the Board's annual report in June.

Faster Payment by BACS

In November 1991 we introduced a system of payment by Bankers Automated Clearing Services (BACS). This allows us to transfer your payment directly from our bank account to yours. You will thus be credited much earlier, with no need for you to bank your cheque or wait for it to be cleared.

About 6,000 solicitors and 1,000 counsel are now receiving payment in this way and although some problems emerged early on in the change over to BACS the signs are that most of our account holders are happier with the new service. BACS ensures that payment is in the bank within two days of a settlement run as compared to four or five days with

cheque clearance. So that you can match up the bills you have sent with payment by BACS you are issued with a remittance for each automated payment.

A redesigned remittance advice has given us the opportunity to include a column for VAT so that in future as our systems are further modernised we will be able to provide separate VAT information for your assistance. We are also aiming to be able to quote appropriate identifying reference numbers for counsel which will hopefully make it unnecessary for us to return fee notes. This will significantly reduce the time it takes at present to send out counsel remittance advices - although such

a system will only be introduced after consultation with the Bar Council.

We will write inviting more firms/individuals to join in the benefits of payment by BACS. If you have the original questionnaire/application form we sent in September and wish to participate in this method of payment, please complete and return the form. If you require a fresh form please write to Master Index Section, Accounts Department, Greencroft House, Roger Street, London WC1N 2JL.

LAB Evidence to Royal Commission

There is a genuine concern in government that the £333 million spent on criminal legal aid (1990-91 figures) is spent with proper safeguards and as a key funder of legal services the Board shares this concern.

The diffusion of responsibilities for criminal legal aid militates against effective control of the system. The National Audit Office's refusal in October to give the Lord Chancellor's Department an unqualified certificate in the submission of the legal aid appropriation account (ie its accounts for legal aid spending) underlined this problem. The N.A.O. also reported that it had been unable to show that the statutory provisions relating to the award of criminal legal aid and the determination of contribution orders were being properly applied in the bulk of magistrates' courts.

We at the Board feel that the solution to these problems lies in vesting decision making responsibility in one body. Our commitment to that forms part of our submission to the Royal Commission on Criminal Justice. When the Board was set up in 1989 the Lord Chancellor asked us to consider taking over the grant and refusal of criminal legal aid. In the light of our other commitments, we have not pressed for a transfer and we would not be in a position to take it on before 1994 at the earliest. However, that a better managed system of criminal legal aid must be developed is clear. The Board may have a role to play in this and we will be investigating the possibilities of becoming responsible for the grant of criminal legal aid. The Board is only too well aware that any new arrangements will have to meet the legitimate interests of all those involved in the criminal process.

For a copy of the Board's submission to the Royal Commission please contact Caroline O'Dwyer, Legal Aid Head Office.

Quality Accreditation for Interpreters

In 1981, Birmingham Crown Court sentenced Iqbal Begum to life imprisonment on conviction for the murder of her husband. She had come to this country twelve years previously to enter into an arranged marriage with a Pakistani man settled here. She had learned very little English since. She gave her solicitors no instructions between arrest and trial. At the hearing, having heard that Mrs. Begum had entered a plea of guilty, the Judge adjourned the trial to allow leading counsel to see her in the cells and make sure she fully understood what she was doing. The trouble was that at every stage up to and including the trial, an interpreter was being used who did not speak Mrs. Begum's language, and no-one involved, other than the interpreter and the defendant, realised this.

In 1984, the Court of Appeal overturned Mrs. Begum's conviction. Because no-one had explained the relevant law to Mrs. Begum in a language she fully understood, she could not have made a proper plea. In consequence, her trial was a nullity (see *Iqbal Begum* (1991) 93 Cr. App. R96).

