



21 July 2025

Dear Provider,

Please note the FAQ updates on Crime applications which have been made today.

For the full list of contingencies, please visit [GOV.UK](https://www.gov.uk).

Civil applications

The full list of contingencies can be found on the incident webpage, [here](#).

Civil billing – Average Payments Scheme

A reminder that the process to opt in to civil billing contingency and accept the payment is running on a weekly basis, giving you flexibility to opt in each week. To opt in, you must let us know by midday each Monday to make that week's payment run.

FAQ

Today we have updated the [FAQ](#) section on the incident webpage with the following:

Crime applications: General

How will transfers of Representation Orders be managed to resolve possible duplicates? What related guidance has been given to the judiciary on this? [added 21 July 2025]

Transfers will operate largely as they do now as set out in the Criminal Legal Aid Manual (CLAM) at Section 7.1. If the transfer is of a Representation Order that was issued by a provider using devolved powers (and following transfer the case will continue to meet the criteria for the use of devolved powers) then there is no requirement to inform the LAA of the transfer decision made by the court. The receiving firm should simply use the existing templates to issue themselves a Representation Order.

When using devolved powers, is the provider required to send a copy of the Representation Order to the client for both new and stockpiled cases? [added 21 July 2025]

The regulations require that a Representation Order is sent out in all cases, and so this requirement applies to the stockpiled cases as well as ongoing cases.

Can providers record the time for filling out the Representation Orders templates? [added 21 July 2025]

5.55 of the Standard Crime Contract Specification Standard Crime Contract Specification states: “You may charge for work done in the exercise of Delegated Functions and recording of such exercise”, although we recognise that this will only make a difference to the fee claimed in limited circumstances.

Firm A was instructed on a certain date and exercised devolved powers but withdrew at the first hearing on the same day due to professional embarrassment. A new firm is now instructed and has indicated they will be applying for legal aid. Can Firm A still exercise their devolved powers to grant a Representation Order and claim the fee? Normally, the Representation Order would be transferred. [Added 21 July 2025]

If Firm A was acting for the defendant, they effectively exercised their devolved powers to

grant a Representation Order, even if the internal administrative processes had not yet been completed. If Firm A wishes to make a claim under paragraph 10.93 of the Standard Crime Contract 2022 Specification, then Firm B must apply to the court for a transfer of the Representation Order.

In this situation, the provisions for an urgent transfer may apply (see section 7.1.2 of the Criminal Legal Aid Manual). Since the Legal Aid Agency (LAA) had not issued the initial Representation Order, the court does not need to notify the LAA of the transfer.

Where a provider received a date stamp on 16 April but was waiting to submit the application for

a Representation Order pending receipt of the client's NI number when the portal went down, can they now exercise devolved powers and grant a Representation Order (criteria is satisfied) from the date stamp date? [added 21 July 2025]

For applications date stamped in Crime Apply before 7 May 2025 but not submitted, providers will need to email a CRM14 (and CRM15 where required) for the LAA to process. Please tell us on the application about the date stamp you obtained in Crime Apply and the LAA will backdate any Representation Order to this date.

For any applications date stamped in Crime Apply on or after 7 May 2025, when the delegated powers were implemented, and the criteria are satisfied, then providers can exercise those powers and grant a Representation Order.

Is there a deadline by when providers need to submit stockpiled applications to the LAA (Crown Court and defendants who are employed, self-employed, a director or is living off savings)? [added 21 July 2025]

These will be accepted for the foreseeable future however for Crown Court applications it is in your interests to submit these at the earliest opportunity. Without a Crown Court representation order from the LAA you will be unable to apply for prior authority or claim any interim payments.

Why is there not a section for crime on the legal aid learning website? [added 21 July 2025]

A crime contingency section has now been added: [Crime Contingency – Legal Aid Learning](#)

Guidance on the incident webpage states that where exercising devolved powers, crime providers must provide a copy of the Representation Order to the client. Where the Provider incurs costs of postage to do so, can they claim these as a disbursement, given these are expenses that would not normally have to be incurred? [added 21 July 2025]

It is envisaged that this would normally happen during routine correspondence with the client or at a physical hearing and so cannot be claimed separately.

Crime applications: Financial eligibility

For stockpiled magistrates' court applications that now fall within the delegated powers, do providers need to get proof of passporting benefit or can they claim based on the info they had at the time they signed their client up for funding? [added 21 July 2025]

Providers do not need to gather any evidence of a passporting benefit for cases where they were instructed before 16 July 2025.

