

The Recorder Special Registration Issue July 1998

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IMPORTANT

If you intend to carry out criminal legal assistance after 1 October 1998, please read this notice carefully.

31 July deadline for application to register on the Code of Practice

If you intend to provide criminal legal assistance after 1 October this year, both you and your firm must be included in the Board's Criminal Legal Assistance Register. To register you must apply to us and satisfy us that you comply with our Code of Practice.

To guarantee that your application is considered by 1 October, it must be in our hands by 31 July. If you have not already submitted your application, you now have only a few days remaining to do so.

Applications must be made using the forms supplied by the Board. You will require to certify that you already have in place the management and administrative systems required to comply with the Code. Provided these systems are in place, even if at the date of the application they are not fully operational, you should **NOT** delay your application. You must, however, ensure that the systems are fully operational on or before 1 October.

If you would like any information about the Code or help with completing your application, contact our Compliance Auditors on 0131 226 7061, ext. 215 or 333.

Your questions about the Code answered

What if my application is late?

Applications received after 31 July will, of course, still be considered. However, we cannot guarantee that late applications will be processed by 1 October. Solicitors who are not registered with the Board will not be entitled to undertake criminal legal assistance.

What if my application is refused?

If your application is refused you are clearly not entitled to carry out criminal legal assistance work after 1 October. However, you will be told the reasons for the decision to refuse your application and there is a right of appeal to the Court of Session or you can reapply when the necessary changes have been made. The Compliance Auditors will be happy to discuss matters with you before you submit your new application.

What happens if I am not registered by 1 October?

If you are not registered by 1 October you will not be able to undertake criminal legal assistance from that date. If your application is not going to be processed by 1 October or you do not intend to apply for registration, you should advise any existing criminal legal assistance clients that you will be unable to continue acting for them under legal aid. To continue to receive legal aid, they must contact a registered firm but it is **your responsibility** to make sure that this is done timeously and with as little disruption to clients as possible. The usual procedures for transfers will, of course, apply.

What if I am on the duty scheme?

Solicitors who currently appear on the duty scheme must be registered in order to continue to act under the scheme. Even if you are on the current duty plan, which runs to December,

you will have to be registered to continue on the plan after 1 October.

What if I need more application forms?

If you have been refused and wish to reapply or if your original forms have been lost, you should contact David Sweeney at the Board on ext. 410. Second year trainees who wish to apply will first have to be allocated a legal aid practitioner number; again, contact David for the appropriate application form.

To help you meet the 31 July deadline, please follow these instructions when completing your application forms

Do

- enclose a copy of your practising certificate with your individual application form
- sign the declaration on the application form(s)
- complete the boxes on the reverse of the firm's (blue) application form
- date your procedures documents before sending them in.

Don't

- submit individual applications before your firm's application
- submit the application without the supporting documents
- apply until your documented procedures are in place
- forget that we're here to help you!

Who should I contact about my application

Compliance Auditors

Manager, Compliance Audit

Robertson Mair (ext.215)
Fiona Mackintosh (ext. 215)
Jane Macnaughton (ext. 333)
Brian Millar (ext. 333)
David Buchanan-Cook (ext. 444)

forms and practitioner numbers

David Sweeney (ext. 410)