



THE FUNDING CODE – A BLUEPRINT FOR THE FUTURE FUNDING OF CIVIL CASES

On 26 October 1999 the Board published the Funding Code, the draft set of rules which will determine how civil cases will be funded as part of the Community Legal Service. The Code will come into operation on 1 April 2000 when the Legal Services Commission and Community Legal Service are formally established. Many of the concepts in the Code also underpin the work covered by general civil contracts from 1 January 2000, which have been fully redrafted to take it into account.

This latest version of the Code has been published following extensive consultation earlier this year. Three separate documents have been published:

- ▶ The Funding Code – the Code is divided into two parts. The first part defines the “Levels of Service” which will be available under the new scheme and sets out the criteria applied to each level and to each type of case. The second part contains the procedures for obtaining funding. Many of the procedures for granting, amending or withdrawing certificates covering Legal Representation are similar to the procedures for civil legal aid certificates under existing regulations.
- ▶ A New Approach to Funding Civil Cases – this is a report to the Lord Chancellor, covering not just the Funding Code but also the wider civil scheme within which the Code will operate. The report summarises consultation responses, explains why the criteria in the Code have been adopted and how they will operate in practice. The report also sets out the likely approach in the new scheme to issues such as financial eligibility, remuneration and costs. These issues will in due course be covered by regulations and orders under the Access to Justice Act 1999.
- ▶ Testing the Code – this is a research report which is published by the Board’s Research Unit (LABRU). It analyses the likely impact of criteria in the Code.

Comments were invited on the draft Code, the deadline for responses being 30 November 1999.

We are now considering these responses with a view to making final amendments to the Code before it is submitted to the Lord Chancellor and then Parliament for approval. We expect that the basic structure of the Code will remain mostly unchanged from the present draft. We do not propose to publish the final version of the Code separately, but will instead give details of all amendments in the next edition of Focus in the New Year. The finalised Code, as approved by Parliament, will then be included as part of Volume 3 of the Legal Services Commission loose leaf manual available next April (see page 3).

We are also preparing guidance on decision making under the Code. We will be publishing the guidance for consultation this month. When finalised the guidance will also appear in Volume 3 of the manual.

Along with contracting and the planning process, the Funding Code is one of the central planks of the new Community Legal Service. Funding decisions under the Code will be fundamentally different from decisions under the existing legal aid scheme. The nature of these changes is explained in more detail in A New Approach to Funding Civil Cases. Here are some of the key points:

- ▶ The existing concepts of advice, assistance and representation under the Legal Aid Act 1988 are replaced by a more flexible range of “Levels of Service”. Each Level of Service has its own legal definition, criteria and procedures. The two most important Levels of Service are Legal Help and Legal Representation. Legal Help replaces what is now called advice and assistance and is delivered through the Board’s general civil contracts. Legal Representation covers representation in court and tribunal proceedings and replaces both civil legal aid and ABWOR. Except for cases before the Mental Health Review Tribunal and Immigration Appellate Authorities, where

the solicitor can self grant under a contract, it will be administered through certificates or contracts issued by the Commission. Legal Representation itself divides into two levels: Investigative Help covers cases in which the prospects of success are unclear and the case requires substantial investigation; Full Representation covers all other cases.

- The report also sets out the Lord Chancellor's proposed directions and guidance on the scope of the scheme. For example the Lord Chancellor proposes to use his powers under the Act to allow funding for those personal injury cases which have high investigative costs, high overall costs or a wider public interest.
- There are rigorous new criteria for straightforward money disputes remaining within the scope of the scheme. Cases with prospects of success between 60-80% must have damages at least twice their likely costs, and where prospects of success are only 50-60% damages must be at least four times the likely costs. These criteria have been revised from earlier proposals in the light of the latest research.
- Human Rights take centre stage in the Code. Even before the Human Rights Act 1998 is brought into force (October 2000) there will be special criteria in the Code for cases against public authorities raising human rights issues.
- Unlike the present legal aid scheme, cases will be funded taking into account their wider public interest, i.e. the benefits that the case may bring to a whole group of people. The Commission will establish a Public Interest Advisory Panel to advise it on public interest decisions.
- Alternative Dispute Resolution ("ADR"), including mediation and arbitration of disputes outside court, may be funded for both family and non-family cases. No longer will it be assumed that litigation in court is the only way to resolve cases, especially where ADR offers a more cost effective solution.
- A new system of "Support Funding" for personal injury claims is being introduced. This will allow public and private funding of claims to be combined in personal injury cases which have high investigative costs (disbursements over £1,000 or profit costs over £5,000)

or high overall costs (disbursements over £5,000 or profit costs over £20,000). The excess above those thresholds may be paid by the Commission, even though the case is primarily proceeding privately under or with a view to a conditional fee agreement (CFA). For this new type of funding, the insurance premium needed in a CFA case to cover payment of the other side's costs will count as a disbursement. The Commission may be able to help with payment of the premium where the other criteria are satisfied.

- The Code contains flexible rules which are tailored to particular types of case such as housing, family and judicial review, so as to ensure that funding is directed in accordance with Government priorities.
- For family cases new levels of service are being introduced. "General Family Help" will be available to help people negotiate and obtain disclosure of information from their partner with a view to resolving family disputes before going to court. "Help with Mediation" allows legal advice to be given to support Family Mediation. The Funding Code preserves the existing rules requiring certain clients to see whether mediation is suitable for their case before receiving funding to go to court.
- Special rules will be established for very high cost cases (those likely to cost £25,000 or more). These will be dealt with in a separate controlled budget and funding will only be provided where the case is affordable within the resources available.

The Funding Code has been copied to every firm or agency on the bid panel for civil contracts. Further copies of the Code, the report or the research are available from either:

Nishma Malde, Civil Contracting,
6th Floor, 29/37 Red Lion Street, London WC1R 4PP.
Telephone: 0171 404 5202

or from

Frances May, Policy & Legal Department,
85 Gray's Inn Road, London WC1X 8AA.
Telephone: 0171 813 1000.

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Henry Hodge, OBE, appointed as Circuit Judge

Henry Hodge OBE, the Board's Deputy Chair since May 1996, left at the end of October to take up appointment as a Circuit Judge. Henry will be greatly missed at the Board. He contributed his in depth experience as a legal aid practitioner to the Board's work across a wide range of issues. Many congratulations to Henry Hodge on his new appointment from everyone at the Board. ■



Henry Hodge, OBE

Duty Solicitor information on the Internet

The following items relating to the accreditation and duty solicitor schemes will shortly be available on the Board's website. They are:

- ▶ the Board's Duty Solicitor Arrangements 1997 (as amended);
- ▶ the Board's Guidance on Supervision of Police Station Representatives;
- ▶ the Police Station accreditation scheme Certificate of Fitness;
- ▶ the Application for an Identity Card;
- ▶ The Law Society's Guidance on the Suitability of Police Station Representatives for the accreditation scheme.

The website can be found at:

www.legal-aid.gov.uk ■

The Legal Services Commission (LSC) Manual to replace the Legal Aid Handbook

Following a formal tendering process, the contract for the publication of the Legal Services Commission's Manual (the replacement for the Board's annual Legal Aid Handbook, the GEDP and other Board Guidance to the profession) has been awarded to Sweet & Maxwell.

The Manual will be published in April 2000, in a loose-leaf format of three volumes (the fourth volume to be published in October 2000) with an optional CD ROM. Although the combined package (loose-leaf and CD ROM) will be at a higher price there will be no additional costs for site or individual user licences for the CD ROM format. The contents of the Manual will also be on the Commission's web-site.

The subscription based loose-leaf format was chosen to enable the LSC to update its documentation on a regular basis, so as to ensure that its suppliers are always working from the latest material. The CD ROM option will enable those firms with networking facilities to access all the information on screen.

The four volumes, which may be purchased in various set combinations or as single volumes, will cover the following:

- ▶ **Volume 1** – the statutory framework including the 1999 Act, regulations, directions and arrangements as well as statutory material relevant to the 1988 Act and not in the current Handbook.
- ▶ **Volume 2** – the general civil contract including the rules and guidance for each of the areas of work, LAFQAS and the Quality Mark.
- ▶ **Volume 3** – the Funding Code criteria, procedures and all relevant guidance.
- ▶ **Volume 4** – the Criminal Defence Service (CDS) material.

Volume 4 will be published in October 2000, when the CDS provisions of the Access to Justice Act will begin and contracts for criminal defence work at the advice and assistance and magistrates' courts levels will be introduced.

The current Legal Aid Handbook 1998/99 and the GEDP will remain the source of relevant information for the conduct of legal aid work under the Legal Aid Act 1988.

Further information about the Manual will be provided in the next edition of Focus, and all franchised firms will be provided with ordering details by Sweet & Maxwell in the early part of next year. The approximate price of all four volumes of the Manual, if ordered in advance of the publication date, will be £100, which represents a 20% discount. The price for the loose-leaf and CD ROM package will be £170. This will also cover the first two updates which will come out during 2000. Thereafter the annual subscription for the three updates will be about £86 for subscribers to all four volumes (£112 for the loose-leaf and CD ROM package). A different tariff will apply if you only order part of the set.

It is a requirement of LAFQAS that organisations have a copy of the relevant volumes of the Manual at each office for which a franchise is held or that they have effective and auditable access to all the material in the publication. This can be achieved either by use of the paper copy or the CD ROM or via the Board's web-site. ■

RLSC Members Conference

RLSC Members from all over the country gathered in London on 11 October for the first ever RLSC Members Conference.

Planned initially as an opportunity for RLSC Members – who work for most of the year exclusively in their regions – to meet each other and to network, the conference also considered the serious business of the RLSCs' changing role in the light of the development of the Community Legal Service.

Delegates heard from the Board's Chief Executive, Steve Orchard, on "The Big Picture" – all the current developments affecting the Legal Aid Board in general and RLSCs in particular. Steve was followed by Rachael Naylor, who presented some of the Board's more detailed plans in the form of a draft "guidance manual" for the RLSCs.

In the afternoon, delegates split into groups for requested workshop sessions on:

- ▶ Need assessment
- ▶ Rural areas
- ▶ Consulting "consumers"
- ▶ Clients with mental health needs
- ▶ Immigration
- ▶ Legal services for excluded groups
- ▶ How the board could make better use of the RLSCs

Underlining their independence, RLSC members had many new suggestions for their future role in relation to the CLS and these dominated the plenary and feedback sessions.

One day did not offer enough time to uncover and deal with all the important issues. However, this first RLSC Members Conference is seen very much as a starting point for discussion, rather than the end, and the weeks and months to come will see more consultation and discussion as the Community Legal Service develops and the future role for the RLSCs becomes clearer. ■

Regional Office Christmas and New Year Closing

Legal Aid Board Regional Offices will be closed from Saturday the 25 December 1999 and will reopen on Tuesday the 4 January 2000.

We will offer an Emergency service from our Reading Regional Office on Wednesday the 29 and Thursday the 30 December between the hours of 9am – 4pm. This service will deal exclusively with Emergency Legal Aid Applications and Amendments. The Reading Office will not be able to answer any other queries or deal with any other requests during this period.

The Reading Regional Office can be contacted on:
Tel No: 01189 589 696, Fax No: 01189 584 056

The office will confirm grant/refusal of Emergency Applications by fax, however applications will be processed by your Local Regional Office after 4 January 2000. ■

Controlling Very High Cost Criminal Cases

In August 1999, the Board published the consultation paper, "Ensuring Quality and Controlling Costs in Very High Cost Criminal Cases". The paper proposed individual case contracts for certain cases, and the establishment of a specialist fraud panel. More recently, the Board has consulted on the fraud panel membership requirements. The consultation period on the proposed arrangements and panel membership requirements has now finished, and responses are being considered. The general response to the proposals has been positive. A summary of responses and details of the way forward planned as a result of the consultation will be published.

If you are interested in being involved, or would like to know more, contact:

Gary Winter. Telephone 0171 813 1000
or email gary.winter@legal-aid.gov.uk
or write to the Criminal Defence Services Team,
85 Gray's Inn Road, London, WC1X 8AA
(DX 328 London – Chancery Lane). ■

Notice to practitioners undertaking PACE Work:

A new Costs Assessment Manual

The Board has an ongoing programme of guidance and training for its cost assessors. A costs assessment manual for PACE claims has recently been finalised, following external consultation. It will be published and distributed to each practitioner who undertakes PACE work during the course of December 1999.

The key aim of the manual is to improve the justifiability and consistency of decision making in costs assessment. It will, following internal training, be used by our regional offices from 31 January 2000. We have published and distributed the manual to practitioners in order to improve awareness of the Board's approach and to illustrate best practice when claiming PACE costs.

Amended Forms

As an additional step to improve decision making we have conducted a review of the Claim 14. We have amended it to collect the same information as the old DSPS1 Form. The amended forms will not be forwarded through the master pack service immediately. A sample copy of the form will be sent with the manual. A further copy of the form will be sent separately by 4 January 2000 and you should use this paper copy to replace the current version of the Claim 14 within your master pack. The software companies who produce the forms on disk will include them in their package and you should liaise with them as normal on receiving any updates.

Guidance Changes

► Advice Abroad:

Payment cannot be made for any advice and assistance given when both the solicitor and the client are outside England and Wales. Where solicitors have advised suspects abroad, work undertaken when neither were within England and Wales falls outside the legal aid scheme and will be assessed accordingly.

► The Three Month Time Limit:

The provisions regarding the late submissions of bills for both Court Duty and PACE claims are the same as for criminal legal aid. Some regional offices may not have been applying the time limit rules strictly. Our regional offices will enforce the three month time limit using the approach set out in the current guidance on criminal bills. **Practitioners for whom this**

represents a change will need to ensure bills are submitted within the three month limit in order to avoid a reduction in the costs claimed.

► Assessment Issues:

The manual also includes full guidance on general assessment issues which include not only essential form checks but also the evidence required to support the claim. Some regional offices may not have imposed these requirements hitherto. **Practitioners for whom this represents a change will need to note the new requirements which will apply to all claims processed on/after 31 January 2000.**

Matters of Note

The manual and the amended form will be introduced by our regional offices on 31 January 2000. If you undertake PACE work and have not received either a manual or Claim 14 by 17 January 2000, please contact Kirsty Sadler on 0171 813 1000. ■

Results of the consultation process for the Quality Mark

The period of consultation for the Quality Mark quality assurance standard ended on 15 October. Over 100 organisations responded and overall the responses were very supportive with a significant level of agreement to the framework on which the standards were based, the standards themselves and the proposed approach to accreditation, provisional award and auditing. Many responses praised the working group, commenting specifically on the quality and comprehensive cover of the Quality Mark standards.

No changes have been made to the proposed additions to LAFQAS, these being Referral and Client Satisfaction, although some wording has been amended to improve understanding. Following approval by the Lord Chancellor, we will be distributing the final version to all franchisees who will have until April 2001 to fully adopt the new requirements. Audits will verify compliance to these quality criteria only after the April 2001 date.

As described in the consultation paper, all franchisees will have the option of automatic passporting into the Community Legal Service as specialist providers and entry in the CLS Directory of Services. All that will be required is a written agreement to abide by the conditions for entry into the CLS. A document for signature will be distributed later this year. The conditions will include a request for the franchisee to commit to adopt the new additions to LAFQAS at the earliest opportunity, particularly for referral.

A new CLS logo will be introduced in anticipation of the CLS launch in April 2000. Practitioners should bear this in mind if they are printing new stationery in the new year ■

Introducing Civil Contracting

STOP PRESS

Time Limit for Claims

In the recently published General Civil Contract (Solicitors), we provided in Clause D.2 of the contract schedule that claims for matters both started and completed before the commencement of contracts on 1 January 2000 should be received by us by 1 February 2000. Following representations from firms, we have now agreed to extend the 1 February deadline for these claims to 31 March 2000.

Immigration and Asylum Bail Hearings

We can now confirm that General Civil Contracts in the Immigration Category will cover representation on bail applications before the Immigration Adjudicator or Appeal Tribunal. This does not refer to the new “automatic” immigration bail applications in Magistrates’ Courts which will be introduced from October 2000. The merits test for the grant of representation on a bail application will be that set out in Rule 5.1 of the Contract Specification, subject to references to prospects of the appeal being successful being read as prospects of the application for bail being successful.