Less dramatic problems of the same kind crop up frequently. What is the duty solicitor to do, called to a police station in the middle of the night to see a suspect who does not speak English, if the solicitor is not happy with the interpreter provided by the police? What are you to do if the interpreter is saying to your client "you don't expect them to believe that story do you - why don't you change it" or "you shouldn't

have left your husband - women of our community don't get divorced"? Why did it only seem to take thirty seconds for the interpreter to explain the effect of the Statutory Charge to your client in his language? Many readers will be able to supply their own examples.

Solicitors are not alone with this problem. Staff in the criminal and civil courts, and in tribunals, together with the police, have the same difficulty when they need the

market can be expected to increase the number of non-English speakers involved in the criminal and civil justice processes.

Fortunately, the Nuffield Foundation has begun to provide an answer. Over the last eight years the Foundation has supported the Institute of Linguists Educational Trust in developing a professional qualification for interpreters in the legal system called the Certificate in Community Interpreting. For the



For those with little or no English, a high standard of interpreting is the key to providing an equal chance before the law.

services of an interpreter who not only has the right language skills, but will also behave in a proper professional manner, impartially and respecting the client's confidence. Those who hold the purse-strings, like ourselves in the legal aid administration, need to ensure that where public money is being spent on interpreters' services, a satisfactory job is being done. This is not a diminishing problem: the single

first time there is now a recognised badge of competence for interpreters.

Supported by a series of four Nuffield grants, the Institute of Linguists Educational Trust has developed a system of training and assessment for community interpreters which may lead to the Bilingual Skills Certificate, the Certificate in Community Interpreting, and the Diploma in

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Area offices have reported that the legal aid aspects of the implementation of the Children Act have gone fairly smoothly to date. Difficulties which have emerged relate to the use of **correct application forms** and the **standard of preparation** of applications.

Below is a summary of points relating to preparation which are giving rise to some difficulties and delays.

Firstly, some solicitors are simply not taking account of the remedies available under the Children Act when dealing with cases involving children. Applications are being sent in without regard to the new Children Act provisions. Reference to the Children Act and clear information to area office staff about what is required and why must form part of the application in order to avoid queries and delays. Practitioners must also prepare telephone emergency applications.

Be clear as to what cover you require and be ready to answer all questions likely to be raised - the case worker dealing with a telephone application will need the same information which would be submitted on a written application.

Secondly, in private law cases it is important that practitioners remember to consider the question of forum and, if they are of the view that the proceedings should

not be commenced in the Family Proceedings Court, make this clear, giving reasons.

Thirdly, when certifying that a case falls within the "free" provisions (non-means, non-merits tested) there is no need for you to submit a covering letter or supporting documents - unless you need to give more information about related proceedings on an additional sheet of paper. However, the exact date of instruction to act in the particular proceedings must be entered on the reverse of the form at the top. Cases have already arisen where practitioners acting for children have delayed in completing and submitting the CLA5A form, perhaps awaiting written confirmation of instructions but undertaking work in the meantime. This means the three day time limit for pre-certificate work to be deemed within the certificate is not complied with and costs incurred before the date of the certificate cannot be recovered.

Finally, practitioners are reminded that Notes for Guidance on the legal aid provisions of the Act are contained in the Legal Aid Handbook 1991 which is available from Sweet and Maxwell price £10.25. Telephone orders for the handbook can be placed on 0264 334223.

Guidance on Multiple Applications by Children

Where a solicitor is representing more than one child in proceedings under the Children Act, Wardship or Adoption, we have asked that a separate CLA5 form is filled out for each child. This has meant additional form-filling and copying of documents for practitioners when submitting applications of this sort.

From now on we will only require one set of accompanying documents and hope to reduce the amount of form-filling for solicitors by accepting applications submitted in the following way:

** Fill in one CLA5 leaving blank the applicant's name, signature and any other information which differs amongst the applicants eg date of birth. The form should not be signed by the applicant or solicitor at this stage.*

** Write in print 'ORIGINAL APPLICATION' in the top right-hand corner of Page 1.*

** Photocopy the form the required number of times so that the words 'ORIGINAL APPLICATION' appear on each copy.*

One of the applications should be submitted on the original CLA5.

