

# GUIDANCE NOTES

## CIVIL ACCOUNT SYNOPSIS/CONCLUSION FORM

### (CIV/ACC/CONC)

#### GENERAL NOTES

Please ensure that you:

- complete all sections of this form that we have not already completed, unless they do not apply;
- attach all necessary documentation such as vouchers, counsel's fee notes, and the account. If you do not, we will return your account for you to send the missing information.

If you are sending us a final account and have already asked for, or been paid, a reimbursement of outlays, include all outlays in the final account. We will deduct any previous payments from the final account and if you have not included them in your final account, we may pay you less than you are due.

If you do not have enough space to answer a question on the form, please **continue your answer on a separate sheet**, which you should then attach to the form.

#### SECTION A – APPLICANT AND CASE DETAILS

##### 1. Firm's code number

Please check the firm code is correct. If it is incorrect, please amend it so that we pay the correct firm.

##### 2. Branch code

Insert the branch code. The branch code relates to the branch to which PAYMENT is to be made. Our Receipts and Payments Department sent you a mandate to sign, allowing you to name branches to which you wished to be linked, and issued you with a branch code or codes. (Branch codes were previously known as "account points".)

##### 3. Your reference number

If you wish to amend or insert your own internal reference number, do so here.

#### SECTION C – JUDICIAL EXPENSES BREAKDOWN

Complete this section **only** if you are accepting judicial expenses in full and final settlement.

- Use the boxes provided to give a breakdown of the judicial expenses claimed.
- Ensure the total matches the amount on any cheque you enclose.
- We cannot pay you until we receive the cheque for the judicial expenses, so to avoid delays please ensure you attach the cheque.

**Note: Where we have made interim payments to either you or Faculty Services, we will deduct these payments from the final payment we send to you.**

## SECTION D – ACCOUNT BREAKDOWN

### Amounts claimed

Please complete this section for all accounts **other** than claims for judicial expenses. You should enter the totals you are claiming as follows:

#### 1. Amounts claimed

- Enclose vouchers for all outlays claimed.
- If you are claiming for counsel's fees, enclose all fee notes.
- Ensure the amounts claimed match the amount entered at the total box.

#### 2. NIL accounts

- If you are making a nil claim you should enter £0.00 in all the fields and enter £0.00 in the total box.

## SECTION E – RELATED/LINKED REFERENCES INCLUDING APPEALS

Where the claim is linked to or relates to more than one case, complete this section. If you have not already done so, please send any advice and assistance account with the civil account synopsis/conclusion form.

If you do not have enough space to answer this question, please continue your answer on a separate sheet, which you should attach to the form.

## SECTION F – EXPENSES

Complete this section when sending us a final account for payment.

**Question 1.** If expenses have **not** been awarded or agreed between the parties you must explain why.

**Questions 2 and 3.** You must complete these questions for all cases where expenses have been awarded or agreed. You must attach a copy of the relevant agreement or decree.

**Question 4.** Under Regulation 22, you need our prior approval for taking any steps of diligence. If you do not have enough space on the form to answer any part of question 4, please continue your answer on a separate sheet, which should be attached to this form.

## SECTION G – PROPERTY RECOVERED OR PRESERVED

You must complete this section when sending us your final account for payment.

You should refer to Chapter 18 of the Civil Legal Assistance Handbook for full guidance on property recovered or preserved.

**Question 1.** If the answer to this question is No, you do not need to complete any further questions in Section G. If, however, you have answered Yes, you must complete all the questions within this section.

You must give us the values of any property recovered or preserved as close as possible to the date of decree or transfer, whichever is the earlier. Valuations at the date of separation do not always reflect the true value of an asset which has actually been got or kept in the proceedings. You must send us the relevant documentation as listed in Section I.

**Question 2.** Please tell us if you have released any funds to your client. In terms of section 17(2A) of the 1986 Act, all that has to be paid into the Fund by the solicitor for the assisted person is the net liability. You should, therefore, only send sufficient sums to cover the net liability. If a previous agent acted on behalf of your client you must take this into consideration when calculating the sums to be sent. Under Regulation 40(3)(a), the onus lies with you to ensure that you keep back sufficient funds to cover the net liability. If you do not, Regulation 40(3)(b)(ii) allows us to deduct equivalent sums from any future payments due to you out of the Fund.

**Question 3.** If you are using diligence to try to recover the principal or capital sum you must seek our prior approval in terms of Regulation 22.

#### **SECTION H – REPORT ON PROCEEDINGS**

You need to complete either question 1 or question 2 to tell us if the proceedings settled judicially or extra-judicially. Please remember to provide full information about any changes in either the case or the applicant's circumstances that were not reported to us at the time, including an explanation of why we were not told of the changes.

#### **SECTION I – ATTACHMENTS**

Please ensure that you send all the relevant documentation when you send us your account for payment. If you do not send the relevant documents we may return your account to you.

#### **SECTION J – DECLARATION**

You must sign and date the declaration or we will return the account to you.