Contract Documentation

We have recently published two companion versions of the General Civil Contract – one for solicitors firms and the other for not-for-profit organisations. Copies have been sent to all solicitors’ firms and not-for-profit organisations to which we are awarding contracts.

The contract has been redrafted in the light of the provisions of the Access to Justice Act 1999, and, for solicitors’ firms, is significantly longer than the previous, terracotta version. This is because we have included, at the end of the contract specification, all our substantial guidance on the advice and assistance scheme currently contained in both the Legal Aid Handbook and the Guidance on the Exercise of Devolved Powers (GEDP), amended in the light of the contract and the Access to Justice Act. We have written into the contract all the relevant rules contained in the Legal Advice and Assistance Regulations 1989 (which will largely no longer apply to contracted work from 1 January 2000). Finally, we have amalgamated the Legal Aid Franchise

Quality Assurance Standard (LAFQAS) standard terms with the contract standard terms for work covered by the contract, which reduces unnecessary duplication. As a result, everything contractors will need is now contained in one document. We hope that this will make the new documentation much easier to use than what went before.

Contracted organisations will continue to need to use the GEDP for certificated work and family ABWOR under the contract until 1 April 2000, by which time we will have rewritten and issued guidance applicable to those categories of work in time for the commencement of Part 1 of the Access to Justice Act. After that the GEDP will only be needed for non-contracted work, and for work on all cases which commenced prior to 1 January 2000.

Because we had redrafted the contract documents, we invited comments on them. The period for making comments ended on 30 November 1999. We are currently considering revisions to the contract documents in the light of the comments we received. As we have already announced, however, we will not make any changes which are unfavourable to the profession or to not-for-profit organisations generally. Since we have already consulted on the contract terms, we do not expect that there will be any substantial revisions to them. We expect to publish a note of the revisions to the contract very soon.

With the General Civil Contract, we also sent out:

- ▶ Notification of Government decisions about the respective funding responsibilities of the Community Legal Service and the Criminal Defence Service, which has led us to exclude certain types of work from the scope of the contract.
- ▶ A note on changes to franchise category definitions for the purpose of the General Civil Contracts commencing on 1 January 2000.

As you will read elsewhere in this edition of *FOCUS* pages 1-2, we have also recently published the Funding Code, which has a significant relationship with the contract and should be read together with it.

Contract Awards

We have recently notified solicitors firms and not-for-profit organisations of the contract awards that we have made for the purposes of the first round of contracting, commencing on 1 January 2000.

The announcement of contract awards took place a little later than we originally anticipated. This was largely as the result of the inaccurate figures provided to us by a number of bidders, which were distorting the allocation to bidders who had reported accurately. We had to find extra time to investigate and amend the inaccurate information in order to ensure as fair a distribution of matter starts as possible at this stage. We will continue to audit the figures on which contract awards have been based and will, where appropriate, apply sanctions where we find that we have been provided with inaccurate information. This process will continue even after the commencement of contract work on 1 January 2000.

For some solicitors’ firms in particular, the value of the

contract we have awarded may be lower than expected or anticipated. There could be a number of reasons for this, including:

- ▶ recommendations made by Regional Legal Services Committees on priorities;
- ▶ decisions to award contracts to advice sector agencies in the bid zone;
- ▶ the number of other organisations on the bid panel for the bid zone, which may reduce as we complete auditing against LAFQAS;
- ▶ the availability of funds in the bid zone;
- ▶ the disparity in some bid zones between the current rate of submission of claims and the baseline figures reported by organisations on the bid panel (as explained above);
- ▶ our retention of funds as a reserve to enable us to meet unexpected demand.

Our original intention was to reserve 2.5% of funds, and we have done so for the family and mental health categories. For other categories, however, the process of allocating funds and calculating contract awards has led us to reserve varying amounts by region and category. At a national level, we have retained approximately 80,000 matter starts (about 15% of the current claim rate). This is more than we anticipated and has come about largely because firms do not have the capacity to take up the number of cases available for contracts in specific categories of law. The reserve will enable us to respond quickly to priority need as it emerges during the first six months of contracts and subsequently.

In immigration, we have initially allocated 85,000 matter starts, which we believe reflects the current level of demand being met by contracted firms. A further 15,000 matter starts will be allocated as required to meet the emerging pattern of demand, which will be influenced by the wider social and political environment.

We will, of course, keep the number of new matter starts under review as all offices commence work under contract. Where the number of clients coming to an office indicates that we should increase the number of new matters it may start, we will do so if we can, given the financial allocation to the bid zone and the performance of other contractors.

Firms may apply, normally after three months, for an increase in their contract award if the number of new matter starts appears likely to exceed the number we have allowed in the schedule (though it may be appropriate to apply earlier, particularly in categories of law other than family and mental health).

During the first six months of Schedules starting on 1 January 2000, solicitors' offices should not turn clients away because they fear that the rate at which they are starting cases might lead them to exceed the number of matter starts authorised in the schedule for the full year. If, during the first six months or afterwards, a firm believes that the number of matter starts authorised by the Schedule is too low, it must approach us immediately. After the first year of contracting, we will expect to make changes to the number of authorised matter starts or the Schedule payment limit only where long-term

trends are clear.

We have created Rules, published in the April 1999 version of the contract documentation for solicitors, for the award of new contracts after the first bidding round and in between any annual awards. These rules allow us to deal with situations where funds have not been fully allocated, where existing practices split or cease to exist and where new firms come into the market which are able to provide a quality service in an area of need. Rules for the award of contracts after the first year (that is, to cover work from April 2001 onwards) will be published for consultation in Autumn 2000, by which time our approach will be informed by our experience of managing the contracting arrangements.

There is currently no equivalent for not-for-profit organisations to Section B of the bid panel for solicitors' firms (and not-for-profit organisations with a solicitor). We are considering the process by which not-for-profit organisations which do not become contracted in the first round have the opportunity to become contracted providers subsequently.

Remaining Timetable for 1999

We have invited solicitors firms and not-for-profit organisations to sign the contract on the basis of the recently published versions of the General Civil Contract and the contract awards of which we notified them separately.

The deadline for not-for-profit organisations to return signed contracts to us has already passed. Solicitors firms have until **1.00 pm on 15 December 1999**. The date for returning signed Not-for-profit contracts was earlier because not-for-profit organisations were notified of contract awards slightly earlier than solicitors' firms.

Not-for-profit organisations and solicitors' firms have the opportunity to withdraw from the contract if the revisions we publish this month are not acceptable to them. As we have already said, we do not expect substantial revisions. Withdrawals from the contract must be made before 1 January 2000, otherwise they will come into effect on that date.

Not-for-profit organisations and solicitors' firms which were invited to bid for a contract have the right to seek a review of the decisions about their bids. Reviews must be requested in writing, within 14 days of receipt of notification of the relevant decision. It is very important that you return the signed contract documents to us by the date we specify. You should do so even if you want to seek a review. Returning the contract documents will not prejudice your right to seek a review.

Further Information

Copies of both versions of the contract documentation may be obtained from our Regional Offices or from our Civil Contracting team at (telephone) 0171 404 2604 or (e-mail) civil.contracting@legal-aid.gov.uk.

If you have been awarded a contract and have questions about its calculation, they should be directed to the relevant Regional Office. ■

Civil Contracting – the Regulation Changes

The Board's general civil contracts will be entered into under the Legal Aid Act 1988 and will continue under that Act until the civil provisions of the Access to Justice Act and the Funding Code come into operation on 1 April 2000. During this transitional period, the necessary directions and regulation changes are being made to support contracting and to allow a smooth transition to the new Act.

During this period Legal Help (which replaces advice and assistance) under general civil contracts will be governed by Part II of the 1988 Act. It will therefore not be subject to the provisions and regulations which apply to work under other Parts of the Act. A direction will be made by the Lord Chancellor under section 4(4) of the 1988 Act to authorise this. Under the terms of the direction and contracts, financial eligibility will be the same as Green Form under Part III, but representation before the Mental Health Review Tribunal will continue to be non-means tested. There will be a contractual charge in family legal help cases. In addition two sets of regulations will be made, one to deal with reform to Part III of the 1988 Act, the other to restrict family and immigration work to franchised firms. Both these regulations require the affirmative procedure, that is they need to be debated and approved by each House of Parliament. These debates are likely to take place during December 1999, following which Statutory Instrument numbers will be allocated.

Reform of Part III

The Legal Advice and Assistance (Scope) (Amendment) Regulations 1999 will abolish much of Part III of the 1988 Act. Part III currently covers all advice and assistance including ABWOR. The new regulations mostly leave ABWOR unaffected since this will continue under Part III of the Act. The two exceptions are:

- ▶ Representation before the Mental Health Review Tribunal is being removed from Part III. This will allow such work to be carried out as Controlled Work

under our general civil contracts governed by Part II of the Act from 1 January 2000. Note that representation before Immigration Adjudicators and Immigration Appeal Tribunal will be dealt with in the same way, but these tribunals do not need to be covered by the regulations as they are not currently within the scope of Part III.

- ▶ Representation in a Magistrates' Court under the Fire Precautions Act 1971 is being excluded from scope.

For advice and assistance other than ABWOR, the regulations remove all advice and assistance from the scope of Part III except for specific categories of advice and assistance set out in the Regulations. The categories for which advice and assistance under Part III will continue are as follows:

- ▶ Criminal advice and assistance – this is preserved for individuals who are arrested and held in custody or who are involved in criminal investigations or proceedings. The regulations give a detailed list of what counts as “criminal proceedings” for this purpose, and includes a range of matters which are civil in nature but will eventually be funded from the Criminal Defence Service (see article on pages 22-23 for further details). Advice and assistance and ABWOR in this extended category of “criminal” case will continue under Part III of the 1988 Act until the Criminal Defence Service is established in October 2000.
- ▶ Clinical Negligence – advice and assistance in clinical negligence cases as defined in the Clinical Negligence Franchise Category will continue under Part III until 1 April 2000. From then, clinical negligence will be fully within the scope of the new scheme and such work will be covered by general civil contracts.
- ▶ Other Personal Injury Cases – Part III will remain until April for advice and assistance relating to any claim or potential claim for damages for personal injuries to, or the death of, the claimant or any other person. The definition of “personal injuries” is the same as that given in the Civil Procedure Rules, so that it includes any disease and any impairment of a person's physical or mental condition. On 1 April 2000 most personal injury claims will be removed from scope, but, of those that remain, certificated work will be restricted to those with a personal injury franchise contract or, in the case of claims against the police, to those with a personal injury or action against the police franchise contract.

Prescribed Panels

The Legal Aid (Prescribed Panels) (Amendments) Regulations 1999 apply to work which will continue

under Parts III and IV of the 1988 Act, but which will be restricted to those with a franchise contract from 1 January 2000. At present only clinical negligence work is restricted to franchisees. These rules will continue from January. The two new areas in which equivalent restrictions are being introduced on 1 January are family and immigration. The regulations use the same mechanism as for clinical negligence cases. The normal right of the client to choose his or her lawyer under section 32 of the 1988 Act is restricted to panels consisting of all firms authorised by a franchise contract to provide representation in the relevant category.

The regulations adopt the new wide definition of “Family Proceedings” contained in the Funding Code. This covers all proceedings which arise out of family relationships including those in which the welfare of a child is determined. For the avoidance of doubt, the regulations also give a list of family statutes. These cover family proceedings in a Magistrates’ Court for which either ABWOR or civil legal aid was previously available, as well as the main family statutes covered by civil legal

aid. For further details of the scope of family proceedings under the new franchise categories see Franchise Category definitions article on pages 16-21.

From 1 January 2000 representation before Immigration Adjudicators and the Immigration Appeal Tribunal will be Controlled Work under our general civil contracts and will be governed by Part II of the 1988 Act as explained above. Representation in immigration proceedings before the civil courts will continue to be dealt with through civil legal aid certificates under Part IV of the 1988 Act but will be restricted to those with an immigration franchise contract. The regulations define immigration proceedings as meaning proceedings relating to immigration, nationality or asylum in the House of Lords, Court of Appeal or High Court. In practice the main types of case covered by the definition will be:

- ▶ Judicial Review proceedings and Habeas Corpus relating to immigration, nationality or asylum.
- ▶ Appeals from the Immigration Appeal Tribunal to the Court of Appeal or House of Lords. ■

Devolved Powers under Civil Contracts

Subject to the Regional Director’s power to withdraw devolved powers in individual cases, from 1 January 2000:

- ▶ **All** firms with a one year or three year General Civil Contract (Solicitors) will have devolved powers in relation to Controlled Work (Legal Help, Help at Court and Controlled Legal Representation) in any franchise category in which their Contract allows them to perform this work. This will include self granting extensions to the initial financial limit for Legal Help – see General Civil Contract Specification Rule 1.5 (a) to (f).
- ▶ **But** devolved powers in relation to Licensed Work, including granting emergency certificates or extending limitations on substantive certificates (see General Civil Contract Specification Rule 1.5 (g) to (h)) may only be exercised by firms who are fully franchised in the category of law covered by the licence. Firms with a licence who are not yet fully franchised in that category will need to continue to make applications for emergencies/extensions to substantive certificates to the Regional Office. ■

Lord Chancellor pays tribute to the Legal Aid Board & Local Authorities pioneering the Community Legal Service

The Lord Chancellor's Department held the Community Legal Service "Pioneering Partnerships" conference on Monday 4 October at the Institute of Mechanical Engineering in London. For the first time, representatives from all the Pioneer and Associate Pioneer partnerships, the Lord Chancellor's Department and Legal Aid Board, together with representatives from the Local Government Association, the Law Society, NACAB, Advice Services Alliance, Legal Action Group, and the National Consumers Council, were brought together to discuss the Government's plans for the Community Legal Service.

The all day conference included speeches from the Lord Chancellor, Lord Irvine, and Keith Vaz MP, the then Parliamentary Secretary at the Lord Chancellor's Department. In his speech, Lord Irvine announced the first 12 *Champions* who will be helping the Government, the Legal Aid Board and local authority partnerships to promote the new way of ensuring that quality legal help and information is accessible for people throughout England and Wales. They include media personalities Esther Rantzen, and Jenni Murray of *Women's Hour*; Lincoln Crawford, chairman of the Bar Race Relations Committee; David Brown, chairman of Motorola UK; Eddie Oliver, chairman of Consulting at KPMG; Phillip Sycamore, the former President of the Law Society; and Sir Tim Chessells, the chairman of the Legal Aid Board.

The Lord Chancellor said,

"The Community Legal Service is the first attempt ever by any government to deliver legal services in a joined up way, putting consumers' interests first. It will provide a framework for comprehensive local networks of good quality legal advice services, supported by co-ordinated funding, and based on the needs of local people".