** Write in the information particular to each child (name, date of birth, etc) and have the next friend/guardian ad litem sign each form.*

It is important that the signatures are originals even if the form is a photocopy. The solicitor should then sign each application.

** Send the applications together to the area office. The photocopied applications must be firmly attached behind the original.*

You need only send one set of accompanying documents.

** Your area office will process the applications together as at present ensuring that they are cross-referenced and that original documents are returned to you once the legal decision has been made.*

This new procedure will save some time in the application process but remember it can only apply if the multiple applications are sent together - otherwise each application must be made on an original form.

This procedure may also be followed when submitting applications from spouses and co-habitees who are applying to be represented in the same proceedings where no conflict of interest exists.

Children Act Round Up

To ensure that Children Act applications are processed speedily, match up the right form with the right proceedings. This table shows you how. Remember that applications made on the discontinued form SJ1 (Yellow Summary Jurisdiction form) will be rejected as will incorrectly used CLA5As.

Form	Proceedings	Do I need the means test form CLA4A (CLA4B if applicant receives Income Support) ?
CLA5A	<p>Children Act -s25 - secure accommodation - child only</p> <p>Children Act -s31 - care/supervision s43 - child assessment s44 - emergency protection s45 - discharge/renewal of emergency protection</p>	<p>Child parent or person with parental responsibility</p> <p>No</p>
CLA5 (and emergency application CLA3 if urgent)	<p>Means tested only applications under s31, 43, 44 or 45 (by a party or person applying to be joined)</p> <p>All other free-standing Children Act applications</p> <p>Adoption and wardship</p>	<p>Yes</p>
CLA2A (and emergency application CLA3 if urgent)	<p>Matrimonial proceedings</p> <p>Children Act applications in other proceedings</p> <p>Domestic Violence and Matrimonial Proceedings Act 1976</p> <p>Matrimonial Homes Act 1983</p> <p>Married Women's Property Act 1882</p> <p>Domestic proceedings and Magistrates' Courts Act 1978</p> <p>Domestic proceedings in the Family Proceedings Court where applicant is out of scope on income under Green Form and/or has capital of over £3000</p> <p>(Note: The yellow form SJ1 has been discontinued)</p>	<p>Yes</p>
CLA1 (and emergency application CLA3 if urgent)	<p>All other proceedings for which Civil Legal Aid is available - ie non-matrimonial, non-Children Act (except Family Proceedings Court proceedings)</p>	<p>Yes</p>
ABWOR 1A	<p><u>ABWOR may be applied for if applicant financially eligible.</u></p> <p><u>Family Proceedings Court only</u></p> <p><u>- Children Act 1989</u></p> <p>residence/contact by parents, contact by grandparents, parental responsibility and financial provision for children (but only where relief sought is that which would have previously been sought under Guardianship of Minors Act 1971-73 or Part II of Children Act 1975) (Custodianship)</p> <p>(Note: If there is any doubt whether the proceedings will remain in the Family Proceedings Court, the CLA5 and appropriate means form should be used).</p> <p><u>- Domestic Proceedings and Magistrates' Courts Act 1978</u></p> <p><u>- Any other court proceedings listed in the Schedule to the Legal Advice and Assistance (Scope) Regulations 1989</u></p> <p><u>ABWOR must be applied for (ie only ABWOR available)</u></p> <p>- Mental Health Review Tribunals, Board of Prison Visitors and appeals under Fire Precautions Act.</p>	<p>No</p>

Detailed material on the implementation of the Children Act also appeared in issue three of Legal Aid Focus (October 1991) and additional copies of this newsletter can be obtained from Caroline O'Dwyer, Legal Aid Head Office.

