

Communications Department

44 Drumsheugh Gardens
Edinburgh EH3 7SW

Hays DX ED555250 EDINBURGH 30
Legal Post LP2 EDINBURGH 7

Telephone (0131) 226 7061
Fax (0131) 220 4878
Web www.slabb.org.uk



To: All legal aid practitioners

Direct dial number:

Your ref:

Please quote the department above and
our reference: Keycard/Category codes
2008

4 April 2008

Legal aid changes from Monday 7 April 2008 including new Keycard with revised financial eligibility limits

This mailshot contains important information about changes to legal assistance coming into force on Monday 7 April 2008. Please ensure that all staff involved in providing advice and assistance and civil legal aid are made aware of its contents.

Contents and enclosures

1. Annual changes to financial eligibility and clawback limits for advice and assistance and civil legal aid - effective 7 April 2008

- changes to capital eligibility limits
- changes to income eligibility limits
- increase in clawback limits

2. Advice and assistance category codes - changes from 7 April 2008

- Information on the revised and updated category codes for use with advice and assistance

3. Ordering copies of the new Keycard and Category Codes Card, and changes to leaflets

- Information on updated leaflets and how to order these and the new cards.

4. Enclosed with this mailshot:

- One copy of the **Keycard 2008**
The updated Keycard includes all allowances, clarification of the various clawback limits for advice and assistance and civil legal aid, plus the income and capital eligibility limits effective *7 April 2008*.
- One copy of the new **Category Codes Card** for advice and assistance
Use this to identify the correct code to use and to check if a civil advice and assistance subject is standard or diagnostic.

Advice and assistance - for civil, children's and criminal cases - changes effective from Monday 7 April 2008

Changes to capital eligibility limits

- the capital limit, above which a person is not financially eligible for advice and assistance, has been increased from £1,502 to **£1,561** [Section 8 of the Act]

Changes to income eligibility limits

- the limit above which advice and assistance is not available has been increased from £215 to **£223** [Section 8(a)]
- the lower limit above which a contribution is payable has been increased from £91 to **£95** [Section 11(2)(a)]
- the table to be used in assessing the contribution, depending on the client's disposable income, has been amended and is contained in the Keycard
- the allowances have also been updated - see Keycard.

Increases in "clawback" limit

- the figure prescribed in regulation 16(2)(b) of the Advice & Assistance (Scotland) Regulations 1996 has been increased from £4,821 to **£5,009**
- detailed advice is contained in the Keycard on what is the appropriate figure to apply in the circumstances of each case.

Legal Aid Online

- for the many firms using our Legal Aid Online service, these changes to eligibility will be included in our online service from Monday 7 April.

Future changes to criminal advice and assistance and ABWOR

Reforms to summary criminal legal assistance are expected to be made in June 2008, which will make changes to criminal advice and assistance and ABWOR information in the new Keycard. We will issue updates and guidance on these changes in the coming months.

Civil legal aid - changes effective from Monday 7 April 2008

Changes to capital eligibility

- the lower disposable capital limit, on or below which a client shall be financially eligible on capital without payment of a contribution, has been increased from £6,879 to **£7,147** [Section 17(2)(b)]
- the upper disposable limit, above which the applicant may not be financially eligible for civil legal aid unless the Board considers that the applicant cannot afford to proceed without legal aid, has been increased from £11,402 to **£11,847** [Section 15(2)(a)]

Changes to income eligibility limits

- the lower disposable income limit, on or below which a client shall be financially eligible on capital without payment of a contribution, has been increased from £3,085 to **£3,156** [Section 17(2)(a)]
- the upper disposable income limit, above which the applicant shall not be financially eligible for civil legal aid, has been increased from £10,074 to **£10,306** [Section 15(1)]

Increases in "clawback" limit

- the figure in Regulation 33(b) of the Civil Legal Aid (Scotland) Regulations 2002 has been increased from £4,821 to **£5,009**
- detailed advice is contained in the Keycard on what is the appropriate figure to apply in the circumstances of each case.

Special Urgency Mandate form

- Please remember that the civil legal aid special urgency application form CIV/SU/MAN - Special Urgency Mandate, includes the pro forma calculation sheet to assess financial eligibility and any contribution. You can order the form from our printers, Stewarts - telephone 01506 405480, or from the Board's website: www.slab.org.uk

Changes to the Category Codes Card for advice and assistance

Enclosed with this mailing is an updated Category Codes Cards, for use from 7 April 2008, which replaces the one issued last April. A number of changes have been made, and the main ones are detailed below. These changes will be included in our Legal Aid Online service.

