



Civil and Criminal Legal Assistance Update

To All Civil and Criminal Legal Aid Practitioners

30 March 2012

INFORMATION ABOUT THE KEYCARD AND CATEGORY CODES

A revised version of the key card is being prepared and will be available on our website at www.slab.org.uk from 10 April 2012.

Key points to note are:

- The Scottish Government has informed us that there will be no change this year to the eligibility thresholds for all aid types in respect of disposable income and disposable capital and so those remain unchanged, as do the levels of contributions to be paid.
- The Dependency Allowances for partners, children living with the applicant and any other adult solely dependent on the applicant in A&A and Civil Legal Aid are the equivalent of the amounts paid for adult and child dependents in Income Support as required by Regulation 7(c) to Schedule 2 of the Advice and Assistance Regulations 1996 and Regulation 13 of Schedule 2 of the Civil Legal Aid (Scotland) Regulations 2002. As the amounts payable in Income Support are increasing this year in line with the Consumer Price Index the dependency allowances to be made in Advice and Assistance and Civil Legal Aid are also being increased.
- The upper disposable income and disposable capital thresholds were removed for advice and assistance given to suspects being questioned by the police at police stations. Therefore suspects with disposable income above £245 per week, and/or capital of £1,716 will all qualify for advice and assistance for police station interview advice. However, suspects with disposable income over the £245 weekly threshold are liable for a contribution of £142. Please note that this applies to advice given to a suspect in connection with a police interview only. In all other situations, including advice given at police stations after the client has been charged, clients will not be financially eligible to receive advice and assistance if their weekly disposable income exceeds £245, or their disposable capital exceeds £1,716.

New criminal category codes

The following new category codes are now available for use for grants of criminal advice and assistance or ABWOR:

- BENF - Benefit fraud under the Social Security Administration Act 1992
- BODI - Breach of domestic Interdict under the Domestic Abuse (Scotland) Act 2011 Section 2(2)

- CLA - Criminal Law (Consolidation) (Scotland) Act
- OBF - Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012
- WPT - Wasting police time
- DJEP - Double jeopardy cases. ABWOR can be provided for any court hearings to determine whether a new prosecution under the Double Jeopardy (Scotland) Act 2011 can take place. Should the case then move to a new prosecution, a fresh application for legal aid needs to be made to the Board.

Please note that the Keycard and Category Codes card will only be published on our web site and will not be issued in paper format.

If you have any queries about the Keycard, please contact Claire Ewart on 0131 240 2091 or by e-mail at ewartcl@slab.org.uk.

If you have any queries about the Category Codes Card, please contact Alison Craig on 0131 240 2098 or by e-mail at craigal@slab.org.uk.