



Summary criminal legal assistance reform

Implementation date: 30 June 2008

TO: All criminal legal assistance solicitors

Mailing 5: 25 June 2008

Your practitioner number

Your firm and branch code

REFORM OF SUMMARY CRIMINAL LEGAL ASSISTANCE: FORMS AND GUIDANCE UPDATE

This mailing provides an update on forms and guidance for the implementation of the summary criminal legal assistance reforms, which is effective from Monday 30 June.

Application form starter packs

The new forms must be used for all applications for criminal advice and assistance/ABWOR and summary criminal legal aid made from 30 June 2008 onwards.

As advised in our previous mailings, starter packs of the new criminal application forms have been getting issued to all criminal solicitors since last week. We expect that all form starter packs will be issued by Thursday 26 June.

Mailings are being sent by DX, LP, Parcelforce and Fedex courier delivery. Although starter packs will have been dispatched to you, it is possible in a small number of cases that our postal services will not have delivered all of your starter packs for Monday 30 June.

In the event that you have not received any forms, you should:

- use our Legal Aid Online service for criminal advice and assistance/ABWOR work
- print out a pdf online version of the forms to complete. These will be in the legal profession section of our website www.slab.org.uk (Please note that the pdf versions will be available for a short initial period and should only be used where printed forms have not been delivered to you. After this initial period, pdf versions will not be available and should not be used.)
- contact the Board's Communications Department on 0131 240 1985 to request a form is faxed to you, or to check an order, or request additional starter packs.

Keycard 2008 - changes for criminal advice and assistance/ABWOR from 30 June 2008

There are several changes to the current Keycard, issued in April 2008, because of the summary criminal legal assistance reforms. As we will not be issuing a new Keycard, you should note the following changes to the April 2008 edition:

Page 11

Contribution levels for criminal general advice and assistance

You should use the contribution table for civil diagnostic advice and assistance cases shown on page 11 for criminal general advice and assistance cases.

Page 12

Initial limits of authorised expenditure

The initial limits for criminal advice and assistance change from 30 June 2008.

You should therefore delete the existing paragraphs on criminal advice and assistance, and replace with the following.

Criminal advice and assistance/ABWOR initial limits

For criminal advice and assistance and criminal ABWOR cases, the initial limits of expenditure can be either £35, £90, £185, £550, or £165, depending on the type of criminal advice and assistance or ABWOR being used:

- £35 applies for general advice and assistance, where advice is being given prior to the service of a complaint or direct measure, or if the direct measure is accepted
- £90 applies for standard advice and assistance where advice is being given after the issue of a summary complaint or if the direct measure is being challenged
- £90 applies to advice given in connection with solemn criminal matters
- £185 applies for ABWOR cases on a block fee basis in JP court cases. This is the £150 block fee with the £25 fee for any diet where a social enquiry report (SER) is being considered, together with £10 for any outlays.
- £550 applies for ABWOR cases on a block fee basis in the Sheriff Court and Stipendiary Magistrates Court cases. This is the £515 block fee with the £25 fee for any diet where a SER is being considered, together with £10 for any outlays.
- £165 applies for ABWOR cases for Parole Board proceedings, or if a second or subsequent diet has been ordered by the court for any other cases where ABWOR is available on a chargeable basis
- £90 applies where it relates to ABWOR for any other summary criminal matter.

Category codes for criminal advice and assistance/ABWOR

We will be issuing a new card in our next mailing. Until you have received this, attached to this letter are details of the new category codes for criminal advice and assistance/ABWOR, which you should use from 30 June 2008.

A number of changes have been made to the information contained to reflect the changes being made to summary criminal legal assistance. We have also made various changes to the codes, including introducing new codes and renaming and deleting several others.

Mailings with guidance for making applications from 30 June

We will be issuing several further mailings over the next week.

- new Category Codes Card for advice and assistance/ABWOR
- new Equality Card for use with the new forms
- order form for further printed forms supplies.

- updated edition of the guidance on the summary criminal reforms, issued in Mailing 2 on 9 June. This revised guidance will include extra information and questions and answers to commonly raised queries at all of our training seminars.