SECTION E	RELATED/LINKED REFERENCES INCLUDING APPEALS
List any related or linked cases where the applicant has joint interest with the others or any appeal references.	
Legal aid reference number	Applicant's name
Give any related advice and assistance reference number for this case and the value of this account.	
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> £ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Are you submitting the advice and assistance account in tandem with the civil account? Yes <input type="checkbox"/> No <input type="checkbox"/>	

SECTION F	EXPENSES								
(1) If no expenses were awarded or agreed between the parties, please briefly explain why not.									
(2) Were the expenses:	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%;">Fixed by the court</td> <td style="width:15%; text-align: center;"><input type="checkbox"/></td> <td style="width:35%;">Awarded by the court 'as taxed'</td> <td style="width:15%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Agreed between the parties</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Assessed by the auditor</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Fixed by the court	<input type="checkbox"/>	Awarded by the court 'as taxed'	<input type="checkbox"/>	Agreed between the parties	<input type="checkbox"/>	Assessed by the auditor	<input type="checkbox"/>
Fixed by the court	<input type="checkbox"/>	Awarded by the court 'as taxed'	<input type="checkbox"/>						
Agreed between the parties	<input type="checkbox"/>	Assessed by the auditor	<input type="checkbox"/>						
(3)(a) Have the expenses been recovered?	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%;">No</td> <td style="width:15%; text-align: center;"><input type="checkbox"/></td> <td style="width:35%;">Yes</td> <td style="width:15%; text-align: center;"><input type="checkbox"/></td> </tr> </table>	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>				
No	<input type="checkbox"/>	Yes	<input type="checkbox"/>						
(b) If No, what are the prospects for recovery?	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Very good</td> <td style="width:15%; text-align: center;"><input type="checkbox"/></td> <td style="width:33%;">Good</td> <td style="width:15%; text-align: center;"><input type="checkbox"/></td> <td style="width:5%;">Poor</td> <td style="width:15%; text-align: center;"><input type="checkbox"/></td> </tr> </table>	Very good	<input type="checkbox"/>	Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>		
Very good	<input type="checkbox"/>	Good	<input type="checkbox"/>	Poor	<input type="checkbox"/>				
(c) Please explain why – provide brief details explaining your assessment of the prospects for recovery.									
4(a) Will you be attempting recovery of expenses? No <input type="checkbox"/> Yes <input type="checkbox"/>									
<b>If you do not recover the expenses, we may have to keep your client's contribution or property recovered or preserved. You should seek prior sanction for any steps in diligence. Any steps we take will primarily be aimed at collecting sums owed to the Legal Aid Fund only.</b>									
(b) Give up to date details for each opponent with information that may assist if enforcement steps have to be taken:									
(c) First opponent's name:									
(d) Address:									
(e) Was the opponent an assisted person?	No <input type="checkbox"/> Yes <input type="checkbox"/>								
(f) If yes, please give any known legal aid reference number for this opponent.	CI <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>								
(g) If the opponent's liability has been modified, please state the amount:	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>								
(h) Give details of the opponent's employment, banking arrangements or known assets.									

**For any additional opponents, give details as above on a separate sheet.**

Section G		PROPERTY RECOVERED OR PRESERVED				
(1)(a) Did the case involve any claim or counterclaim relating to money or other property?		No <input type="checkbox"/>		Yes <input type="checkbox"/>		
(b) Did the assisted person get or keep any property?		No <input type="checkbox"/>		Yes <input type="checkbox"/>		
(c) If Yes, what was the value? <b>The valuation is at the date of decree or transfer, whichever is the earlier.</b>		£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>				
(2)(a) What is the nature of the property? (tick all boxes that apply)	Money <input type="checkbox"/>	Pension <input type="checkbox"/>	House <input type="checkbox"/>	Policies <input type="checkbox"/>	Cars <input type="checkbox"/>	Other <input type="checkbox"/>
If Other, please specify:						
(b) Have you paid any money over to your client? <b>(If property has been recovered or preserved, you should refer to Regulation 40(3)(a) of the Civil Legal Aid (Scotland) Regulations 2002)</b>					No <input type="checkbox"/>	Yes <input type="checkbox"/>
(c) If Yes, how much have you paid?		£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>				
(d) When was this paid?		<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>				
(3)(a) Are you attempting recovery of the principal or capital sum?		No <input type="checkbox"/>		Yes <input type="checkbox"/>		
<b>(You must ensure you have our sanction in terms of Regulation 22 before carrying out any diligence work.)</b>						
(b) If Yes, please provide details.						

SECTION H		REPORT ON PROCEEDINGS	
<b>Cases concluded by judicial settlement</b>			
(1)(a) Did the assisted person obtain all the orders for which Legal Aid was granted?		No <input type="checkbox"/>	Yes <input type="checkbox"/>
Please list which orders, if any, were obtained and explain why all or any of the orders sought were not obtained.			
(b) Were there, during the case, any changes in circumstances or other material changes to the information you gave us at the outset?		No <input type="checkbox"/> - Please go to section I.	Yes <input type="checkbox"/>
(c) Did you tell us about these changes by stage reporting or other communication?		No <input type="checkbox"/> - Please complete section (c) below.	Yes <input type="checkbox"/>
(d) If No, explain why you did not let the Board know about the changes.			