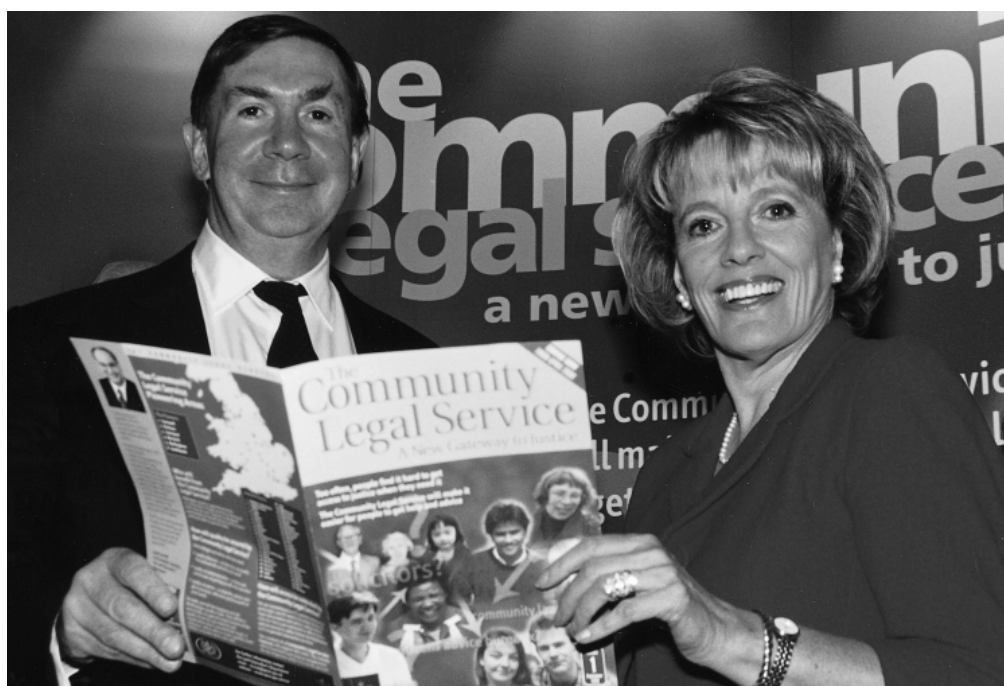
Lord Irvine also paid tribute to the Legal Aid Board and the local authorities in the pioneering areas,

"I am grateful to you for your willingness to make this commitment. Your hard work, and the hard work of Legal Aid Board Staff who are working with you, do deserve special tribute."

Conference chairman Keith Vaz said,

"The Community Legal Service is about helping the disabled person receive the benefits to which they are entitled, it is about helping the single mother who has fallen into debt, it is about ensuring that the rights of the elderly tenant are respected by their landlord. It is also about providing every citizen with the ability to find out about and exercise their rights. That is the bottom line and is where our efforts should be aimed."

Esther Rantzen, in a short speech to the conference in her new role as a Champion, also praised the Community Legal Service as an important new initiative which will make it easier for people to get legal help and advice. The other speakers were Brian Briscoe, chief executive of the Local Government Association; Robert Sayer, President of the Law Society; Professor Hazel Genn; Richard Moorhead, who is conducting research in the Pioneer areas; Professor Richard Susskind; Neil Bravey from one of the Associate Pioneers, East Riding of Yorkshire Council; and Shani Fancett of NACAB. ■



The Lord Chancellor, Lord Irvine, meets Champion Esther Rantzen.

First for Luton

A “first for Luton” was the description used to describe the recent launch of a referrals concordat by legal advice providers in the town. The referrals project aims to ensure people are directed to an appropriate place to find the help they need. If one agency is unable to help then they are committed to referring the client to one that can.

The event, hosted by the mayor of Luton, Raja Saleem, was well attended by representatives from local firms of solicitors, not-for-profit advice agencies and community groups.

The session was a result of work done under Luton’s status as a Community Legal Service Associate Pioneer. The Pioneer steering group, made up of representatives from the local authority, the not-for-profit sector in the town, the Law Society and the Legal Aid Board, targeted effective referrals as the main work to be achieved during the lifetime of the project.

The event, which also launched the town’s Community

Legal Service Directory, saw advice providers signing their commitment to the referrals agreement, ensuring that clients who need advice or a solution which cannot be provided by one agency are effectively referred on, via an appointments system, with monitoring of progress to ensure people do not simply slip out of the process. The referrals system also aims to reduce the number of times the person seeking advice has to explain their problem. In welcoming the initiative, the Leader of the Council, Bill McKenzie, noted the point made by recent research on the experience of advice provision, which has flagged up how frustrating people find it to have to keep repeating details of their case as they are referred on in the “advice maze”.

Representing the Legal Aid Board, Regional Director Peter Topping said that Luton had not only shown enthusiasm from the beginning for the pioneer work, but had also kept to a very tight timetable in launching the referrals project. ■



Left to right:
Kelvin Hopkins MP;
Kate Jones, Chief Executive, Luton;
Bill McKenzie, leader Luton Council;
Raja Saleem, Mayor of Luton;
Peter Topping, Legal Aid Board.

Local advice
providers
signing the
referrals
concordat.



Advice and assistance contract form guidance



On 1 January 2000 contracts for Advice and Assistance will be awarded by the Legal Aid Board to approved suppliers.

The contract stipulates the need to complete and send to the Board two forms on a monthly basis within one week after the end of each month. One is a Matter Start Form and the second is a Consolidated Matter Report Form. Guidance on completion of these forms along with a small supply of blank forms, which may be photocopied, should have been received by all contracted suppliers by the end of November. Any contracted supplier who has not received this pack by mid-December should contact our Business Support Unit on 0171 813 1000 ext. 8907.

These forms will be processed at two centres: Reading and Nottingham. All suppliers contracted with the Board's Regional Offices in Newcastle, Leeds, Manchester, Liverpool, Chester, Birmingham and Nottingham should send their forms to Nottingham Regional Office. The address of this office is Fothergill House, 16 King's Street, Nottingham NG1 2AS. DX No is DX 6420. Those contracted suppliers with the Board's Regional Offices in Cambridge, London, Brighton, Bristol, Cardiff and Reading should send their forms to Reading Regional Office. The address of the Reading Office is 80 Kings Road, Reading, Berkshire, RG1 4LT. DX No is DX 4050. Queries regarding the completion of the forms or failure to receive a payment on the due date should be referred to the Regional office managing the contract and not to Reading or Nottingham.

Any work completed by a contracted supplier must be entered onto the Consolidated Matter Report Form. No Claim 10s will be accepted for any work completed after 1 January 2000 other than cases in the Crime franchise category and no such Claim 10s will be processed for contracted suppliers after 10 January. Monthly contract payments are linked to the receipt of these Consolidated Matter Report Forms and the Matter

Start Forms. Failure to receive either of these forms in our Reading or Nottingham office on the due date will stop payments being made automatically to contracted suppliers and will result in significant delay in payment being made on individual contracts. BACS payments are scheduled to be in suppliers' bank accounts for 18 January, 3 February, 3 March, 5 April, 4 May and 5 June. For Not For Profit agencies the arrangements are for quarterly payments and the due dates are 18 January and 5 April. The need to complete the forms and deadlines for so doing are the same as for solicitors.

Non-Contracted Suppliers

Suppliers who have not been awarded a contract are not able to accept an application for any new Advice and Assistance matter after 1 January. Non-immigration cases opened but not yet concluded as at 1 January should, when closed, be sent to either Reading or Nottingham, along the geographical split given above. Immigration matters should continue to be sent to the London Regional Office at 29-37 Red Lion Street, London WC1R 4PP. DX No LDE 170.

Any queries on these claims should be addressed to either Reading, Nottingham or London, depending on which office is dealing with the claim.

Regional office boundary changes

Steve Orchard, Chief Executive, announced in FOCUS 27 that the Board had made changes to geographical boundaries to ensure the Legal Service Commission boundaries did not conflict with the boundaries of the Crown Prosecution Service, the police and local authorities. He also signposted that there may be some changes with the introduction of contracting from 1 January. He undertook to write to individual solicitors advising the effect of this change to them and the date from when this will be put into effect. This will be done during December. ■

Personal Injury and Clinical Negligence Contracts



1 January to 31 March 2000

Between 1 January and 31 March 2000, work in the personal injury and clinical negligence categories falls outside the General Civil Contract. There will be no restriction on starting new personal injury cases. Clinical negligence cases are the subject of separate contractual arrangements, already in place, which restrict all legal aid work to those with a clinical negligence franchise contract.

During this period, you must claim payments for cases in the personal injury and clinical negligence categories as follows:

- ▶ If you have a General Civil Contract, you must claim on the consolidated matter report forms that apply to the General Civil Contract;
- ▶ If you have a clinical negligence franchise, even if you do not have a General Civil Contract, you must claim on the consolidated matter report forms that apply to the General Civil Contract;
- ▶ If you have a personal injury franchise and you do not have a General Civil Contract, you must continue to use form Claim 10 as at present;
- ▶ If you do not have a clinical negligence or personal injury franchise and you do not have a General Civil Contract, you must continue to use form Claim 10 as at present;

If you have a General Civil Contract or you are a clinical negligence franchisee, we will include payments for these cases in your schedule payment limit and standard monthly payments. Otherwise, we will pay you on a case by case basis as at present.

After 1 April 2000

From 1 April 2000, personal injury and clinical negligence work will be covered by the General Civil Contract.

In order to start new matters in those categories after 1 April 2000, you will need to have passed a preliminary audit against LAFQAS and to have a contract.

If you have a contract which covers those categories, there will still be no restriction on starting new cases in

either category. It should be remembered, however, that only limited types of personal injury cases will remain within the scope of public funding, and guidance will be issued in due course.

If you have a General Civil Contract, you must claim payments for all cases on the forms that apply to the contract. If you do not have a contract, you must continue to claim payments on form Claim 10 for cases which commenced prior to 1 April 2000. If you have a contract for actions against the police, this will authorise you to undertake licensed work in personal injury cases, but only against the police. If you have a contract for personal injury, this will authorise you to undertake licensed work in personal injury cases generally, including those against the police. If you have a clinical negligence contract, this will authorise you to undertake licensed work in personal injury cases generally, but not those against the police.

If you do not have a personal injury franchise, personal injury (but not clinical negligence) cases remaining within scope after 1 April 2000 may also be undertaken at the legal help level within contract tolerances.

The Contract Documentation

In order to give effect to these arrangements, if you are a personal injury or clinical negligence franchisee and you also have a General Civil Contract in one or more other categories, we have included entries in the “licence” and “matter starts” columns of the schedule to indicate that the contract covers personal injury and/or clinical negligence work as appropriate from 1 April 2000.

If you are a clinical negligence franchisee and you will not have a General Civil Contract in any other category, we have written to you separately about the arrangements for claims and payments. If you are a personal injury franchisee in the same circumstances we will write to you shortly. We will be inviting both personal injury and clinical negligence franchisees to sign a General Civil Contract to begin on 1 April 2000.

Franchise application forms may be obtained from your legal aid Regional office. ■

Franchise Category Definitions

Outcome of the Consultation Exercise

During October this year we consulted with more than 60 representative groups of the profession on revised franchise category definitions. Although there was considerable support for the proposals, some key changes and points for clarification have been agreed as a result of the comprehensive and constructive comments received. We would like to thank all those who took the time to respond.

The revised guidance and definitions (shown below) will come into force from 1 January 2000. They will replace the current versions which appear in Appendix 2 to the Guidance: Exercise of Devolved Powers manual (GEDP). They also supersede the consultation versions which appeared in Appendix C to the General Civil Contract specification both for Solicitors and the Not for Profit agencies, published in October 1999.

The need to review and redefine the boundary of each franchise category was prompted by the introduction of general civil contracts from 1 January 2000. The purpose is to ensure that each category is as comprehensive, clear and as mutually exclusive as possible in order to allow the maximum amount of contracted work to be done within franchise categories rather than within contract tolerances.

The need to define discrete areas of work to be supported from the Community Legal Service (CLS) Fund, as opposed to those supported from the proposed Criminal Defence Service (CDS) Fund, also played a role in the franchise category classification review. This is detailed in a separate article in this issue of *Focus*, Pages 22-23.

A comprehensive version of the finalised guidance and classifications is shown below. The main amendments to the consultation version (and therefore to the version published in the General Civil Contracts) are as follows:

General Guidance

- ▶ A paragraph has been added to confirm that all work in the Crime franchise category is excluded from the

scope of general civil contracts and, that with very few exceptions (which are highlighted in the guidance and definitions), work falling within the Crime franchise is excluded from any other (civil) franchise category. Practitioners are reminded that **all** work classified in the Crime franchise category will continue under the provisions of the Legal Aid Act 1988 until covered by contracts with the CDS from October 2000; whether or not it also falls within a civil franchise category.

- ▶ The general guidance on Judicial Review and Habeas Corpus has been amended so that where any such proceedings arise within a criminal matter or in criminal proceedings, they will fall within the Crime franchise category. This amendment reflects consultation findings that although civil in nature, such proceedings are integral to the progression of the criminal case and should therefore be managed as part of the same matter and supported from the CDS Fund, rather than the CLS Fund. The same approach will be taken to proceedings under the Human Rights Act 1998 in respect of criminal matters.
- ▶ Those with a Public Law franchise will be able to undertake judicial review or human rights cases within their franchise even if they arise out of matters falling within any other franchise category, including criminal matters or proceedings.

Crime

- ▶ Proceedings for Judicial Review, Habeas Corpus and in relation to the Human Rights Act 1998 (when implemented) which arise in criminal matters or proceedings have been included in the Crime franchise category, as detailed above;
- ▶ Clarification is given that proceedings against the grant of a voluntary bill of indictment are included in the category, while applications under the Environmental Protection Act 1990 for statutory nuisance where the client is the complainant are not included in the category;
- ▶ Clarification is also given (in footnote2) that proceedings for a Parenting Order made on the conviction of a child (where it is not reasonable for the parent and child to be represented by the same solicitor) can fall within the Family (as well as the Crime) category (though cases will not be included within civil general contracts).

Family

- ▶ See final note above;
- ▶ Clarification is given that legal help in making a will is covered by the Family category only where provided in a family context (a definition of which is provided). Legal help in making a will in other circumstances is confirmed as being included in the

residual list (to be covered by contract tolerances);

- Applications to change the name of a child are included in the category.

Personal Injury

- Clarification is given that claims for damages which include a personal injury element arising out of housing cases concerning eviction from or quiet enjoyment of residential premises are excluded from the category, as well as those concerning disrepair. Such cases can therefore continue to be taken by housing franchisees even after 1 April 2000 when cases within the personal injury category, where they remain within scope, will be restricted to those with a personal injury or clinical negligence franchise.

Housing

- See note to Personal Injury above.
- The definition has been amended to clarify that matters concerning status are included, as are matters involving homelessness, allocations, transfers and the provision of sites for occupation. We also clarify that vehicles and sites occupied as a residence are covered within the term “premises” and that cases for leaseholders cover their rights under the terms of their lease or under any statutory provision;
- Legal help in relation to applications under s82 of the Environmental Protection Act 1990 (for statutory nuisance) have been added to the category for the avoidance of doubt, and we have clarified that proceedings under the Housing Act 1985 include those arising out of the right to buy provisions.

Immigration/Nationality

- Clarification is given that legal help concerning deportation is included.

Welfare Benefits

- Additional examples of included benefits have been added for clarification.

Employment

- The definition has been amended to confirm that any matter arising out of an employment relationship is covered as is the enforcement of any statutory rights given to employees or workers;
- Employment related data protection matters have also been included.

Debt

- Consultation concentrated on the issue of legal help for fine defaulters. The definition has always covered such cases, including in relation to any original debt (such as a community charge debt) and in relation to

the fine itself. The category does not, however, cover representation in proceedings against parties in default of a fine or other order in criminal proceedings in the Magistrates’ Court;

- The category has been amended to provide that possession proceedings are only included in relation to mortgage default. All other possession proceedings require more technical housing expertise and are restricted to the Housing franchise.

Education

- Clarification is given that legal help is available in matters regarding failure to provide (as well as provision of) education or funding.

Community Care

- The emphasis has been amended so as to confirm that the category covers services and facilities provided to those who need them to function in the community, including in residential or nursing accommodation. This confirms the extent of the term “community”, as well as clarifying that cases regarding services and facilities which would result in the release of those detained are included.

Actions against the Police

- Clarification is given that the definition extends beyond the proceedings originally listed, to include all claims for abuse of authority against the police.

Civil Liberties (now Public Law)

- This category has been renamed Public Law, and its ambit widened accordingly to include all public law challenges to the acts, omissions or decisions of public bodies.
- Clarification is given that cases can be brought in this category whether or not they also fall within other franchise categories, including the Crime franchise category. It is important to stress that any matter falling within the Crime franchise is excluded from the general civil contract, even if it is done within this new franchise category.
- The category is extended to the application of all human rights instruments ratified by the UK to English law, not just the European Convention on Human Rights.

