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To all legal aid practitioners

Direct dial number:

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Please quote the department above and  
our reference: mailshot/30march06

30 March 2006

This mailshot to legal aid practitioners contains information about:

- Vulnerable Witnesses (Scotland) Act 2004 – our approach to sanction for adult witnesses
- Legal aid forms – reminder that only new civil legal aid forms will be accepted from 31 March.

#### **VULNERABLE WITNESSES (SCOTLAND) ACT 2004**

Practitioners will be aware that the second phase in the implementation of the Vulnerable Witnesses (Scotland) Act 2004 takes effect from 1 April 2006. This phase concerns adult vulnerable witnesses in solemn criminal cases in the High Court and sheriff court, and children's hearing court proceedings (primarily consideration of grounds of referral to a children's hearing by the sheriff court). The provisions being commenced on 1 April only apply to solemn cases in which a report has been made to the procurator fiscal on or after 1 April, and children's hearing court proceedings where the relevant appeal or application is lodged on or after 1 April.

In Issue 41 of *The Recorder*, we explained the approach we would take to sanction requests in respect of child witnesses. We will be taking a similar approach to requests in respect of adult witnesses.

Where the special measure identified as necessary to support the adult witness is the use of a:

- live television link where witnesses are in another part of the court building
- screen
- supporter

the work will not be classed as unusual, and no prior sanction is required. Likewise, if the cost of the work is £2000 or less there is no need to obtain sanction under the unusually large expenditure provisions.

Where the work being undertaken relates to any other special measure, this is unusual work where prior sanction is needed. Those measures include:

- the use of a live television link from a place other than a court building
- taking evidence by a commissioner (a provision which has only been partially commenced).

The sanction request should contain sufficient information to explain why the measure is required to help the witness give their best evidence.

## LEGAL AID FORMS

In our Advice and Assistance Reform Update of 17 March 2006, we explained that as the reforms to civil advice and assistance due to be implemented in March were being delayed, there would also be a delay in implementing the use of the new advice and assistance forms. (There will be civil, criminal and children's versions of the new advice and assistance application and increase forms).

We wish to clarify that this delay does not affect the new civil legal aid forms issued in January 2006, which are already in use. These new civil legal aid forms are either red or orange in colour.

We wish to remind solicitors making civil legal aid applications that after 31 March 2006, only these new civil legal aid forms will be accepted.

## FINANCIAL ELIGIBILITY CHANGES AND KEYCARD

We will be writing to practitioners in the next week with details of the annual changes to the financial eligibility limits, which will come into effect from 10 April. We will also be issuing a new Keycard and associated leaflet.

- Please tell us if the firm or address details we have used are incorrect. You should notify our Receipts and Payments Department in writing of any changes in address or practitioner details. If you have any queries on mailing addresses please contact: *Receipts and Payments on 0131 240 2080*
- If you wish to obtain copies of any of our publications, please contact: *Communications on 0131 240 1985*.
- You can also find all of our publications, including this mailshot, online at [www.slab.org.uk](http://www.slab.org.uk)