Financial Assessment of Children

Although most children have no assets but solicitors are still faced with filling in the financial questionnaire (CLA4A) which forms part of the application for legal aid. We hope to introduce a new one page means form specifically for applications from children. The objective is to cut down the time presently required by the

solicitor/applicant to complete the financial information where a child has no assets. The new form will be introduced as soon as possible. In the meantime however we would ask you to continue filling in the CLA4A. The DSS Legal Aid Assessment office do require the form to be completed in full and will not accept forms which are simply

crossed through. To avoid having applications rejected please ensure that questions are answered in the negative or the positive and not just ignored or left blank. The introduction of the new form will see a big improvement in the application process but we ask you to follow DSS requirements in the meantime.

Financial Assessment for Self-Employed Applicants

The DSS has reported two problems with the information received on the CLA4A from applicants who are self-employed. Firstly, many applicants fail to enclose or attach their business accounts which slows up the assessment procedure and in turn delays our decision on grant/refusal. This happens in as many as 20% of cases. In addition, some applicants, for example, those who have not been trading sufficiently long to have business accounts, appear to be ticking the CLA4A to indicate that such documents have been enclosed when no enclosures or attachments accompany the form. We would stress the importance of only ticking against the items actually enclosed/attached, otherwise time is lost in chasing up documents which may or may not exist and the assessment gets held up with a decision on the case taking longer to process.

Quality Accreditation for Interpreters continued from page 5

Community Interpreter Training Techniques.

A Steering Committee has been formed under the Chairmanship of Robert Hazell, Director of the Nuffield Foundation, with representatives from the Law Society, Immigration Service, Home Office, Crown Prosecution Service, Police Foundation, Council on Tribunals, Commission for Racial Equality, Lord Chancellor's Department, NACRO, NACAB, Probation Service and ourselves. The Steering Group has approved a programme of work and a study of the use of interpreters in courts and tribunals.

All of us involved in the legal system agree the current arrangements are unsatisfactory. However, there is no factual or statistical information to guide policy makers and legislators on the scale of resources required to provide training courses and an acceptable service.

What is lacking - to the detriment of serious planning - is a consumer study and business plan. The Nuffield Interpreter Project has therefore started the first national

use/need enquiry to develop a database to assist in future policy decisions and planning. A postal survey of courts will provide information on actual use, quality of service, consequences of inadequate service and perceptions of both the scale of the need and modifications required to improve current arrangements. The survey's findings will be collated in June 1992.

It will be some time before practitioners are able to identify interpreters proficient in a particular dialect and familiar with the institutions and concepts involved in the client's case. However, the Nuffield Interpreter Project is moving in the right direction. The project members want to hear about the kind of difficulties being experienced by practitioners at the moment, to help it develop its objectives and to illustrate its case. Contact Daphne Rawson-Jones, Co-ordinator, Nuffield Interpreter Project, Nuffield Foundation, 28 Bedford Square, London WC1B 3EG, Tel: 071-631 0566, Fax: 071-323 4877.

For information on the payment of interpreters please see the Board's costs appeal decision in the Legal Update of this newsletter.

UPDATE

Costs Assessments - Points of Principle of General Importance

Issue three of Legal Aid Focus carried decisions made by the Board's Costs Appeals Committee covering the period April - September 1991. Since April 1989, solicitors and counsel have had the right of appeal to the Board from an area committee's review of costs assessment. Listed below are the decisions of the Costs Appeals Committee on points of principle of general importance for the period October 1991 - January 1992. We hope these will be of help to practitioners when claiming costs.

Criminal Legal Aid - Enhanced Rates - Length of Hearing

The unusual length of a hearing is a factor which may justify payment of an enhanced rate on the basis of either paragraph 3(a) or (b) of Part I Schedule 1 to the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989. (Ref. CRIMLA 24 - 5.11.91).

Civil Legal Aid - Consideration of Unusual or Substantial Papers

Where claims for costs are made for perusal of unusual or substantial papers and the assessor/area committee is minded to disallow those costs in whole or in part it will normally be necessary for the papers in question to be considered. (Ref. CLA5 - 19.11.91).