Residual List

- Judicial review and habeas corpus proceedings have been excluded from the residual list, as they will now all fall in one or other of the franchise categories.
- Legal help in making a will for people who are aged over 70 or disabled are included in the list, as is legal help and proceedings in respect of a change of name (other than where it is covered by the definition of the Family category). ■

Franchise Category Definitions

(Appendix C of the General Civil Contract Specification)
General Guidance on the Categories

Introduction

1. The franchise definitions given in this section tell you what falls into each category and apply to all levels of service in relation to matters falling within the definition.
2. A separate list is also given of cases (at all levels of service) which are classified on a residual list and which therefore do not fall within a franchise category. These cases may be performed within your tolerance if they are controlled work and if certificated work will be outside the scope of the contract.
3. Note that not all proceedings which fall wholly or partly within the revised franchise categories are necessarily within either the scope of legal aid or the future scope of funding under the Access to Justice Act 1999.
4. All work in the Crime franchise is excluded from the scope of the general civil contract. Work falling within the Crime franchise category is also excluded from any other franchise category, with two minor exceptions detailed in footnote to the Crime franchise category definition, and with the exception of matters falling within the Public Law franchise category arising out of a criminal matter or proceeding. All work in the Crime Franchise category (including cases which overlap with civil franchise categories) will continue under the provisions of the Legal Aid Act 1988 until such time as it is covered by criminal contracts following implementation of the Criminal Defence Service provisions of the Access to Justice Act 1999.

Format

5. Each franchise category is given a definition so that cases and proceedings which fall within the definition can be assigned to the category without

the need to list each one separately. This will aid the classification of less common cases and proceedings and of new proceedings. A list of certain case types or proceedings may also be provided in some categories, for clarification or for the avoidance of doubt. Where provided, the list is not intended to be exhaustive.

Reporting classifications

6. Case classification tables will be provided for each civil franchise category, showing the codes you will need to use when reporting all cases where your Matter Starts are controlled within general civil contracts.
7. In addition, a revised Appendix 1 of the Guidance on the Exercise of Devolved Powers manual will provide a list of the proceedings and associated matter codes, by franchise category, which you will need to use when reporting the self-grant of ABWOR or certificated work exercised in accordance with your available devolved powers. If you are unable to find a matter code for any specific proceeding then either the proceeding does not fall within that franchise category or the proceeding is sufficiently rare or new that the code has not been published. In either event you should contact your Regional Office for further guidance.

Legal Help (Advice and Assistance)

8. Where case types are listed by proceeding, Legal Help on a related matter of English law will also be included in the category, unless specifically excluded. The same applies to cases listed by proceeding on the residual list (that is, Legal Help in relation to the proceeding is also included).

Mixed Cases

9. Some cases will arise as the result of a number of different underlying issues and in these instances classification to a franchise category will depend upon the overall substance or predominant issue of the case when taken as a whole.

Generic Proceedings – General

10. Because of the generic nature of certain proceedings, it is possible for them to arise out of very different matters. Which franchise categories they fall into depends upon the underlying substance of the case and upon the professional skills and legal knowledge required to best present the client's case.
11. For example, the need to take proceedings under the Protection from Harassment Act 1997 may arise in the context of a debt, employment, housing or family problem, or as the result of harassment by a neighbour or a complete stranger. An order under the Act may also be made in criminal proceedings. Although proceedings are all under the same Act, the particular skills and knowledge required to present the client's case will depend upon the nature of the underlying problem. Harassment by a landlord, for

instance, would take specific knowledge not only of the relevant proceedings but also of material aspects of housing law, and such cases would therefore fall within the Housing franchise category. Similarly, harassment by a spouse, cohabitant (or ex-spouse or ex-cohabitant) or family member would fall within the Family category. However, a case concerning harassment by a complete stranger would fall outside all of the established franchise categories and therefore within the “residual list”. Orders made under the Act within criminal proceedings (though not applications to vary or discharge) would fall within the Crime franchise category.

12. The same approach is taken to proceedings required solely for the purpose of progressing other, principal, proceedings. For example it may be necessary, in order to take proceedings for damages for personal injury, to restore a defendant company to the register. In these circumstances proceedings to restore a company to the register would fall within the Personal Injury franchise category.

Appeals and Proceedings for Enforcement or Committal or to Vary or Discharge an Order

13. All appeals (including specific appeals such as case stated and references to the European Court) and proceedings for committal or enforcement or to vary or discharge an order are covered by the franchise category in which the principal proceedings appear, unless specifically excluded. In rare instances where such proceedings do not relate to earlier principal proceedings, then categorisation will rely upon the underlying substance of the case.

Professional Negligence

14. Proceedings for Professional Negligence in Clinical Negligence cases fall into the Clinical Negligence franchise category without exception and are specifically mentioned in the definition. In all other cases, proceedings are covered by the civil franchise category into which the original proceedings or case fall. Where the original proceedings or case does not relate to a civil franchise category then the proceedings fall into the Consumer/General Contract franchise category.

Judicial Reviews, Habeas Corpus and Human Rights Act 1998

15. Proceedings for Judicial Review, Habeas Corpus or, when implemented, under the Human Rights Act 1998 are covered by the civil franchise category in which the principal matter or proceedings appear or by the civil franchise category which relates to the underlying substance of the case. They are also covered by the Public Law franchise category. Organisations with a Public Law franchise will therefore be able to take judicial review or human rights cases within their franchise even if the cases arise out of matters which fall within any other

franchise category. If arising in respect of matters or proceedings within the Crime franchise category, proceedings for judicial review, habeas corpus or under the Human Rights Act 1998 will also fall within the Crime franchise and will be funded by the Criminal Defence Service. They will therefore be outside the scope of the general civil contract.

Franchise Categories

Crime

Franchise Category Definition

1. All criminal proceedings (including advice and assistance in relation to those proceedings).
2. All matters relating to criminal investigation, prosecution, sentence, length of imprisonment, detention or parole including applications to the Criminal Cases Review Commission.
3. All appeals in relation to such proceedings including applications for case stated arising out of criminal proceedings.
4. All matters relating to the treatment or discipline of prisoners other than claims for personal injury, death or damage to property.
5. For the avoidance of doubt, the following proceedings (including advice and assistance in relation to those proceedings and related appeals) are included in the franchise category:
 - (a) extradition
 - (b) applications for bail including applications to the High Court
 - (c) applications to the High Court concerning representations against the grant of a voluntary bill of indictment
 - (d) proceedings under RSC Order 115 in Schedule I to the Civil Procedure Rules 1998 for confiscation or forfeiture in connection with criminal proceedings
 - (e) proceedings to quash an acquittal under the Criminal Procedure and Investigations Act 1996
 - (f) proceedings where a party risks imprisonment for failure to pay a fine or obey an order of a magistrates' court¹
 - (g) the following proceedings under the Crime and Disorder Act 1998 (including advice and assistance in relation to those proceedings and related appeals or applications to vary or discharge an order)²:

¹Proceedings against fine defaulters in civil cases in the Magistrates' Court where there is a risk of imprisonment also fall within the Debt franchise category (though not within the civil general contract)

²Proceedings against a child for an Anti-Social Behaviour Order or Sex Offender Order, and any associated Parenting Order, and for a Parenting Order made on the conviction of a child where the parent cannot reasonably be represented by the child's solicitor, also fall within the Family franchise category (though not within the civil general contract)

- i) section 1 (Anti-Social Behaviour Orders)
- ii) section 2 (Sex Offender Orders)
- iii) section 8 (Parenting Orders) other than orders made following a Child Safety Order under section 8(1)(a)
- iv) all proceedings relating to the breach of any of the above orders including a Parenting Order made following a Child Safety Order.
- (h) Proceedings for judicial review, habeas corpus or, when implemented, under the Human Rights Act 1998 which arise in respect of any matter or proceeding within the Crime franchise
- 6. Proceedings for the variation or discharge of an order made in criminal proceedings under section 5 of the Protection from Harassment Act 1997 are excluded. Proceedings brought under the Environmental Protection Act 1990 for a statutory nuisance where the client is the complainant are also excluded.

Family

Previously known as Family/Matrimonial, the title of this franchise category has been changed for ease of reference. In all other respects and in other documentation where reference is made to the Family/Matrimonial franchise category you should read 'Family' in the same terms.

Franchise Category Definition

1. Legal Help on matters and all proceedings which arise out of family relationships, including proceedings in which the welfare of children is determined.
2. Also included are matters relating to proceedings under any one or more of the following:
 - (a) the Matrimonial Causes Act 1973;
 - (b) the Inheritance (Provision for Family and Dependents) Act 1975;
 - (c) the Adoption Act 1976;
 - (d) the Domestic Proceedings and Magistrates' Courts Act 1978;
 - (e) Part III of the Matrimonial and Family Proceedings Act 1984;
 - (f) Parts I, II and IV of the Children Act 1989;
 - (g) Part IV of the Family Law Act 1996;
 - (h) the inherent jurisdiction of the High Court in relation to children.
3. For the avoidance of doubt, the following matters/proceedings are also included within the franchise category:
 - (a) Legal Help in making a will where the client is the parent or guardian of a disabled person who wishes to provide for that person in a will, or of a minor living with the client but not with the other parent, and the client wishes to appoint a guardian for the minor in a will;
 - (b) Proceedings to enforce any order made within family proceedings;
 - (c) Proceedings under S20 or S27 of the Child Support Act 1991;
 - (d) Proceedings under the Family Law Act 1986;
 - (e) Proceedings under the Child Abduction and Custody Act 1985 (but note that devolved powers do not extend to taking such proceedings);
 - (f) Proceedings under the Protection from Harassment Act 1997 or in assault and trespass, where only an injunction and either no or only nominal damages are sought or where an application is made to vary or discharge an order made under section 5, and the parties are associated persons under Part IV of the Family Law Act 1996;
 - (g) Proceedings for an order under S106 of the Social Security Administration Act 1992, or under S43 of the National Assistance Act 1948;
 - (h) Applications to enforce orders made in family/matrimonial proceedings under the Civil Jurisdiction and Judgments Acts 1982 and 1991;
 - (i) Proceedings under S14 of the Trusts of Land and Appointment of Trustees Act 1996 where the parties are associated persons under Part IV of the Family Law Act 1996;
 - (j) Proceedings for or in relation to an affiliation order within the meaning of the Affiliation Proceedings Act 1957;
 - (k) Proceedings under the Guardianship of Minors Acts 1971 and 1973;
 - (l) Proceedings under the Maintenance Orders Acts 1950 and 1958;
 - (m) Proceedings under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 relating to a maintenance order made outside the United Kingdom;
 - (n) Proceedings under S30 of the Human Fertilisation and Embryology Act 1990;
 - (o) Proceedings under S24 of the Social Security Act 1986;
 - (p) Proceedings under S47 of the National Assistance Act 1948³
 - (q) Proceedings under the Crime and Disorder Act 1998 for:
 - i) a Child Safety order or for a Parenting Order made in proceedings for a Child Safety Order; or
 - ii) an Anti-Social Behaviour Order or Sex Offender Order made in relation to a child, and any associated Parenting Order

³Proceedings under S47 of the National Assistance Act 1948 also fall within the Generic – Community Care franchise category.

- iii) a parenting order made on the conviction of a child but only where the parent cannot reasonably be represented by the child's solicitor
- (r) Applications to the court to change the name of a child.

Personal Injury

Franchise Category Definition

1. Legal Help on matters and all proceedings, other than those falling within the Clinical Negligence category, in which there is a claim for damages for personal injuries to, or arising out of the death of, the claimant or any other person, including claims to the Criminal Injuries Compensation Authority. However a claim for damages arising out of the disrepair of, eviction from or obligation to allow quiet enjoyment of residential premises is excluded even if it includes damages for personal injury (see Housing franchise category). Proceedings for assault and trespass are also excluded where substantive damages are not sought (see Family franchise category).

Note: "personal injuries" includes any disease and any impairment of a person's physical or mental condition.

Clinical Negligence

Franchise Category Definition

1. Legal Help on matters and all proceedings which include:
 - (a) a claim for damages in respect of an alleged breach of duty of care or trespass to the person committed in the course of the provision of clinical or medical services (including dental or nursing services); or
 - (b) a claim for damages in respect of alleged professional negligence in the conduct of such a claim.

Housing

Franchise Category Definition

1. Legal Help on matters and all proceedings which concern the possession, status, terms of occupation, repair, improvement, eviction from or quiet enjoyment of, or payment of rent or other charges for premises (including vehicles and sites they occupy) which are occupied as a residence, including the rights of leaseholders under the terms of their lease or under any statutory provision (including enfranchisement). Cases including homelessness, allocation, transfers and the provision of sites for occupation are also included.
2. For the avoidance of doubt, provided the proceedings arise in respect of premises occupied as a residence, the following are included in the franchise category:
 - (a) Legal Help in relation to applications under Section 82 of the Environmental Protection Act

1990 for a statutory nuisance;

- (b) Proceedings under the Access to Neighbouring Land Act 1992;
- (c) Proceedings to recover possession under a mortgage or other charge;
- (d) Proceedings under the Housing Act 1985 including those arising out of the right to buy provisions;
- (e) Proceedings under the Housing Grants Construction and Regeneration Act 1996;
- (f) Proceedings to set aside a legal charge or a transfer of property;
- (g) Proceedings in nuisance or trespass;
- (h) Proceedings under the Leasehold Reform Act 1967.

Immigration/Nationality

Franchise Category Definition

1. Legal Help concerning immigration, nationality, asylum, deportation or terms of entry or stay in the United Kingdom.
2. Proceedings before the Immigration Adjudicator and Immigration Appeal Tribunal, the High Court, Court of Appeal or the House of Lords.

Welfare Benefits

Franchise Category Definition

1. Legal Help in relation to all welfare benefits (including housing benefit, war pensions, state pensions and vaccine damage payments or similar benefits), and in relation to proceedings before any welfare benefit review or appeal body.
2. Any subsequent or related proceedings before a court.

Employment

Franchise Category Definition

1. Legal Help in relation to a contract of employment or service contract or any matter arising out of an employment relationship, including termination of employment, the enforcement of any statutory rights given to employees or workers, and data protection matters and including Legal Help (but not representation) in proceedings before an Employment Tribunal.
2. Proceedings before an Employment Appeal Tribunal, proceedings for wrongful dismissal and proceedings before the courts arising out of any of the above.

Mental Health

Franchise Category Definition

1. Legal Help where the primary problem or issue relates to a point of English law concerning mental health or the Mental Health Act 1983, including matters concerning education issues but only where based on mental impairment.

2. All proceedings before the Mental Health Review Tribunal (including those arising from criminal proceedings), all other proceedings under the Mental Health Act 1983 and any other proceedings where the primary issue is mental health, but excluding any matters falling within the Clinical Negligence or Personal Injury franchise categories.

Debt

Franchise Category Definition

1. Legal Help in relation to, and all proceedings:
 - (a) for the payment of monies due or the enforcement of orders in such proceedings, including those arising out of the occupation of premises; and
 - (b) for the recovery of possession of premises for failure to make payments due under a mortgage or other charge; and
 - (c) arising out of personal insolvency, including bankruptcy, administration or IVA proceedings whether the client is a creditor or debtor; but excluding representation in proceedings against parties in default of a fine or other order in criminal proceedings in the Magistrates' Court who are at risk of imprisonment.

Consumer and General Contract

Franchise Category Definition

1. Legal Help and all proceedings:
 - (a) concerning contracts and their enforcement, including claims for rescission or misrepresentation, for the payment of monies due, or based on discrimination in the provision of goods or services, but excluding cases which in substance fall within the Housing or Employment franchise categories; and
 - (b) concerning negligent mis-statement or professional negligence other than cases within the Clinical Negligence franchise category (or another civil franchise category).
2. For the avoidance of doubt, the following proceedings are included in the franchise category:
 - (a) Proceedings under the Tort (Interference with Goods) Act 1977
 - (b) Proceedings as interpleader to determine ownership of property except in the case of land
 - (c) Proceedings concerning data protection in a consumer context.

Education

Franchise Category Definition

1. Legal Help in relation to matters where the primary problem or issue relates to the provision of or failure to provide education or funding for education,

including special educational needs.