Civil advice and assistance/ ABWOR

New codes

- FEO - Fines enforcement and collection - this is *diagnostic* matter
- OCON - Other conventions

Change from diagnostic civil advice and assistance to standard

- EJC - European Judgement Convention

Deletion of previous code and creation of two new codes

- IMM - Immigration - deleted and replaced with:
 - ASY - asylum
 - IMN - all other immigration and nationality matters

To enable more accurate information regarding advice and representation in asylum and immigration matters, we are replacing the IMM code which previously covered all asylum, immigration and nationality issues, with two new codes.

Where a fresh grant of advice and assistance is made to allow ABWOR to be provided for representation before the Asylum and Immigration Tribunal, please use the same code as the original grant of advice and assistance - for example, if the tribunal proceedings relate to an asylum matter, use the ASY code.

Contempt of court advice and assistance

All contempt of court proceedings codes are now listed in a separate table.

Criminal advice and assistance

New codes

- BSEX - Breach of Sex Offender's Act
- RPRB - Review of probation

Deletion of previous code and replaced with new codes

- BOB - Breach of bail - deleted and replaced with:
 - BBC - Breach of bail conditions 27(1)B
 - FTA - Breach of bail conditions 27(1)A.
- CRO - Community reparation orders - deleted and replaced with:
 - BRCO - Breach of community reparation orders.

Deletions

The following codes have been deleted as they are covered by other categories:

- BAI - Bail (Scotland) Act
- BDTT - Breach of Drug Treatment Testing Order.
- CDA - Crime and Disorder Act - criminal.
- CPA - Criminal Procedure (Scotland) Act.
- CRCA - Conventions Rights (Compliance) (Scotland) Act.

Changes to descriptions

- RDLC - Restoration of driving licence - criminal. This description has been changed to *Removal of disqualification - criminal*.
- SSAA - Social Security Administration (Scotland) Act. This description has been changed to *Social Security - fraud*.

Future changes to criminal advice and assistance and ABWOR

Reforms to summary criminal legal assistance which are expected to be made in June 2008, will make changes to information in the new Category Codes Card. We will issue updates and guidance on these changes in the coming months.

Revised leaflets for the public on financial eligibility and legal aid

We will be publishing a number of revised and new leaflets and information materials for the public shortly. These will be automatically sent to civil legal assistance solicitors in April. The materials will include:

Revised editions

- *A guide to civil legal aid* - updated information booklet with the new financial eligibility information
- *Civil legal aid - what you may have to pay* - updated information booklet
- *Do I qualify financially for advice and assistance - in criminal or children's cases?* - updated version is only available on our website, www.slab.org.uk

New materials

- *Legal aid for children* - a new leaflet covering all types of legal assistance for children
- Legal Aid Helpline - materials promoting the Board's helpline and website

The two revised leaflets are now available from our printers, and are also on our website www.slab.org.uk. Our website also contains an updated version of the leaflets, together with updated online eligibility calculators. -

In addition, we also publish our leaflets in other languages and formats on request. A number of our leaflets in other languages are available on our website. If you wish to request a leaflet in other languages or formats, please contact our Communications Department on 0131 240 1985.

Ordering further copies of the Keycard and Category Codes Card

You can now order additional copies of the Keycard and Category Codes Card from our printers, Stewarts. You should complete our order form - previously issued or available on our website - or call Stewarts on 01506 405480.

The cards are also available in the legal profession section of our website www.slab.org.uk.

Who to contact if you have any questions

For further information or questions on:

- advice and assistance - financial eligibility or category codes - contact Sharon Cosgrove tel 0131 240 2066
- civil legal aid - financial eligibility - contact Claire Ewart tel 0131 240 2091
- Legal Aid Online - for technical help or problems contact us by email online@slab.org.uk or call our legal aid online helpline on 0131 240 2037. For queries about using Legal Aid Online contact 0131 240 2013.
- 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
- Copies of forms and leaflets are available from our printers, Stewarts - tel 01506 405480. You can also find all of our publications, including this mailshot, online at www.slab.org.uk