ABWOR - Nullity without Green Form

Where the area director or area committee grants an approval of an ABWOR application made by a solicitor without any misrepresentation of the facts the ABWOR approval is nevertheless a nullity if there is no Green Form. No estoppel arises. (Ref. ABWOR 4 - 19.11.91).

Police Station Advice - Solicitors to Justify use of Interpreter

Where a solicitor employs an interpreter to assist in his advising a client at the police station it will be for the solicitor to justify the interpreter's fees taking into account all the circumstances of the case, including the need to preserve confidentiality of advice given to a suspect and information received from a suspect and/or the particular characteristics of the language spoken and the need for accurate interpretation. (Ref. DS2 Duty Solicitor - 19.11.91).

Criminal Legal Aid - Factual Enquiries - Use of Enquiry Agent

Whether it is reasonable for a solicitor to undertake factual enquiries himself or instruct an enquiry agent will depend on all the circumstances of the case, including the nature of the case, the nature and number of enquiries to be undertaken, the travel involved and any unusual aspects of the case or the evidence. Where a claim for profit costs for making enquiries is disallowed the Board may allow a notional amount, as part of the profit costs, for the instruction of an enquiry agent. (Ref. CRIMLA 25 - 13.1.92).

Criminal Legal Aid - Error in Notification of Assessment - Normal Rules of Estoppel Apply

Where an error occurs in the notification of the assessment of a criminal costs claim as a result of which the solicitor was misled the normal rules of estoppel apply. (Ref. CRIMLA 26 - 13.1.92).

Criminal Legal Aid - The Costs/Disbursements of complying with a Court Order or Undertaking must be Assessed in Accordance with the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 (as amended).

In the magistrates' court, even where a solicitor is acting under an order of the court or pursuant to an undertaking given to the court, the costs and/or disbursements of complying with the order or undertaking must be assessed in accordance with the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 (as amended). (Ref. CRIMLA 27 - 13.1.92).

Green Form/ABWOR - Costs Claim where Green Form not available

If the original signed Green Form is not available when a costs claim is made and it can be proved to the reasonable satisfaction of the Board, by submission of a copy or otherwise, that the signed and correctly completed Green Form existed at the relevant time, the Board may assess the claim and authorise payment notwithstanding the absence of the original Green Form. (Ref. ABWOR5 - 13.1.92).

Green Form - Costs of Supervision

A claim for costs for time spent supervising a fee earner may be remunerated if such supervision falls within the description of preparation of the case, as opposed to practical instruction or practice management. A fee earner should ordinarily be competent to deal with cases allocated to him. Where costs of supervision are claimed an explanation of the reasons why the nature of the case made the supervisor's participation necessary and of the occasions, duration and circumstances of his participation must be provided in the claim. (Ref. LAA2 - Green Form Legal Advice & Assistance 13.1.92).

Increase in ABWOR rates for Mental Health Review Tribunals

The Legal Advice and Assistance Regulations 1989 have been amended to increase the rate of remuneration for ABWOR in respect of proceedings before Mental Health Review Tribunals. The new rates for work done on or after 11 November 1991 are as follows:

<i>Class of Work</i>	<i>Rate</i>
<i>Preparation</i>	<i>£50.50 per hour - £54 per hour for a fee-earner whose office is situated within legal aid area 1)</i>
<i>Advocacy</i>	<i>£61.00 per hour</i>
<i>Attendance at court where counsel assigned</i>	<i>£28.50 per hour</i>
<i>Travelling and waiting</i>	<i>£23.50 per hour</i>
<i>Routine letters written and routine telephone calls</i>	<i>£3.60 per item</i>

Attendance at Reviews of Costs Assessments by Area Committees

Where a solicitor or counsel is dissatisfied with an assessment of costs carried out by area office staff, there is a right to make written representations to the area committee. The committee then reviews the assessment and has power to confirm, increase or reduce the assessment. We consider that the solicitor and/or counsel should also be permitted to attend the area committee to support written representations. Therefore, the Legal Aid Board is recommending area committees to allow attendances by solicitors and/or counsel, at their own expense, where the attendance has been requested. Practitioners wishing to attend before the area committee on a review must:-

1. Request that their attendance be permitted when they apply for the review.
2. Submit written representations in the usual way so that they can be made available to the committee members before the hearing.