2. Any proceedings before a court concerning the above issues. This excludes claims for damages falling within the Personal Injury franchise, though claims for damages arising out of a failure to provide adequate education or assessment for education are included.

Community Care

Franchise Category Definition

1. Legal Help and related proceedings concerning the provision of services or facilities in the community (including in residential or nursing accommodation) by a Social Services or Health Care Authority to the client or a dependant, but excluding any matters falling within the Welfare Benefits or Clinical Negligence franchise categories and proceedings before the Mental Health Review Tribunal.
2. For the avoidance of doubt, Proceedings under S47 of the National Assistance Act 1948 are included.

Actions Against the Police

Franchise Category Definition

1. Legal Help and proceedings concerning assault, trespass, false imprisonment, wrongful arrest, interference with goods, malicious prosecution or other abuse of authority against the police, including complaints and claims for damages whether or not they also fall within the Personal Injury or any other franchise category.

Public Law

Franchise Category Definition

Legal Help and related proceedings concerning:

1. the civil liberties or human rights of the client or a dependant, including under the Human Rights Act 1998 once implemented, and matters involving the application of the European Convention on Human Rights (and other human rights instruments ratified by the UK) in English law; and
2. public law challenges to the acts, omissions or decisions of public bodies, including challenges by way of judicial review or habeas corpus.
3. For the avoidance of doubt, this includes data protection and freedom of information issues, and matters which may also fall within the definition of any other franchise category.

Residual List

Category Definition

1. For ease of reference the matters shown below have been classified by type of case/proceeding.
2. Proceedings marked with an asterisk* are scheduled to be removed from the scope, either partially or

completely, at all levels of service, from 1 April 2000.

3. The following matters or proceedings (including Legal Help in relation to those proceedings and related appeals) are not included in any franchise category:

Administrative law

- (a) Proceedings for a declaration in respect of:
 - statutory charge
 - other (in proceedings not falling within other franchise categories)
- (b) Proceedings by a vexatious litigant for leave under Section 42 Supreme Court Act 1981, other than where the proceedings in which leave is sought arise within the definition of a franchise category.

Arbitration

- (a) Proceedings under the Arbitration Act 1996, other than where they arise within the definition of a civil franchise category

Change of Name

- (a) Matters or proceedings in respect of a change of name unless falling within the Family franchise category

Contentious probate

- (a) All proceedings

Company law

- (a) Proceedings for disqualification of a director*
- (b) Proceedings for breach of confidence*
- (c) Proceedings for breach of fiduciary duty*
- (d) Proceedings under section 459 of the Companies Act 1985*
- (e) Proceedings to restore a company to the Register* (unless the principal proceeding or underlying substance of the case falls within a civil franchise category)

European Court

- (a) Proceedings by way of a reference to the Court of Justice of the European Communities for a preliminary ruling (other than where they arise in proceedings in one of the civil franchise categories)

Intellectual property

- (a) Proceedings for infringement of copyright*
- (b) Proceedings for infringement of a patent*
- (c) Proceedings for infringement of trademarks and passing off*
- (d) Proceedings for infringement of trademark*
- (e) Proceedings for infringement of and/or to revoke a registered design*

Land law

- (a) Proceedings for a declaration as to an interest in land (unless the principal proceeding or underlying substance of the case falls within a civil franchise category)
- (b) Proceedings to set aside a declaration of trust*
- (c) Application for an order under section 30 Law of Property Act 1925/section 14 Trusts of Land and Appointment of Trustees Act 1996* other than between associated persons as defined in the Family Law Act 1996
- (d) Proceedings before the Lands Tribunal*
- (e) Proceedings for rectification of the Land Register
- (f) Proceedings under the Landlord and Tenant Act 1954*
- (g) Proceedings in respect of commercial premises*
- (h) Proceedings, as interpleader, to determine ownership of property*
- (i) Proceedings pursuant to proprietary estoppel*

Malicious falsehood

- (a) Proceedings for malicious falsehood*

Nuisance

- (a) Proceedings for nuisance (unless falling within the Housing franchise category)
- (b) Proceedings under the rule in Rylands v. Fletcher
- (c) Proceedings under the Animals Act 1971

Harassment

- (a) Proceedings under the Protection from Harassment Act 1997 (other than where they arise within the context of a franchise category)

Partnership

- (a) Proceedings for dissolution of partnership and an account*
- (b) Proceedings for an indemnity*

Trespass

- (a) Proceedings for trespass to land (unless falling within the Housing franchise category)

Trusts

- (a) Proceedings for a declaration of a trust *(unless falling within the Family franchise category)
- (b) Proceedings for breach of trust*
- (c) Proceedings to remove a trustee*
- (d) Proceedings to vary a trust*

Wills

- (a) Where the client is aged 70 or over, or is a disabled person

Changes to the Scope of the Board's General Civil Contracts as a result of the Criminal Defence Service

Introduction

- 1 This guidance gives details of changes to the scope of the Board's general civil contracts that will come into effect on 1 January 2000, in the light of the proposed apportionment of work between the Criminal Defence Service (CDS) and the Community Legal Service (CLS) under the Access to Justice Act 1999. It also gives guidance to those practitioners doing criminal work on the exact scope of work they can continue to do after 1 January 2000 without needing to have a general civil contract.

The new legislative framework

- 2 The Access to Justice Act 1999 creates two new, separate schemes, the CDS and the CLS, which will replace the existing criminal and civil legal aid schemes under the Legal Aid Act 1988.
- 3 The scope of the CLS, in terms of the nature of the work that it can fund, is defined in section 4 of the 1999 Act, and the CDS in section 12. The CLS by definition excludes services which are required to be funded as part of the CDS. Therefore, the CDS and CLS are separate, and mutually exclusive, schemes.

CDS work – excluded from general civil contracts

- 4 The Access to Justice Act 1999 allows work to be prescribed as falling within the scope of the CDS, even if it is civil in nature (see s.12(2)(g) of the Act).
- 5 The Government has now decided those additional areas of work that will be prescribed as falling within the CDS. These are areas in which the work typically falls to criminal practitioners and where the liberty of the individual is often concerned. It is appropriate for publicly funded legal help in such

cases to fall within the CDS budget, rather than the CLS budget.

- 6 Because of this, we have decided that from the commencement of contracting on 1 January 2000, all work due to become part of the CDS will be **excluded** from the scope of our general civil contracts.
- 7 The additional areas of work to be prescribed as falling within the CDS are as follows -
 - a) Disciplinary hearings before prison governors (currently Legal Advice and Assistance (Scope) Regulations 1989 (LAAS) reg.9(b))
 - b) Proceedings before a Discretionary Lifer Panel (LAAS 9(c))
 - c) Proceedings before HM's Pleasure Panel of the Parole Board (LAAS 9(d))
 - d) High Court bail proceedings
 - e) Applications to the High Court concerning representations against the grant of a voluntary bill of indictment
 - f) Appeals by way of case stated from criminal proceedings in a magistrates' court or the Crown Court and subsequent appeals from the High Court
 - g) Proceedings for judicial review, habeas corpus or, when implemented, under the Human Rights Act 1998 which arise in respect of any matter or proceeding within the Crime franchise
 - h) Proceedings to quash an acquittal under the Criminal Procedure and Investigations Act 1996
 - i) Proceedings under RSC Order 115 in Schedule I to the Civil Procedure Rules 1998 for confiscation or forfeiture in connection with criminal proceedings
 - j) Representation of those who risk imprisonment arising from failure to pay a fine or to obey an order of the magistrates' court, (LAAS 7(4))
 - k) Proceedings under sections 1, 2 and 4 of the Crime and Disorder Act 1998 relating to anti-social behaviour orders (ASBOs) and sex offender orders (SOOs) (LAAS 7(5)(a)(i), (6) and 8A(a))
 - l) Proceedings relating to parenting orders made under s.8(1)(b) or (c) Crime and Disorder Act 1998 (parenting order made following an ASBO or SOO, or on the conviction of a child) (LAAS 7(5)(a)(iii), 8A(b) and (c)).
 - m) Advice and assistance relating to representations to prison governors on matters of treatment of prisoners (other than in respect of claims for personal injury, death or damage to property) such as status, transfer and security classification
 - n) Advice and assistance for convicted individuals

in relation to representations to the Home Office on mandatory life sentences and other parole reviews

- o) Advice and assistance relating to applications to the Criminal Cases Review Commission

8 Note that:

- i) All advice and assistance in relation to proceedings under a) – l) above will also be part of the CDS, as will related appeals.
- ii) Proceedings for a warrant of further detention under the Police and Criminal Evidence Act 1984, and parenting orders made under Section 8(1)(d) Crime and Disorder Act 1998 on the conviction of a parent under the Education Act 1996 with respect to a child's education, are both already within the definition of criminal proceedings under the CDS. Hence they do not need to be included in regulations under section 12(2)(g) Access to Justice Act 1999. ABWOR is available for the former (LAAS 7(1)(c)), and criminal legal aid for the latter.

Implications for those who have or do not have a general civil contract

- 9 The Board has redefined the Crime franchise category in order to align it with the scope of the CDS, by including within it all cases listed in paragraphs 7 and 8 above. The revised category definition appears in this issue of Focus and will be given effect by a revision to the franchise boundaries set out in Appendix 2 of the GEDP. This will be issued in December 1999, to come into effect on 1 January 2000. The revised franchise category definition also replaces Appendix C of the General Civil Contract Specification, which contained a consultation version which has now been slightly amended (see pages 16-21).
- 10 The general civil contracts which will come into effect in January 2000 will exclude all work falling within the revised Crime franchise category. Consequently this work will also fall outside of the controlled budget, and individual firms' contract cash and case start limits. Hence from 1 January 2000 there will be no restriction on firms' ability to undertake work falling within the revised Crime franchise category. Work in this category will continue to be undertaken as now under the current legal aid arrangements, which will be continued by a Transitional Order under the 1999 Act.
- 11 Contracts will be introduced for criminal defence work at the advice, assistance and magistrates' court levels in October 2000. This will coincide with the commencement of the CDS provisions of the Access to Justice Act. From that point all firms wishing to undertake publicly funded criminal defence work

falling within the revised Crime franchise category will be able to do so only under a contract from the Legal Services Commission that authorises them to do such work.

- 12 The Board is developing the contractual arrangements that will be introduced for the CDS. The majority of CDS contracts to be introduced in October 2000 will be for all work at the advice, assistance and magistrates' court level. However, we will also wish to address the position of firms that have demonstrable expertise in some of the areas of civil work specifically referred to above which are now being transferred to the CDS. Some of those firms do not do general criminal defence work and hence are unlikely to apply for a general criminal contract. We shall consider the most appropriate mechanism to enable them to carry on doing this work after October 2000 (for example, granting such firms CDS contracts for specific areas of work, on the basis of their CLS contracted status).

Work which will not transfer to the CDS

- 13 The following categories of work will not be prescribed into the CDS and, therefore, will fall within the CLS -
 - a) **Actions for damages against the police or the prison service for personal injury**

Any firm will be able to provide advice and assistance and representation in this area until 1 April 2000. After that point such cases will be excluded from scope if based on allegations of negligence. If they remain within scope, they will be covered by the general civil contracts for both legal help (which replaces advice and assistance) and representation but there will initially be no limit on case starts. From 1 April 2000, only firms which have a franchise or have passed a preliminary audit in either the personal injury or action against the police categories will be able to undertake certificated cases.
 - b) **Proceedings under s.11 Crime and Disorder Act 1998 (child safety orders) (LAAS 7(5)(a)(ii)) and for a parenting order under section 8(i)(a) of the Crime and Disorder Act 1998 (a parenting order made on making a child safety order)**

These cases will now fall within the family franchise and, therefore, will be limited to those with a family contract from 1 January 2000 for both advice and assistance and representation. Note that a breach of a parenting order is an offence and therefore falls within the scope of the CDS by virtue of s.12(2)(a) Access to Justice Act 1999). Breach of a CSO is not a criminal matter and will also fall within the family franchise. ■

Franchise Supervisor Standard – Immigration

The Law Society has now accredited the first 40 or so practitioners to its new immigration law accreditation panel. As the Board considers that panel criteria should confirm competence to the level we would seek as part of the immigration franchise supervisor standard, we propose to accept panel membership as an alternative to the portfolio-type route set out in LAFQAS Annex 1 with immediate effect. LAFQAS will be amended

to reflect this addition at the first opportunity.

In time we will want to make panel membership the only route to meeting the relevant LAFQAS requirements in standard L2. Although this will not happen without due notice, practitioners should be aware of the intention to move to this position and should aim to apply to the panel at the earliest opportunity. ■

Criminal Defence Service Contracts for Advice, Assistance and Magistrates' Court Representation

Franchising Timetable for Eligibility for a Contract in October 2000

Introduction

The Board has published details of the timetable for obtaining a criminal category franchise in order to be eligible for the award of a contract to undertake advice, assistance and magistrates' court representation from October 2000. From the date of introduction of these contracts, the Legal Services Commission (the body that will supersede the Board in April 2000) will not fund such work by solicitors in private practice other than through contracts with the Commission.

Eligibility for a contract

All Legal Services Commission contracts will include quality assurance requirements which will be based on the Board's current franchising arrangements. This decision was set out in the December 1998 Government White Paper, *Modernising Justice*. In August 1999 the Board set out its plans for implementing quality assured contracts as the sole means of delivery of criminal defence services through private practice solicitors in the consultation paper, *Introducing Contracts for Criminal Defence Services with Lawyers in Private Practice*.

The quality assurance standard to be met by solicitors' firms for them to be eligible for a contract in October 2000 will be the criminal category of the current Legal Aid Franchise Quality Assurance Standard (LAFQAS) – subject to what is set out below regarding the current LAFQAS criminal category supervisor standard. There will be two "levels of compliance" in order to be eligible for a contract – either full franchise status or the passing of the preliminary audit stage on the way to a full franchise. Any firm receiving a contract on the basis of having passed a preliminary audit, rather than achieving full franchise status, will be required to achieve full franchise status within a set period (currently planned to be six months) of the contract start date in order to retain their contract.

The timetable for applying for a criminal category franchise in order to meet these requirements is set out below.

As set out in the August consultation paper, we expect to amend some aspects of LAFQAS as it applies to criminal defence work in the light of the outcome of research into quality standards being undertaken for the Board by Professor Lee Bridges within the criminal contracting pilot.

Any changes to the quality standard in the light of the pilot research will be the subject of formal consultation between the Board and the Law Society. The Board would expect to publish any revised standard in April 2000. The revised standard, which will be a development of the current one rather than a radical departure, would apply only from October 2000. All monitoring and audits following October 2000 would be against the new standard, including pre-franchise audits for those firms qualifying for a contract on the basis of having passed a preliminary audit only.

Supervisor standard

The supervisor standard in LAFQAS for the criminal category – in respect of the experience, knowledge and understanding of the subject required of the supervisor – is category specific. The standard is based on supervisors being either police station or court duty solicitors, or, alternatively, being able to meet the minimum duty solicitor qualifying requirements.

The Board plans to amend this standard in order to be more specific about the requirements for the “alternative” route, in order to ensure appropriate levels of quality and to provide greater clarity and certainty to solicitors and to our contract management staff in their application. Copies of the proposed revised standard have been sent to all firms undertaking criminal legal aid work. Further copies may be obtained by contacting the Criminal Defence Service team on 0171 813 8677.

Supervisor standard – route 1

The main thrust of the existing standard would remain unchanged; being a police station or court duty solicitor will continue to be the primary qualifier.

Supervisor standard – route 2

The existing “alternative” requirement is to demonstrate compliance with the requirements necessary to qualify as a duty solicitor. The Board now plans to be more specific about the range of experience to be demonstrated, and has expressed this in terms of numbers of cases undertaken in the 12 months prior to the franchise application, specifically:

- ▶ 10 examples of advising a client at a police station (of which at least five must have involved personal attendance)
- ▶ 20 examples of magistrates’ court representation under a legal aid order (of which a maximum of 10 may be category 1 standard fee cases)

In arriving at this formulation the Board has had regard to the requirement, when applying to become a duty solicitor, to provide details of 25 cases which the applicant has undertaken. It has also had regard to the general LAFQAS

requirement (paragraph L2.2) of 350 hours per year work in the subject area (full time over three years) or 1050 hours over five years (part time). Consideration has been given to applying this general requirement to the criminal category as the route 2 means of qualification but this has not been done at this stage, and the case requirement set out above would not equate to this number of hours of work. However, the case requirement is designed to ensure that supervisors are undertaking a sufficient quantity of work to demonstrate relevant understanding, knowledge and experience.