Do firms need to try and obtain evidence of a passporting benefit for any case that remains live? [added 21 July 2025]

The onus on providers to try and obtain evidence of passporting benefits will only apply to cases where providers are newly instructed from 16 July 2025 onwards.

What steps should a provider follow where it is not possible to obtain evidence of a passporting benefit from a client? [added 21 July 2025]

If evidence of a passported benefit cannot be obtained or is not provided despite a chaser, the applications should be assessed as non-passported. For a non-passported case, a provider only needs to gather details of the name, amount and frequency of benefit payments and use this to complete the online means calculator (<https://www.gov.uk/guidance/criminal-legal-aid-means-testing>). In line with existing requirements, providers do not have to obtain evidence of a non passported benefit.

Note: if a case is treated as non-passported, it does not need to be emailed to the LAA on a completed CRM14. The only cases that need to be submitted remain those where the defendant is employed, self-employed, a director or living off savings or if the case progresses to the Crown Court.

Should providers still be seeking to obtain a National Insurance number (NINO) from each passported client? [added 21 July 2025]

It has always been a mandatory requirement for providers to obtain a NINO for any defendant who is in receipt of a passported benefit (with certain exceptions set out in CLAM). This requirement remains in place. It is necessary to enable retrospective confirmation that a defendant was in receipt of the benefit claimed. It is important to note that this checking will not lead to the recoupment of any claims paid, where a good faith and proportionate approach has been demonstrated to implementing the contingency processes in line with the guidance. This checking is, however, essential for us to assess the impact of the contingency arrangements, and the extent of any errors.

Do providers still need to obtain proof of passported benefits where the client is in court custody? [added 21 July 2025]

For applicants who are in court custody and claim to be in receipt of a passported benefit, these applications can be automatically passported and do not have to provide their/partner's NINO. The LAA appreciates the difficulties that applicants are likely to have accessing this information in these circumstances. (NINOs continue to be mandatory for all other applicants as per the normal process).

What evidence is required to show receipt of a passported benefit? [added 21 July 2025]

Evidence of receipt of a passported benefit (Income Support, Universal Credit, Income-related Employment Support Allowance, Income-based Job Seekers Allowance and Guaranteed State Pension Credit) would be satisfied by one of the following:

- A recent bank or building society statement showing transactions during the calculation period (within the last 3 months) – the benefit type must be specified on the statement.
- A benefit notification letter dated within 3 months.
- A benefit notification letter older than 3 months supported by a recent bank statement i.e. showing transactions during the calculation period.
- A screenshot of the payments from the universal credit online account.
- Additional guidance that may help obtaining evidence direct from DWP [Get a proof of benefit letter - GOV.UK](#)

If the client can only provide a bank statement which does not specify the type of benefit, the provider should process the applications as a non-passported benefit ('benefits bypass') as previously referred.

Guidance on benefit income can be found in CLAM, including the regular payment amount at Annex S of the [Criminal Legal Aid Manual](#). Any applications sent to the LAA continue to follow the usual evidence requirements.

Please note, if the evidence of Universal Credit shows a payment of zero, the applicant is not in receipt of a UC payment and should therefore not be assessed as passported.

Crime applications: Interests of Justice test

What happens if a provider grants a Representation Order for an Either Way matter that they think will remain in the magistrates' court, but the magistrates' court decide it should go to the Crown Court (for trial) at a hearing, after they have granted the Representation Order?

The Representation Order template covers the magistrates' court work only. If an Either Way case is committed to the Crown Court for trial, providers will need to apply for the Crown Court work by emailing in a completed CRM14/15, as they will need a Representation Order covering the Crown Court to claim for the work done.

What evidence should providers retain on file to evidence that the Interests of Justice (IOJ) test has been satisfied with self-granted applications? [added 21 July 2025]

Providers should keep a note of IOJ reasoning on file along with full details of the client's means (including all relevant evidence). For all applications as part of the contingency, IOJ justification should be provided in line with the Widgery criteria, whether that is on file or part of an application to LAA.

It is also recommended that providers complete a copy of the CRM14/15 and keep this on file for this purpose, although this is not mandatory.

We continue to operate our contingency measures with an aim of supporting providers and their clients to maintain access to justice, recognising the impact that the systems outage is having, and are grateful for the continued constructive engagement and feedback we receive from providers and their representative bodies to help us do so.