Practitioners should note that where the solicitor and/or counsel are to be permitted to attend on a review and the assisted person has a financial interest he or she will also be given the opportunity to attend.

Attendances will **not** be permitted on requests to certify points of principle of

Exemption from Payment of Court Fees in Family Proceedings

The Family Proceedings Fees Order 1991 (1991 No.2114(L 35)) which came into force on 14 October 1991 exempts people who receive advice, assistance or representation under the Legal Aid Act 1988 from the payment of court fees in family proceedings in the High Court or in a county court. This means that those receiving Green Form advice or holding a civil legal aid certificate are not required to pay fees for filing or sealing originating applications/summons to commence family proceedings, issuing petitions, applying for Domestic Violence and Matrimonial Proceedings Act 1976 injunctions, filing applications or seeking leave under the Children Act 1989, commencing adoption or wardship proceedings, filing applications for ancillary relief, applying to transfer family proceedings or appealing from a district judge to a judge.

The fees exemption also extends to searches of the central index of decrees absolute and parental responsibility agreements, the copying of documents and the fees of taxation, as well as to registration of maintenance orders and bailiff service and to various applications in relation to the enforcement of judgments and the removal/sale of goods.

For full details practitioners should look at the Fees Order which represents an extension to the previous exemption which applied only to matrimonial proceedings where the person liable to pay the fee was in receipt of Green Form advice.

In family cases although no taxing fee will now be payable the costs of taxation will still not be borne by the assisted person where he or she has a financial interest in the taxation.

Rights of an assisted person with a financial interest on the assessment of civil bills

Regulation 105A Civil Legal Aid (General) Regulations 1989 which came into force on 14 October 1991 gave assisted persons with a financial interest in a civil bill the right to make written representations. The Regulation applied only to proceedings commenced on or after 14 October but from 1 January 1992 all assisted persons with a financial interest have this right. This follows the implementation of the Civil Legal Aid (General) (Amendment) (No.3) Regulations 1991 which clarified Regulation 105A and the extent of its operation.

Where an assisted person has a financial interest in an assessment, review or appeal of a civil costs claim (including a claim relating to magistrates' court or family proceedings) he is entitled to make written representations to the area office, area committee or to the Board's Costs Appeals Committee within 21 days of being notified of this right. An assisted person has a financial interest where he has a contribution or the statutory charge will apply. An interest should also be assumed where there is a contribution reassessment pending or the statutory charge may apply.

Where an assisted person has a financial interest the solicitor has a duty to:

- . supply the assisted person with a copy of this bill;
- . inform him of the extent of his financial interest and his right to make written representations;
- . endorse on the bill that the assisted person has a financial interest and has been supplied with a copy of the bill and informed of the extent of his interest and his right to make written representations.

This accords with the solicitor's duty in cases where the bill is to be taxed rather than assessed.

Area offices will accept Regulation 105A endorsements on the reverse of CLA16 report on case form or in the form of a letter or a separate sheet attached to the bill. Forms CLA16, report on case, and CLA17, bill of costs, are to be revised and a printed endorsement complying with Regulation 105A may be inserted.

A suggested form of endorsement is shown below:-

Suggested Certification pursuant to Regulation 105A Civil Legal Aid (General) Regulations 1989

I certify that a copy of the attached bill has been provided to the assisted person, pursuant to Regulation 105A of the Civil Legal Aid (General) Regulations 1989, with an explanation of his/her financial interest in the assessment of the bill and his/her right to make written representations on the bill and thereafter on any subsequent review to the area committee or appeal to the Legal Aid Board's Costs Appeals Committee.