Consultation and implementation of the new standard

The Board is currently consulting with the Law Society on the proposed revised supervisor standard. Subject to the outcome of that consultation, it is planned to implement the new standard on 2 February 2000. The new standard would apply immediately to all firms not franchised at that point, including existing applicants. Under the terms of LAFQAS, existing franchisees would have up to 12 months to demonstrate compliance against the new standard.

Firms that have not yet applied for a franchise, but which are considering applying in order to be eligible for the award of a contract in October 2000 should take particular note of the new standard. Such applications will be considered against the new standard and will not be successful if firms do not have supervisors capable of demonstrating compliance against the new requirements.

Scope of services to be provided under contract

Contracts will cover work currently provided under advice and assistance, the police station and court duty solicitor schemes, ABWOR and magistrates’ court representation. It will be a requirement of the contracts that firms should be committed and have the capability to represent the client through to the conclusion of the case (with defined exceptions for specific events such as conflicts and cases which develop specialist characteristics which might need to be referred to a specialist in the field), including to the Crown Court. In particular, firms will not be permitted under contract to specialise in, say police station advice, on the basis that clients will then be expected to find another firm to undertake the representation in their case.

Specialist firms – prisoners’ rights and CCRC cases

The Board is aware of a number of firms which do not undertake general criminal defence work but which specialise in niche areas, particularly in providing advice, assistance and representation to prisoners, and acting in

Criminal Cases Review Commission cases. Such work will fall within the scope of the Criminal Defence Service and firms wishing to continue such (publicly funded) work after October 2000 will require a CDS contract from the Commission in order to do so.

The Board is currently developing the contractual framework

for these specialist areas of work. Firms which do not currently undertake general criminal defence work, but which do specialise and would wish to continue to do so after October 2000, should not apply for a general criminal category franchise at this stage. The Board will be publishing details of the arrangements for this work in due course.

Franchising Timetable for General CDS Contracts in October 2000

2 February 2000	Implementation of revised supervisor standard
29 February 2000	Closing date for franchise applications to be guaranteed to receive pre-franchise audit by 31 August 2000 and so, if standard is achieved, be eligible for a contract from 2 October 2000
1 April 2000	Publication of contract quality standards (as a result of the pilot research and additional to LAFQAS) for CDS contracts for application from 2 October 2000
30 April 2000	Closing date for franchise applications to be guaranteed to receive preliminary audit by 31 August 2000 and so, if standard is achieved, be eligible for a temporary contract from 2 October 2000
30 April 2000	Close of list of firms potentially eligible for a contract on 2 October (with limited exceptions in defined circumstances, e.g. existing firms splitting)
31 August 2000	Deadline for passing pre-franchise audits (including for all firms which applied for a franchise before 31 January 2000) in order to be eligible for a full contract from 2 October 2000
31 August 2000	Deadline for passing preliminary audits (for firms which applied for a criminal franchise after 29 February 2000 but before 30 April 2000) in order to be eligible for a temporary contract from 2 October 2000
2 October 2000	Commencement of contracts for advice, assistance and magistrates court representation – limited to franchised firms or firms having passed a preliminary audit
	Implementation of additional contract quality standards for all future auditing (preliminary, pre-contract and post contract) against standard
	New firms able to apply for temporary contracts on basis of having qualified supervisor and meeting preliminary audit standard
31 March 2001	Deadline for firms having temporary (preliminary audit) contract to achieve full contract status against contract quality standard (this deadline is subject to review, and may be put back in the light of better information on the numbers of firms entering contracting through the preliminary audit route).



Further Guidance on the National Implementation of Early First Hearings and Early Administrative Hearings

Following the introduction of Early First Hearings (EFHs) and Early Administrative Hearings (EAHs), a number of issues have arisen that require clarification. This article seeks to provide guidance on the most frequently asked questions.

1. Who may act as the duty solicitor of choice?

The following may act as the duty solicitor of choice:

- A current court duty solicitor on any scheme.
- A current police station duty solicitor on any scheme.
- A solicitor who is a duty solicitor representative who has been selected by a local duty solicitor committee.
- A solicitor who is an accredited representative and who works for a firm with a criminal franchise.

(See paragraph 50(3) of the Legal Aid Board Duty Solicitor Arrangements 1997 (as amended) and the definitions of “duty solicitor’s representative” and “accredited representative” in paragraph 2.)

2. Can I instruct Counsel to attend at an EFH/EAH?

The duty solicitor of choice must be a police station or court duty solicitor or match one of the definitions above. This means that counsel cannot appear as the duty solicitor of choice and cannot therefore be paid by the Board. If a criminal legal aid order is granted, then the solicitor assigned under the order may instruct unassigned counsel in the usual way.

3. Who makes the claim for costs where a solicitor agent has been instructed?

The agent should make the claim for any attendance as the duty solicitor of choice. It is then down to the two

firms involved to resolve the outstanding financial issues.

4. Can I instruct a freelance solicitor advocate to attend at an EFH / EAH as the duty solicitor of choice?

Freelance solicitor advocates can only be instructed where they qualify under the definitions in section (1) above. For example, where they are a duty solicitor. The instructing firm should make the claim for costs using their account number and the freelance advocates account number. Where a criminal legal aid order is granted, then the solicitor assigned under the order may instruct a solicitor advocate.

5. What rates are duty solicitor of choice attendances paid at?

The appropriate rates are listed below, the rates applicable to London firms have been listed in brackets:

Court Duty Solicitor	Franchisees	Non-franchisees
Attendance / Waiting	£52.25 (£53.50)	£50.75 (£52.00)
Travelling	£25.50 (£25.50)	£25.00 (£25.00)

A duty solicitor of choice is entitled to claim travel and waiting at enhanced rates for weekends and bank holidays.

6. What hearings can a duty solicitor of choice attend?

A duty solicitor of choice can be paid for providing representation at an EAH or EFH or at an adjourned hearing provided the case remains within an EAH or EFH list. If in doubt, the court clerk should be consulted. It would be reasonable to assume that a guilty plea following an adjournment from an EFH will continue to

be dealt with before an EFH setting. Custody cases, summonses and Youth Court can be listed as either EFHs or EAHs.

7. Are the number of hearings that a duty solicitor of choice may attend limited?

No. The duty solicitor of choice may attend as many hearings as are required to resolve the matter provided that the hearings are EAH or EFH. The proposed restriction discussed before national implementation has not been imposed.

8. How can I claim for work done between hearings?

Where the defendant is financially eligible, they can sign a CLAIM10 and advice and assistance may be given under that. Where the client is not eligible for advice and assistance, there is no means of payment for work done between hearings.

9. Where can I get a copy of the amended CLAIM13?

The current issue of the CLAIM13 is marked as V3 and was issued in October 1999. If you do not have a supply of the amended CLAIM13, copies are available from a number of sources.

Firstly, if your firm does not already hold a 'Forms Masterpack', please contact the Business Support Unit on 0171 813 8907. The masterpack is a ringbinder that contains templates of all the current versions of the forms. Before calling, please ensure that your firm does not already have a masterpack. Whilst the first one issued is free, any additional masterpack ordered will incur a charge of £30.

Alternatively, a number of independent suppliers offer the forms on disk. Again please contact the Business Support Unit on the above number if you would like further information.

Finally, if your firm has access to the internet, the forms can be downloaded from the Law Society's web site.

The address is: www.lawsociety.hotdocs.co.uk

10. How should waiting time be recorded by the duty solicitor of choice?

Where waiting time is interrupted by providing representation to another client under a legal aid order, you should calculate the total amount of time that was

spent in waiting for the case for which you claim. The amount of time should then be entered on to page 4 of the amended CLAIM13 in the 'Waiting at Court (Duty Solicitor of choice only)' section in the 'Time hrs:mins' column. You should then complete the 'Work date', 'Costs', 'VAT' and 'Total' columns. You should not complete the 'From' and 'To' columns.

This instruction relates only to completing the 'Waiting at Court (Duty Solicitor of choice only)' section.

11. On what basis will the duty solicitor of choice's claim for travel be assessed?

Where travel is claimed, the onus is on the duty solicitor of choice to justify attending a non local court. Relevant factors to be covered could include, the nature and seriousness of the charge, whether the client is a youth or under a disability and the relationship, if any, between the solicitor and client. Justification should be provided in the form of a covering letter.

CRIMLA31 is also relevant as it provides guidance on use of solicitor agents.

Where no justification is provided, the claim will be assessed as if a local solicitor had attended.

12. Where do I indicate on the CLAIM 13 that I am claiming travel as the duty solicitor of choice?

Ticking the duty solicitor of choice checkbox in the 'capacity acted' will be enough to indicate that a travel claim is being made. Any justification that is required should be provided in a covering letter.

13. What happens when an application for legal aid has been refused?

Representation can be provided as duty solicitor of choice if the case remains in an EFH/EAH list but otherwise no payment can be made.

14. What is the position if a legal aid order is granted?

No claim as "duty solicitor of choice" should be made if the court agrees to grant a criminal legal aid order which is dated the same date as the EAH. Representation before the EAH should be claimed as part of the standard fee. ■

The future of Area Committees under the Legal Services Commission

The implementation of the Community Legal Service provisions of the Access to Justice Act on 1 April 2000 will include the replacement of Area Committees operating under the Legal Aid Act 1988 by Funding Review Committees and Cost Committees.

The Funding Review Committee procedures and jurisdiction are set out in Section 16 of Part C of the Funding Code procedures. Area Committee powers in relation to the grant or withdrawal of funding are significantly changed by the Funding Code. Under the Code, an application may be made for a review of a Regional Director's decision in relation to the grant or withdrawal of funding. When an application for a review is received, the Regional Director will have the power to reconsider the matter before it goes to the Funding Review Committee. If the review proceeds, the Funding Review Committee may confirm the Regional Director's decision or refer the matter back on the basis that the Regional Director's decision was improper or unreasonable. As part of the referral back the Funding Review Committee has power to determine certain issues such as costs benefit and prospects of success and the Regional Director will be bound to take account of any such determination.

Cost Committees will take over Area Committee costs jurisdiction in relation to civil and criminal work. For civil work, costs at the Controlled Work level (i.e. Legal Help, Help at Court and Controlled Legal Representation) will be determined under the terms of the General Civil Contract Specification. Costs for other Legal Representation will be determined in accordance with the relevant provisions of the Civil

Legal Aid (General) Regulations 1989 (as saved by a Remuneration Order and by Civil Contracts) which provide for the necessary appeals.

In relation to cases that began before the implementation of the Access to Justice Act on 1 April 2000, the Funding Review / Cost Committees will (except where the terms of the General Civil Contract provide otherwise) need to determine the applications before them on the basis of the Legal Aid Act and Regulations which will continue to apply to such cases. This means that the new Committees will exercise the old Area Committee jurisdiction in relation to those cases. As the Access to Justice Act will not be implemented in relation to the Criminal Defence Service until October 2000, the new Committees will also need to exercise a jurisdiction under the 1988 Act and Regulations until that date in criminal matters.

The matrix below shows which procedures will be applicable for the main types of review or appeal applications made after 1 April 2000 by reference to the date the matter is commenced. The definition of when a matter is commenced will be contained in transitional orders. Increasingly, the jurisdiction in relation to costs will be provided for by contract.

Membership of the Funding Review/Cost Committee

Members of the individual Funding Review or Cost Committees appointed to hear particular cases will be appointed from a national Review Panel. Regional Directors will nominate practitioners in their area to the Review Panel. However, as this panel will be national, members will be able to hear applications for reviews from different regions without the need to be formally appointed to another region.

It is intended that the existing members of Area Committees will be automatically appointed on to the Review Panel as at 1 April 2000 subject to the following:-

- 1 Appointment will be on the basis that Area Committee members will apply the terms of the Funding Code and where relevant of the General Civil Contract. Area Committee members will be expected to withdraw if they are not willing to meet these conditions and may withdraw for any other reason.

- 2** The Regional Director will have a discretion to exclude Area Committee members from the Review Panel if appropriate. This discretion will only rarely be exercised, usually in relation to members of existing Area Committees who are very close to retirement or who are unwilling to operate the new procedures.

Information and Training

Draft arrangements for the Funding Review and Cost Committees were issued for consultation in early December 1999. The consultation period ends on 7 January 2000.

Training events on the Funding Code will be held for existing area committee members from February 2000 onwards. Details of these events will be sent out to area committee members by their Regional Office. All members of Area Committees who intend to accept their appointment to the Review Panel should aim to attend an event.

Payment for attendance at a training event will be made at Area Committee rates.

For further information, please contact Patrick Reeve at Legal Aid Board Head Office on 0171 813 1000 ext. 8672. ■

Review jurisdiction after 1 April 2000	Date matter commenced	Legislation / Procedures applying	Committee
1. Appeal against refusal or withdrawal of civil funding	Up to 31 March 2000	Legal Aid Act and regulations	Funding Review Committee exercising Area Committee jurisdiction
2. Application for review of refusal or withdrawal of civil funding	From 1 April 2000	Access to Justice Act and Funding Code	Funding Review Committee
3. Review of assessment of costs of Advice and Assistance and MHRT ABWOR	Up to 31 December 1999	Legal Aid Act and regulations	Cost Committee exercising Area Committee jurisdiction
4. Review of assessment of costs of Controlled work (Legal Help, Help at Court and Controlled Legal Representation)	From 1 January 2000	General Civil Contract	Cost Committee
5. Review of assessment of costs of certificated work and all ABWOR save MHRT	Up to 31 March 2000	Legal Aid Act and Regulations	Cost Committee exercising Area Committee jurisdiction
6. Review of Assessment of costs of Authorised Representation in magistrates court	From 1 April 2000	General Civil Contract	Cost Committee
7. Review of assessment of costs of Legal Representation (other than in 4 or 6 above)	From 1 April 2000	Remuneration order under the Access to Justice Act and General Civil Contract	Cost Committee
8. Criminal costs (advice and assistance, ABWOR and magistrates courts)	Up to 1 October 2000	Legal Aid Act and regulations	Cost Committee* exercising Area Committee jurisdiction
9. Review of refusal of criminal legal aid orders	Up to 1 October 2000	Legal Aid Act and regulations	Funding Review Committee* exercising Area Committee jurisdiction

* Regulations and contracts will provide for replacement of the current criminal jurisdictions from 2 October 2000

Claim 10 Extensions after 1 January 2000



Advice and assistance matters commenced on Claim 10's signed before the introduction of civil contracting on 1 January 2000 will continue to be provided under the terms of Part III of the Legal Aid Act 1988 and the regulations made thereunder. Subject to the special provisions below in relation to immigration, any extensions to those Claim 10's must be dealt with in the same way after 1 January 2000 as they would have been before that date i.e. through the self grant of an extension by those firms with a franchise in the relevant category or through an application to the relevant Regional Office in all other cases. This will apply **whether or not** a firm has been awarded a General Civil Contract. Contracted firms will not need to submit the Claim 10 to the Regional Office at the end of the case as they will claim payment through the consolidated matter report form, but they should retain the Claim 10, together with any extensions granted, on the file for audit purposes.

Immigration

From 1 January 2000 only those firms or suppliers with General Civil Contracts in the immigration category will be able to take on new immigration cases.

Contracted firms will be performing work to quality standards and in accordance with the Board's contracting documentation. They will also be able to provide representation before the Immigration Adjudicator and Appeal Tribunal. None of these factors will apply to non contracted firms carrying on existing cases. Because of these considerations, we have decided that after 1 January 2000 any

organisation without a contract to do immigration work will be refused an application for an initial extension on a Claim 10 signed before that date unless there are exceptional circumstances.