- New accounts synopsis forms guidance on how to complete these new forms, together with example copies of the new forms.

- **Legal Aid Online users**
The changes to criminal advice and assistance/ABWOR will be reflected in our Legal Aid Online service from 30 June. We will have a new criminal advice and assistance/ABWOR client mandate form on our website for Monday 30 June. We will be issuing information on the changes by email shortly, as well as on our website.

All of our summary criminal legal assistance reform guidance and mailings, including the new Category Codes Card and Equality Card, is available on our website www.slub.org.uk

Criminal advice and assistance/ ABWOR category codes - from 30 June 2008

| Code | Description | Advice and assistance initial limit | ABWOR initial limit | ABWOR merits test applied by solicitor? | PF/police reference number, where not available, date of offence required? |
|------|---|-------------------------------------|---------------------|---|--|
| ABD | Abduction | £35/£90 | £185/£550 | Yes | Yes |
| AMU | Attempted murder | £90 | N/A | N/A - no ABWOR | Yes |
| ANI | Animals (dangerous dogs etc.) | £35/£90 | £185/£550 | Yes | Yes |
| APL | Criminal appeal | £90 | N/A | N/A - no ABWOR | No |
| ASS | Assault | £35/£90 | £185/£550 | Yes | Yes |
| BBC | Breach of bail conditions - 27(1)(b) | £35/£90 | £185/£550 | Yes | Yes |
| BCRO | Breach of community reparation order. <i>(Was previously BRCO).</i> | £35/£90 | £185/£550 | Yes | No |
| BCS | Breach of a community service order | £90 | £90/£165 | No | No |
| BNHO | Revocation/variation of a non-harassment order | £90 | £90/£165 | No | No |
| BOAS | Breach of ASBO | £35/£90 | £185/£550 | Yes | No |
| BOP | Breach of the peace | £35/£90 | £185/£550 | Yes | Yes |
| BPO | Breach of a probation order | £90 | £90/£165 | No | No |
| BRLO | Variation/revocation/breach of a restriction of liberty order | £90 | £90/£165 | No | No |
| BSA | Breach of a supervised attendance order | £90 | £90/£165 | No | No |
| BSEX | Breach of Sex Offenders Act 1997 - Certain sexual acts outside UK | £35/£90 | £185/£550 | Yes | Yes |
| BYL | Bylaws | £35 | N/A | N/A - no ABWOR | No |
| CGAI | Civic Government (Scotland) Act 1982 - indecent photographs: possession, making, distribution | £35/£90 | £185/£550 | Yes | Yes |
| CGAO | Civic Government (Scotland) Act 1982 - other. <i>(Was previously CGAC).</i> | £35/£90 | £185/£550 | Yes | Yes |
| CGAT | Civic Government (Scotland) Act 1982 (Section 57 - theft with intent etc.) | £35/£90 | £185/£550 | Yes | Yes |
| CJPO | Return of sound equipment | £35 | £90 | No | No |
| CPPO | Conviction of probationer following offence during probation period | £90 | £90/£165 | No | No |