I confirm that 21 days have passed since the copy bill was provided to the assisted person.

(signed)

solicitor

(dated)

Where Regulation 105A has not been complied with area offices will reject the costs claim so that the Regulation can be complied with and the claim resubmitted. To minimise delay and avoid any unnecessary rejections, practitioners should forward any representations received by them to the area office with the costs claim and mark form CLA16 in cases where there is no financial interest. This should be done by writing "No financial interest" in bold in the top left hand corner of the form CLA16 immediately after the form reference number.

Where a legal representative (or counsel) applies for a review of the area office assessment by the area committee or appeals to the Board's Costs Appeals Committee on a point of principle of general importance and the assisted person has made representation prior to the assessment, then the legal representative must notify the assisted person of the decision to be reviewed or appealed, the grounds of appeal and the assisted person's right to make further written representations. Practitioners should note that the assisted person has no right to make representations on a review or appeal where he has not made representations prior to the assessment but that the assisted person's rights on review or appeal are not limited to those cases where the representations actually affected the amount of the assessment.

Area offices will be informing assisted persons who make representations on the outcome of the assessment in the case and will be providing the legal representative with a copy of the representations where they affect the amount allowed.

Practitioners should note that if the legal representative wishes to attend the area committee meeting on a review of an assessment, then the assisted person will be informed of this and also given the opportunity to attend (see earlier item in this newsletter on attendances before the area committee).

In Focus

Legal Aid Focus was introduced by the Board in January 1991 to supply information to legal aid practitioners about our procedures and policies.

We received many letters from practitioners welcoming this direct link between the Board and the profession as well as requests for additional copies. In order to make the best use of the newsletter we want to ensure that we are writing about the things which you need to know about.

Thus, we welcome suggestions on subjects you would like to see covered in future issues of Legal Aid Focus. Let us know what guidance you need on Board policy, practice and procedures and we will try and reflect these requests. We remind readers that the Board does not determine the rates of pay or financial eligibility for legal aid and therefore we would not cover these issues in Legal Aid Focus beyond providing an update of new figures as and when they are introduced. Suggestions should be sent to Kate Enright, Information Officer, Legal Aid Head Office.

Changes of Address

Bristol and Brighton offices moved recently. Nottingham office will move on the 21st March 1992. Full details below:-

<i>Bristol office moved on 25 November to:-</i>	<i>Brighton office moved on 2nd December to:</i>	<i>Nottingham Office will move on 21st March to:</i>
33/35 Queen Square Bristol BS1 4LU	3rd & 4th Floors Invicta House Trafalgar Place Cheapside Brighton BN1 4BY	Fothergill House (First Floor) 16 King Street Nottingham NG1 2AS
Tel no. unchanged DX no. unchanged.	New tel no. 0273 696066 DX no. unchanged.	Tel no. unchanged DX no. unchanged.

Additional copies of Legal Aid Focus can be obtained from Caroline O'Dwyer or Kate Enright Legal Aid Board Head Office, 5th & 6th Floors, 29-37 Red Lion Street, London WC1 4PP.

Reduction in Statutory Charge Interest Rate

With effect from 1 January 1992 the interest rate payable in the event of postponement of enforcement of the statutory charge over either money or land has been reduced to 10.5% per annum for all cases. The reduction applies to charges registered before or after 1 January 1992 and whether proceedings have been commenced or not. This change has been brought about by Regulation 4 of the Civil Legal Aid (General) (Amendment) (No. 3) Regulations 1991 which came into force on 1 January 1992.

Exchange Scheme

We would like to thank solicitors in the London area for participating in an exchange scheme which allowed staff in the London office to spend a week working in solicitors' offices. Fisher Meredith, Anthony Gold, Lerman & Muirhead, T.V. Edwards & Co and Hodge, Jones & Allen all took part in the scheme which saw London staff getting to grips with legal aid from the other side. The scheme was felt to have been such a success that there are plans to continue it over 1992.