In immigration matters, extensions are often obtained or applied for immediately following instructions. The introduction of this provision ensures that non contracted firms do not take on a large number of clients in the days preceding the implementation of the contracting scheme rather than refer these clients to contracted quality suppliers. This policy was announced in the Board's "Access to Quality Services in the Immigration Category – Recommendations to the Lord Chancellor" published in May 1999. Organisations which apply for an initial extension before 1 January 2000 will have the application determined on normal principles. However, with the extension of the rights of contracted firms in immigration to provide representation, extensions will not be granted on Claim 10s to non contracted firms even where prior to 1 January 2000 they obtained a first extension, if the case has now reached the stage where an appeal either to the Adjudicator or the Tribunal is necessary (beyond a limited extension allowing the appeal to be lodged). This is because, in these circumstances, it would clearly be to the client's benefit to be redirected to a contracted supplier who will be able to apply the merits test for representation and if appropriate to represent the applicant before the appellate authorities. Anyone requiring further information about these arrangements should contact Patrick Reeve at Legal Aid Board Head Office on 0171 813 1000 ext. 8672. ■

Regulation Changes

Applications under Regulation 10 Legal Advice and Assistance Regulations 1989 and Family Mediation

Amendment Regulations in force with effect from 5 October 1999 have made changes to applications for advice and assistance under Regulation 10 Legal Advice and Assistance Regulations 1989 and require mediation-related advice or assistance to be treated as a separate matter which is exempt from the application of the solicitor's legal advice and assistance charge and the civil legal aid statutory charge.

Regulation 10 – Attendance on Behalf of a Client

Regulation 10 authority may only be given by a client to another person to apply for advice and assistance on his behalf if, at the time when the authorisation is given, the client himself is either present in, or resides in, England and Wales. This applies to applications for advice and assistance made on or after 5 October 1999.

Clients who reside outside England and Wales can continue to receive advice and assistance in accordance with Regulation 15 Legal Advice and Assistance Regulations 1989 which allows an application to be sent by post with the prior authority of the regional office.

Practitioners should ensure that they do not accept applications made on behalf of a client under Regulation 10 where the client was not present in, or resident in, England and Wales when their authority was given. In cases involving a foreign element and where Regulation 10 authority is used, the regional office may require information regarding the client's whereabouts or residence at the time authority was given.

Family Mediation – Separate Matters

From 5 October 1999 mediation-related advice or assistance (as defined – see below) is required to be treated as a separate matter for the purposes of legal advice and assistance. This means that a separate application form for advice and assistance must be completed where mediation-related advice or assistance is to be given. This is a mandatory requirement and is not a matter for the solicitor's discretion.

Mediation-related advice or assistance means

- advice or assistance given to a party to mediation in a dispute relating to family matters,
- where the subject of the advice or assistance forms all or part of the subject matter of the mediation, and
- at the time when the advice or assistance was given, the mediation has not come to an end as regards the subject matter of the advice or assistance.

Mediation does not, for this purpose, come to an end unless and until the mediation breaks down or an agreement is reached between the parties and the terms of that

agreement are made binding on the parties by way of a binding agreement, a consent order, or in some other way.

“Family matters” is defined in section 13A(2) of the Legal Aid Act 1988 and consists of those matters for which legally aided mediation is available and to which section 29 Family Law Act 1996, requiring an assessment of the suitability of the matter for mediation, may apply.

This means that a client who is mediating and receiving legal advice and assistance but who is both receiving mediation-related advice or assistance and advice or assistance which is not mediation-related must make two CLAIM10 advice and assistance applications. For example, one application may relate to divorce and work outside a mediation or undertaken before mediation commences (or after it comes to an end) and the other to an ongoing mediation of an issue or issues relating to a child or children and/or financial issues. The applications may be made at different times – for example an application in relation to divorce proceedings and for non-mediation-related advice and assistance regarding children and finances will generally be completed and signed before the client becomes a party to mediation. If and when the client becomes a party to mediation, then a separate application must be completed and signed for mediation-related advice or assistance. Any CLAIM10 form for mediation-related advice and assistance should be completed in the usual way but marked clearly that the advice and assistance given was mediation-related.

For controlled work after 1 January 2000 form Claim 10 will be replaced by the form “Legal Help and Help at Court: Application and File Record”, controlled work 1 (CW1).

The Solicitor's Legal Advice and Assistance Charge and the Civil Legal Aid Statutory Charge

Neither the solicitor's legal advice and assistance charge nor the civil legal aid statutory charge will apply to the costs of giving mediation-related advice or assistance (as defined – see above).

It is important that practitioners take care to ensure that costs are appropriately separated between mediation-related and other advice and assistance, so that the solicitor's and/or the statutory charge is not applied to cases where that is not intended.

If it appears that separate forms have not been used as required by the Amendment Regulations and all the work done is the subject of a single application and costs claim, the regional office may, with or without the file, quantify and disallow the costs of the mediation-related advice and assistance.

Regional offices will when processing civil legal aid bills

(form CLAIM1) assume that any figure shown for legal advice and assistance costs does not include any costs of mediation-related advice and assistance and will apply the statutory charge to the figure shown. Practitioners should ensure that civil legal aid claims are correctly completed so as to ensure that the statutory charge is appropriately applied.

Information on publicly funded family mediation is available from the Mediation Pilot Project Team on 0171 813 1000 ext. 4992.

Further guidance for solicitors and mediators affected by the Mediation Pilot Project is available in the Guidance: Exercise of Devolved Powers on the Legal Aid Board's website. The address is: www.legal-aid.gov.uk ■

Methods of Delivery Pilot: Update

1. Specialist Support for Advisers

The award of six 'second tier' pilot contracts will give solicitors and advice agencies direct access to specialist consultancy services. These will be available free of charge to those who have a general civil contract with the Legal Aid Board (users will be asked to quote their contract number when they telephone the consultancy line). Contracts have now been agreed with the participating organisations and work should be starting under the pilot contracts early in the New Year.

Each of these 'second tier' organisations is in the process of setting up its consultancy telephone line ready for the start of contract work. Details of the consultancy services, including the helpline telephone numbers, and days and times when each service will be available, are being finalised. Organisations with a general civil contract will receive a publicity leaflet giving further information on the specialist support services available to them.

The specialist 'second tier' organisations participating in the MOD pilot are:

Specialist 'Second Tier' Services

ORGANISATION:	SPECIALIST HELP IN:
Joint Council for the Welfare of Immigrants	Immigration
Tyndallwoods Solicitors	Welfare Benefits, Community Care, Health, Education, Immigration
Shelter	Housing
Liberty/Public Law Project	Human Rights, Public Law
NACAB Specialist Support Unit	Employment

In addition, the Board has agreed to contract with Two Garden Court Chambers who will be funded to provide consultancy telephone lines ("CallCounsel"), pieces of written advice (counsel's opinion) and a programme of training in the following areas of law: housing, immigration and employment.

Where appropriate, first tier organisations will be able to refer complex cases to the second tier organisation who will then take over responsibility for the case.

In addition, all the above services will be providing training courses for contract holders. Some courses may be at a generalist level, aimed at providing a basic understanding of an area of law, giving front-line advisers the ability to recognise a potential problem and either advise the client themselves or refer on where appropriate. Others will be aimed at those who already have a firm understanding in an area of law, for instance those who hold a contract in a particular category, and will provide more specialist skills training in a specific subject or in a developing area of law. Look out for details in future editions of *Focus*. Organisations will also be carrying out their own publicity for training courses.

2. Services direct to the Public: Outreach, Telephone and Combination Services

The pilot will also address access issues by letting contracts for outreach services and for telephone advice and assistance. Combinations of outreach and telephone services will also be piloted.

The main objective of the pilot is to agree contractual arrangements for different methods of delivering legal services, taking forward the recommendations from the research commissioned by the Board and published by the Policy Studies Institute in its report – *Access to Legal Services – the contribution of alternative approaches*.

For further information contact: Sarah Maclean, Legal Aid Board, 85 Gray's Inn Road, London WC1X 8AA. *Access to Legal Services – the contribution of alternative approaches*. by Jane Steele and John Sergeant, ISBN 0 85374 761 X, is available from Policy Studies Institute, 100 Park Village East, London NW1 3SR, £15. Copies can be ordered from Grantham Book Services on 01476 541080. ■

David Lock MP attends annual LABRU conference

The third annual Legal Aid Research Conference, organised by the Legal Aid Board Research Unit along with the Faculty of Laws, University College London, was held on the 4 and 5 November in London.



LABRU Research Conference November '99

Following the success of the last two years' conferences, this year's conference was expanded to include an international dimension. Speakers from around the world presented papers to a diverse audience of over 100 legal aid administrators, academics, legal professionals, government representatives, and other interested parties.



Pascoe Pleasence, Head of Legal Aid Board Research Unit, and David Lock MP.

In opening the conference, the Parliamentary Secretary at the Lord Chancellor's Department, David Lock MP, drew attention to the important role that research will play in the implementation of the Government's reform programme and paid tribute to Pascoe Pleasence, Head of the Legal Aid Board Research Unit, and the Unit as a whole for their recent work on

means assessment and the new Funding Code. Mr Lock commented, "It has enabled us to provide new levels of service within the reformed scheme."

The first day of the conference saw topical sessions dealing with contracting, quality assurance, mediation and the Legal Aid Board Research Unit's current research programme.

Papers from Canada and Australia provided a valuable international perspective, and drew attention to the many lessons that can be learnt from the experiences elsewhere of contracting and quality control.

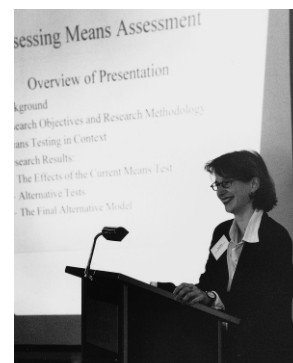
The second day included papers exploring the reform programmes in the Netherlands and Ontario. Herbert Kritzer of the University of Wisconsin, Madison, delivered a paper which explored the changing role of professionals in a world of greater information access, specialisation and competition. These contributions ensured that the conference fully bridged the concerns of both academics and legal aid practitioners.

The second day also included papers examining the economics of conditional fee agreements and the nature of legally aided non-family civil litigation.

The conference ended with a discussion on the future direction of research in the legal aid area. The discussion

panel included representatives of the Legal Aid Board, Lord Chancellor's Department, Home Office and Scottish Executive – the principal Government departments with an interest in the administration of justice. Mavis Maclean, of the Lord Chancellor's Department and Oxford University, singled out the importance of improving the lines of communication between researchers, policy makers and those charged with the implementation of reform. Pascoe Pleasence urged those with responsibility for reform to build in mechanisms for evaluation.

Commenting on the research conference, Steve Orchard, Chief Executive of the Legal Aid Board, stressed the vital role of research in informed policy and operational development. He also acknowledged the great benefit of the many informal discussions held throughout the two days between researchers and administrators from different jurisdictions.



Alexy Buck, Senior Researcher

Anyone interested in attending future conferences should send their details to the Legal Aid Board Research Unit, 85 Gray's Inn Road, London, WC1X 8AA.

LABRU sets out future research agenda

- 1 The function and philosophy of legal aid;
- 2 the range, methods and distribution of different types of legal aid services, incorporating
 - ▶ alternative dispute resolution, and
 - ▶ alternative service delivery methods;
- 3 the legal aid eligible population;
- 4 legal aid (at the individual and community levels);
- 5 the workings of legal aid practitioners, incorporating
 - ▶ quality of service,
 - ▶ the impact of contracting, and
 - ▶ the evolution of professions;
- 6 equal opportunities (at the client and supplier levels);
- 7 the impact of specific elements of the legal aid reform programme; and,
- 8 the impact of the general civil and criminal justice reform programmes.

The Legal Aid Board Research Unit will report on its means assessment, criminal case profiling and equal opportunities projects in the year ahead. Beyond those projects the Unit has identified as priority areas the impact of the current reforms on the legal professions, the role of non-lawyers in legal aid service provision, the value of tribunal representation and the transfer of information between services, sectors and professionals. Specific subject areas identified as priority include immigration, human rights and residue non-family civil work. ■

Community Legal Service: Structure of the New Civil Scheme

The Government intends to implement the provisions of the Access to Justice Act that create the Legal Services Commission and the Community Legal Service (sections 1-11 & 19-26) on 1 April 2000.

The Commission will be responsible, under section 4 of the Act, for working with local authorities and other funders of services to develop the Community Legal Service in its full sense, by facilitating the assessment of need, planning of provision and active referral of clients to the most appropriate source of help.

The Commission will also manage the Community Legal Service Fund which replaces civil legal aid. The scheme established by the new Act is radically different to the existing one. Under the Legal Aid Act, any lawyer can take a case for a client who passes the tests of means and merits; the Legal Aid Board's role is essentially limited to administering those tests and paying the bill at the end of the case.

The key change is that in future the initiative will lie with the Legal Services Commission. It will draw up priorities and plans for funding different types of cases, and the Code of criteria for deciding whether individual cases should be funded. And it will determine, through contracts and the other funding mechanisms allowed under section 6(3) of the Act, which lawyers and others are to provide services as part of the scheme and on what terms.

This means that many of the requirements currently set out in regulations will be contained instead in the terms of contracts or in the Funding Code. For example, all the rules about granting, amending and withdrawing certificates will be Funding Code Procedures.

The new powers allow the Commission great flexibility. Over time, it may develop many different forms of contract. These might provide, for example, for different bases for payment (eg. fixed prices) for different types of work, or different levels of remuneration in different parts of the country. Some prices may be set competitively.

Change will be gradual, however. The Commission needs time to research and develop the most effective approaches, and providers need time to adapt. Initially, the main changes in practice will be: the removal of most personal injury cases from scope; the provision of all advice and assistance as 'controlled work' under contracts, with a defined number of case starts and regular monthly payments; and the restriction of all family, immigration, clinical negligence and remaining personal injury work to franchisees. At first, a standard contract – the Legal Aid Board's General Civil Contract – will apply to all contractors. Under its terms, payment will be calculated broadly on the same basis as now, with bills assessed after the event at prescribed hourly rates. An order under the Access to Justice Act will preserve the effect of the existing legal aid regulations for this purpose. It will also apply these regulations to non-contracted cases (certificated work in housing, contract etc.). It is planned to bring all categories of case within the scope of contracts by April 2001.

However contracts develop, rules affecting the treatment of individual clients will remain of national application. The Funding Code will contain the criteria and procedures for granting and withdrawing funding. Financial eligibility limits and financial conditions (contributions and statutory charge) will be set out in regulations. A single set of regulations will bring together the limits and conditions for the various levels of service allowed under the Funding Code. Initially, the details will be similar to those in the existing regulations. The Government has announced that it intends to consult next year about its proposals for substantive changes.

A second set of regulations will deal with costs in funded cases. Again, there will be no major changes of substance at first. These regulations will include the rule that (unless a contract provides otherwise) a solicitor in a funded case may recover costs from the other side calculated at private charging rates. These regulations will also include the rules, currently in section 18 of the Legal Aid Act, for recovering costs from the Fund in certain circumstances.

Cases started before 1 April 2000 will continue under the provisions of the 1988 Act.

The Lord Chancellor's Department will be consulting the Law Society and others on drafts of the new regulations this month. ■

Has Your Legally Aided Client Changed Address?

If so, this counts as a change in your client's circumstances and you are obliged to tell your local Regional Office. In certain circumstances, for example if there is a deadline to be met by your client, it is vital that we can contact them quickly. Delays have occurred

because the details in our records are out of date.

From now on, the Regional Office will write to you if they have mail returned because the client is no longer at the address in our records. If you are aware of a new address and have overlooked informing us, please could you ensure that you respond to our request for information, in the interests of your client. If you are not aware of any change of address or you do not reply to our request, the Regional Office may take the view that you are not receiving instructions from your client and consider instituting the show cause procedure with a view to discharging the certificate. ■

Notice to Practitioners Regarding Working Families Tax Credit (WFTC), Disabled Persons Tax Credit (DPTC) and Legal Aid Eligibility

The Tax Credit Act 1999 introduced new benefits on 5 October 1999, namely the Working Families Tax Credit (WFTC) and the Disabled Persons Tax Credit (DPTC). These benefits will eventually replace the existing Family Credit (FC) and Disability Working Allowance (DWA) benefits.

