

Legal Services and Applications Department

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TO: Criminal practitioners in Grampian and West
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Your ref:

Please quote the department above and
our reference: *KT*

8 June 2006

This mailshot for criminal practitioners contains information about legislative changes effective 12 June 2006 concerning pilots courts in Grampian and West Lothian. It also contains guidance on how to complete application forms for these cases.

AMENDMENTS TO LEGAL AID REGULATIONS FOR THE SUMMARY JUSTICE PILOT COURTS IN GRAMPIAN AND WEST LOTHIAN

1. LEGISLATIVE CHANGES

Please note that the changes to the proposed amendments to the criminal legal aid, advice and assistance and ABWOR regulations, for the above pilots will come into force on Monday 12 June 2006.

From that date, the following changes will apply to cases referred to these pilot courts:

- **Custody Cases** – the nominated solicitor will be able to provide ABWOR with no eligibility tests. The block fee of £70 for work prior to and including the appearance at the tendering of the guilty plea will apply, and you will continue to have the facility to self-certify an increase to £150 for the first deferred sentence, with the opportunity to apply for further increases in expenditure for further deferred sentences. A block fee of £44.40 will be paid for work prior to an appearance at the tendering of a not-guilty plea.
- **Undertaking Cases** – the nominated solicitor will be able to provide ABWOR, with the usual financial and merits tests applied by the solicitor. The same payments will apply as above, with the same facility for increases in authorised expenditure.
- **Duty Scheme** – the capped follow-up fee of £108.85 for deferred sentences will be removed. Work will be paid on a time and line basis.
- **Change of Pleas** – ABWOR will be available in cases where there is a change of plea to guilty, and a summary criminal application has been refused on interests of justice grounds.
- **Probation Review Hearings etc** – This opportunity has also been used to bring forward the necessary amendments to accommodate probation review hearings and hearings for bail subject to a remote monitoring requirement, under Criminal ABWOR.

2 CRIMINAL A&A/ABWOR INTIMATIONS AND INCREASE FORMS

It is important that the pink intimation and increase forms (AA/APP and AA/INC) are identified as pilot cases to ensure that appropriate decisions are taken by Board staff. As ABWOR is now available for custody and undertaking cases in these pilots, we need to be advised that these are pilot cases when submitting the AA/APP form, or an AA/INC form for an increase to cover a deferred sentence. We would normally refuse an increase to represent a custody client at a deferred sentence as this could only be covered under the duty scheme. However, in these pilot cases these increases can now be considered by us.

Therefore, in the subject matter boxes of both AA/APP and AA/INC forms please include the word "Cleanstream". On the increase form, please also include in the text at Part F that the case is a pilot case. This will help us to ensure that these cases are dealt with differently by our assessment officers. **It is imperative that this information is included on all increase applications, otherwise the requests may be refused.**

The new changes will only apply to cases identified as pilot cases in the 2 jurisdictions. The usual advice and assistance, ABWOR, legal aid and duty scheme provisions will apply to all other cases.

3. BOARD CONTACT

If you have any questions or issues about these pilot cases please contact Kingsley Thomas, Manager, Advice & Assistance and Criminal Applications, on direct tel 0131 240 2085 or email thomaski@slab.org.uk