| Code | Description | Advice and assistance initial limit | ABWOR initial limit | ABWOR merits test applied by solicitor? | PF/police reference number, where not available, date of offence required? |
|------|---|-------------------------------------|---------------------|---|--|
| CSO | Amendment/ revocation of a community service order | £90 | £90/£165 | No | No |
| CYPA | Children and Young Persons (Scotland) Act 1937 | £35/£90 | £185/£550 | Yes | Yes |
| DG | Misuse of Drugs Act 1971 | £35/£90 | £185/£550 | Yes | Yes |
| DTTO | Variation/revocation/review/breach of a drug treatment and testing order. <i>(Was previously CDAD).</i> | £90 | £90/£165 | No | No |
| EDU | Education (Scotland) Act 1996 | £35/£90 | £185/£550 | Yes | Yes |
| EMB | Embezzlement | £35/£90 | £185/£550 | Yes | Yes |
| FIR | Firearms Act | £35/£90 | £185/£550 | Yes | Yes |
| FRA | Fraud | £35/£90 | £185/£550 | Yes | Yes |
| FTA | Breach of bail Conditions - 27(1)(a) | £35/£90 | £185/£550 | Yes. ABWOR not available if summary legal aid is in place for the substantive matter. | Yes |
| FTAO | Breach of bail Conditions - other | £35/£90 | £185/£550 | Yes | Yes |
| HB | Housebreaking | £35/£90 | £185/£550 | Yes | Yes |
| HOM | Culpable homicide | £90 | N/A | N/A - no ABWOR | Yes |
| LICO | Licensing (Scotland) Act 2005 | £35/£90 | £185/£550 | Yes | Yes |
| MCC | Means enquiry/fines | £35 | N/A | N/A - no ABWOR | No |
| MUR | Murder | £90 | N/A | N/A - no ABWOR | Yes |
| OBWI | Obstructive witness order <i>Note – No ABWOR financial eligibility test required.</i> | £35 | £90/£165 | No – ABWOR only available in solemn criminal cases. | No |
| OFW | Offensive weapon - includes Criminal Law (Consolidation) (Scotland) Act 1995 | £35/£90 | £185/£550 | Yes | Yes |
| OSC | Checking outstanding cases/warrants/ charges | £35 | N/A | N/A - no ABWOR | No |
| OTC | Other criminal | £35/£90 | £185/£550 | Yes | Yes |
| PAR | Proceedings in Parole Board cases | £35 | £165 | No | No |
| PERJ | Perjury | £35/£90 | £185/£550 | Yes | Yes |
| POC | Proceeds of Crime (Scotland) Act 1995 and Proceeds of Crime Act 2002 | £35 | £90 | Yes. ABWOR requires prior Board approval. | No |

| Code | Description | Advice and assistance initial limit | ABWOR initial limit | ABWOR merits test applied by solicitor? | PF/police reference number, where not available, date of offence required? |
|------|---|-------------------------------------|---------------------|---|--|
| POL | Police (Scotland) Act 1967 | £35/£90 | £185/£550 | Yes | Yes |
| RDLC | Removal of disqualification from driving Road Traffic Offenders Act 1988 Section 42 | £35 | £90 | Yes. ABWOR requires prior Board approval. | No |
| ROB | Robbery | £35/£90 | £185/£550 | Yes | Yes |
| RPRB | Progress review of a probation order | £90 | £90/£165 | No | No |
| RST | Reset | £35/£90 | £185/£550 | Yes | Yes |
| RTA | Road Traffic Act | £35/£90 | £185/£550 | Yes | Yes |
| SAO | Amendment/ revocation of a supervised attendance order | £90 | £90/£165 | No | No |
| SCRC | Scottish Criminal Cases Review Commission | £90 | N/A | N/A - no ABWOR | No |
| SEX | Sexual offences - includes Criminal Law (Consolidation) (Scotland) Act 1995 | £35/£90 | £185/£550 | Yes | Yes |
| TERF | Warrant for further detention (or extension) under Terrorism Act 2000. <i>Note – No ABWOR financial eligibility test required.</i> | £35 | £90 | No | No |
| TERR | Terrorism. <i>(Was previously TERA).</i> | £90 | N/A | N/A - no ABWOR | Yes |
| THF | Theft | £35/£90 | £185/£550 | Yes | Yes |
| TMV | Theft of motor vehicle | £35/£90 | £185/£550 | Yes | Yes |
| TOAC | Transfer of agency | £35 | N/A | N/A - no ABWOR | No |
| UTT | Uttering | £35/£90 | £185/£550 | Yes | Yes |
| VAN | Vandalism - includes culpable, common law and statutory | £35/£90 | £185/£550 | Yes | Yes |
| VERA | Vehicle Excise and Registration Act 1994 | £35/£90 | £185/£550 | Yes | Yes |
| VFBO | Variation or termination of a football banning order | £35 | £90 | No | No |
| WFR | Wilful fire raising and culpable and reckless fire raising | £35/£90 | £185/£550 | Yes | Yes |
| WIR | Wireless Telegraphy Act 2006 and Telecommunications Act 1984 | £35/£90 | £185/£550 | Yes | Yes |
| WIT | Witness citation – criminal | £35 | N/A | N/A - no ABWOR | No |