Transitional Cases

Between October 1999 and April 2000 FC and DWA will be phased out. As an individual's entitlement to FC/DWA expires it will be replaced by the relevant new tax credit. Where individuals have been determined as eligible for FC or DWA before 5 October 1999 they will continue to be automatically eligible on income for advice and assistance, ABWOR, family mediation and criminal legal aid until the date on which their FC or DWA award expires.

The New Tax Credits & Eligibility

The amount of tax credit a person is entitled to is assessed by the Inland Revenue according to the following formula:

$$\begin{aligned} &\text{Maximum weekly entitlement} \\ &\text{less } \underline{\text{Abatement for other income}} \\ &= \text{net weekly entitlement} \end{aligned}$$

The entitlement is known as an award. Where there is to be no abatement the individual is entitled to a maximum award. Where an abatement is to be made from the maximum entitlement, this is known as a partial award. From 5 October 1999, as and when individuals are assessed for their tax credits, they will be provided with a Tax Credit Award Notice by the Inland Revenue.

As the tax credit system is more generous than the

system it replaces, entitlement to free advice and assistance, ABWOR, family mediation or criminal legal aid, will be subject to a "cut-off" when the credit withdrawn (the abatement) from the maximum allowance is more than £70 per week.

Where the individual is eligible for the maximum tax credit, they remain automatically eligible on income for advice and assistance, ABWOR, family mediation and criminal legal aid.

If however the individual receives a partial award they will only remain automatically eligible if the amount withdrawn is £70 per week or less. Where the abatement is more than £70 per week individuals will not automatically be eligible and the award must be treated as income received.

In relation to civil legal aid eligibility there has never been any automatic eligibility for FC or DWA and therefore the amount of the WFTC / DPTC award must be taken as income.

Note to Solicitors

Until April 2000, solicitors should ensure that, where an individual is in receipt of FC or DWA, it has not expired.

If an individual is in receipt of a new tax credit, the award amount must be identified. The easiest way to ensure that the information provided is correct is to have sight of the notification of the award.

The Tax Credit Award Notice includes a breakdown of the maximum tax credit entitlement, the individual's actual tax credit entitlement and the amount of tax credit to be withdrawn. Essentially, the notification award will either state that the individual is entitled to a **maximum award** (full benefit without any abatement) which will automatically make the individual eligible on income for advice and assistance, ABWOR, family mediation and criminal legal aid or a **partial award** (where some credit is withdrawn). Where the individual's entitlement is to a partial award they will only remain automatically eligible if the abatement is £70 or less. If the abatement exceeds £70 the benefit entitlement must be considered as income and eligibility assessed in the usual way.

The application forms have not yet been amended and are unlikely to be amended for this purpose until April 2000. Until then solicitors should endorse the relevant application forms to show whether the individual is in receipt of a maximum or partial award and where partial, the actual amount of the abatement. If the information requested is not provided the application forms may be rejected because insufficient information has been provided. ■

Guidance: Exercise of Devolved Powers – Update

The Guidance: Exercise of Devolved Powers (GEDP) is to be updated by Issue 11 which will be sent to franchisees and subscribers prior to the Christmas holiday period. The update will, for the most part, take effect on 1 January 2000 although some changes are already in force.

The main purposes of the update will be to draw attention to the fact that the Board's contract documentation supersedes the guidance given which will become historical (except where work is not covered by contract, for example, in relation to advice and assistance in the Crime category).

Significant changes will also be made to the standard wordings in Appendix 1. These will be restructured to more closely reflect the franchise categories. The update will also contain revised franchise category definitions in Appendix 2. These also appear in full on pages 16-21 in this issue of Focus.

Information will also be included on case reporting in the contracted regime.

Other changes which will be made will amend the eligibility material to refer to Working Families Tax Credit and Disabled Person's Tax Credit, as well as to indicate the updated position regarding applications under Regulation 10 of the Legal Advice and Assistance Regulations 1989, the requirement to treat mediation-related advice or assistance as a separate matter, and the exemption of the costs of mediation-related advice or assistance from the solicitor's advice and assistance charge and the statutory charge. An item on the amendments to the Legal Advice and Assistance Regulations 1989 appears on pages 32-33 in this issue of Focus.

The Board's guidance to mediators and solicitors regarding family mediation will be reproduced in full in the update. This has recently been revised and reissued but will now also be available in the Guidance: Exercise of Devolved Powers and on the Board's website which includes the full text of the Guidance: Exercise of Devolved Powers. The Board's website is at:

www.legal-aid.gov.uk

The Civil Legal Aid (General) (Amendment) Regulations 1999

These new Regulations came into force on 6 May 1999. For the most part, the Regulations clarify the Board's existing powers and put them on a clearer legal footing. They do not therefore substantively affect existing regional office practice and procedure. However, since the Regulations give powers which are clearer and, in some cases, wider than the existing Regulations, it is important that practitioners are aware of them.

Unless stated otherwise, references to numbered Regulations below refer to the new amending Regulations, and references to the "General Regulations" to the existing Civil Legal Aid (General) Regulations 1989.

Regulation 3 – Transfer of Certificates

This Regulation replaces Regulation 17 of the General Regulations and gives a wider power to transfer certificates and applications between regional offices. The power is wider in two respects.

- (i) Firstly, it expressly applies both to applications and to existing legal aid certificates. Regional offices may therefore continue their existing practice of transferring certificates from one regional office to another where appropriate, but now have a clearer legal basis for doing so. Regulation 3(2) provides that the assisted person's obligation to pay any ongoing contributions is unaffected by such a transfer.
- (ii) Secondly, the words "without prejudice to the applicant", which appear in Regulation 17 have been deleted. Sometimes it is appropriate to transfer a certificate even if it would prejudice the client. Where, for example, a certificate is erroneously issued by one regional office when another regional office has been nominated for that particular multi-party action. The certificate should be transferred to the nominated office even if that office has already formed an adverse view of the merits of the action

and the certificate will be discharged by the new office. This power to transfer applies retrospectively to certificates issued before 6 May 1999.

The amended Regulation will restrict “forum shopping”, i.e. solicitors submitting applications to a distant regional office in the hope that it will have a more generous approach to claims of that type. The main impact however will be in multi-party actions. It is now clear that there is power to transfer all existing certificates in a multi-party action to the new Multi-Party Action Unit (the MPA Unit) in London if the MPA Unit has decided to take responsibility for the action.

Regulation 4 – The Duties of Solicitor and Counsel to the Board

The obligation of a solicitor or of counsel to report the progress of proceedings to a regional office under Regulation 70 has been widened in two important respects.

Firstly, the obligation to give the Regional Director such information regarding the progress and disposal of proceedings as he/she may from time to time require now extends to information which the Regional Director wishes to have about a different application or certificate. This change is most useful in multi-party actions or claims of a similar type. For example, if regional offices become aware of an expert report or counsel’s opinion obtained in one case which may be relevant to the merits decision on another case, that information can now be called for and taken into account when determining the application. (But see Regulation 5 below for the issues arising as to privilege and confidentiality).

Secondly, a new general reporting obligation has been inserted into Regulation 70(1) of the General Regulations. This requires the solicitor to:

“Notify the Area [Regional] Director of any information which comes to his knowledge and which he [i.e. the solicitor] considers may be relevant to the determination of any application or the continuance of any certificate or contract.”

This is a wide general obligation which, for the first time, makes it clear in the Regulations that solicitors and counsel owe a general duty to the legal aid fund and must bring matters relevant to means or merits to the regional office’s attention. This new obligation is additional to, and in no way detracts from, existing reporting obligations on clients and solicitors such as those contained in Regulations 66, 66A, 67 and 70 of the General Regulations and Regulation 11 of the Civil Legal Aid (Assessment of Resources) Regulations 1989.

As this is an express obligation in the Regulations, breach of this reporting requirement may, in appropriate circumstances, lead to deferment of a solicitor’s profit

costs under Regulation 102 of the General Regulations where any default leads to loss to the legal aid fund.

The general reporting obligation arises in relation to information which the solicitor considers to be relevant to means or merits. It is therefore not sufficient merely that the regional office considers the information to be relevant after the event. In practice, the new Regulation will be most useful in circumstances where information has come to the knowledge of the solicitor which is obviously important to means or merits and which any reasonable solicitor would consider to be relevant.

Since the new Regulation came into effect on 6 May 1999, it only applies to information which comes to the knowledge of the solicitor on or after that date. Despite the fact the Regulation was not publicised by the Board until now, regional offices will not accept representations to the effect that no obligation arises in relation to relevant information which came to the solicitor’s knowledge before 6 May 1999. General obligations have always been well established in legal aid cases under the common law (see, for example, *Iverson v Iverson* [1966] 1 All ER 258).

Regulation 5 – Disclosure and Privilege

This Regulation expands Regulation 73 of the General Regulations to be consistent with the revisions contained in Regulation 4 above. Regulation 73 provides that legal privilege as between solicitor and client does not prevent a solicitor from disclosing information to the Board. The amendments make clear that legal privilege in relation to Certificate A does not prevent disclosure even if the Regional Director needs to use the information to make decisions under Certificate B.

Even with these wider powers, regional offices should be cautious in disclosing information from one case to another and should, so far as possible, respect client confidentiality.

Regulations 6 & 7 – Cost Limitations, Counsel’s Fees & the Indemnity Principle

This Regulation puts it beyond doubt that cost limitations issued under CIS or in a multi-party action contract have full legal effect. The Regulation confirms that cost limitations are binding on assessment by either the court or by the Board and sets out the circumstances in which counsel will be paid if their fees exceed the limitation imposed. The amendments contained in Regulation 7 also make it clear that the indemnity principle does not apply to costs limitations. The Board’s guidance on costs limitations, following the above amendments, was set out in full in Focus 27 (September 1999). ■

Notice to Law Costs Draftsmen

Following correspondence with the Association of Law Costs Draftsmen we have agreed to revise the Notice issued in Focus 27 (September 1999) to clarify points they have raised. The revised text of the notice is set out below:

NOTICE TO PRACTITIONERS REGARDING THE CLAIMING OF LAW COSTS DRAFTSMEN'S FEES

As practitioners will be aware, a Law Costs Draftsman's fee can now be claimed at an hourly rate in bills presented under the Civil Procedure Rules which came into effect on 26 April 1999.

The Board has received queries about the rates to be allowed in legally aided cases and the extent to which fees for drawing up the bill, either by the solicitor or Law Costs Draftsman, should be allowed on assessments undertaken by the Board.

Scope of the Notice

The notice issued sets out the approach to Law Costs Draftsmen's fees only in relation to bills submitted to the Board for assessment.

Regional offices will adopt the following approach:-

(i) Bills drawn for costs incurred before 26 April 1999

It is accepted that where bills are drawn up by Law Costs Draftsmen after 26 April 1999 that is "work done" within the meaning of paragraph 18(3) of the Practice Direction to Part 51 of the Civil Procedure Rules and is thus capable of remuneration. This is true even if the costs within the bill relate to work done before 26 April 1999. A Law Costs Draftsman's fee will therefore be recoverable, in accordance with the guidance below, for a bill drawn up for assessment on/after 26 April 1999 in circumstances where it was reasonable to instruct the draftsman to draw the bill.

Practitioners are invited to re-submit claims where Law Costs Draftsmen's fees have been disallowed if the reason for such disallowance was the date the costs claimed within the bill were incurred rather than the reasonableness of instruction or the time taken.

(ii) Time taken

Where an allowance is due for time spent preparing the bill for assessment it should rarely exceed an hour. In the vast majority of cases an allowance of 20 to 30 minutes will be more appropriate. Where a greater time is claimed, the bill should justify the time spent with reference to the circumstances of the case. The allowance for preparation is in addition to the time allowed for checking and signing in compliance with the regulations.

(iii) Civil non-family cases

Whilst there is no specific rate within the regulations the work falls within item 3 of Schedule 1 to the Legal Aid in Civil Proceedings (Remuneration) Regulations 1994 as "all other preparation work including any work which was reasonably done arising out of or incidental to the proceedings." The hourly rate allowed will therefore be the relevant preparation rate for the conducting solicitor under item 3.

(iv) Family cases

The schedules to the Legal Aid in Family Proceedings Regulations 1991 already provide an allowance for preparing the bill and these should be followed. There is no such allowance for prescribed family proceedings in the Magistrates' Court, and as there is no process equivalent to assessment by the court, a Law Costs Draftsman's fee is not considered to be recoverable.

(v) The Statutory Charge

Regulation 119(2) of the Civil Legal Aid (General) Regulations 1989 refers only to the costs associated with taxation. The costs of drawing/checking the bill are not considered to be part of the costs of the assessment process as the costs are incurred before the commencement of the assessment proceedings. They are thus part of the costs of the main proceedings and are not exempt. Our regional offices will continue not to disregard the costs of preparing the bill for assessment when considering the statutory charge. This approach will continue for the time being, although it is under review by the Lord Chancellor's Department. ■

Proposed Payment Dates

In the past there have been two payment dates for solicitors and counsel each month. From 1 January, in addition, there will be a General Civil Contracting payment run, which comprises advice and assistance payments for firms which have been awarded contracts.

The proposed payment dates for the first half of 2000 are set out below. These dates may be subject to amendment, but we will inform you of changes in advance where possible.

If you are paid by BACS (Bank Automated Clearing System) the proposed payment date shown is the date on which you will receive a payment into your bank. 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 Financial Services Settlement section. Remittance

advices are despatched using DX or first class post.

If you are still being paid by cheque, we recommend that you change to BACS, which is a more efficient payment method. With BACS, the payment is made directly into your bank account avoiding cheque-handling and you also receive a remittance advice. BACS provides immediately cleared funds, unlike cheques which can take four to six days to clear. If you have any queries about payment by BACS, please telephone the Master Index section on 0171 813 8626.

Details of the amount due to you may be obtained by contacting either the Regional Office or the Solicitors/Counsel Settlement section on 0171 813 8625, but no earlier than the day before the proposed payment date. However, if you have a query regarding an individual item shown on a remittance advice, you should contact the relevant Regional Office which authorises and processes all such bills.

Keeping us up to date

Names, addresses, DX, fax and telephone numbers and bank details for BACS payments are held on the Board's Master Index database. Please send any relevant changes relating to your firm or chambers to the Master Index section at 85 Gray's Inn Road, London, WC1X 8AA, or at DX 328 London. ■

Proposed Payment Dates for January 2000 – June 2000

First Settlement of the Month	Second Settlement of the Month	General Civil Contracting Payment
Tuesday, 11 January 2000	Tuesday, 25 January 2000	Tuesday, 18 January 2000
Wednesday, 9 February 2000	Thursday, 24 February 2000	Thursday, 3 February 2000
Thursday, 9 March 2000	Friday, 24 March 2000	Friday, 3 March 2000
Tuesday, 11 April 2000	Wednesday, 26 April 2000	Wednesday, 5 April 2000
Wednesday, 10 May 2000	Thursday, 25 May 2000	Thursday, 4 May 2000
Friday, 9 June 2000	Monday, 26 June 2000	Monday, 5 June 2000

Receiving Focus

Focus is sent automatically to all legal aid account holders, free of charge. It is usually published four times a year. It is not strictly quarterly, as it is produced whenever we need to communicate important information to the profession, rather than according to a rigid timetable.

Focus is distributed using the names and addresses of all legal aid account holders, details of which are held on our Master Index database. If you have not received a copy of Focus it may be because you have not alerted the Master Index Section to any changes to your name, address or DX. Please make sure that you send any relevant changes to them, at 85 Gray's Inn Road, London, WC1X 8AA, or DX 328 London, or fax them to 0171 813 8624. Please quote your legal aid account number.

It is important that Focus is seen by everyone in your firm who is involved in legal aid work. To help you to circulate Focus, you may make as many photocopies as you need.

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