

Criminal Defence Service
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Dear Practitioner,

Fair Justice, Fair Price

Criminal Legal Aid Means Test – Ordering Forms and Payment for Completing Forms

Many solicitors have reported difficulties obtaining forms. To enable solicitors to secure supplies quickly and conveniently, we have set up a direct order line for criminal solicitors to order further copies of the CDS 14, 15, 16 & 17 application forms. This is available for you solicitors to order forms cost-free now. Forms can be ordered

- ❖ Via email: [cgsforms@ecgroup.uk.com](mailto:cdsforms@ecgroup.uk.com)
- ❖ Phone: 020 8867 3296 or
- ❖ By using the order form, which will be available at www.legalservices.gov.uk and faxing it to: 020 8867 3225.

Solicitors can make orders for forms immediately. We urge you to use this system rather than relying on the courts, which will only hold supplies of forms for exceptional use.

We are setting up this scheme in the first instance for six months, and usage will be monitored so that we can review the need for it.

I wrote to you on 27 September and I repeat the relevant extracts below. I would like to adding further clarification on payment for completing forms and helping client's complete forms, which are not received by HMCS within the 2/5 working day rule.

Relevant Extract from Letter of 27th September 2006;

"Payment for Completion of Forms

- *Where a representation order is granted, we confirm that the LSC will allow up to 30 minutes for the completion of all relevant forms namely the CDS 14, the CDS 15, the CDS16 and the CDS 17. This can then be claimed under the existing standard fee arrangement.*
- *Where a representation order is refused on the means test, we will allow the Early Cover payment of £75 + VAT, where the application was submitted within the requisite time period, namely 2 days or 5 days if the client is in custody. That will cover any costs incurred in helping the client complete the means form.*
- *We will also allow a payment of £25 + VAT for helping the client fill in the form where Early Cover is not paid. For this payment to be made you will need to have given advice to a client that although their case is one which would, in all probability, satisfy the interests of justice test they would not satisfy the means test. Your file will need to record why you considered the case would satisfy IoJ*

test, but you will not be required to make the application to the court. This payment will only be available to you if that client does not then go on to instruct you as a private client; and advice will need to have been given within 10 working days of your client being charged or summonsed for the offence in question

This fee should be claimed under code 2T, Early Cover - and no outcome code is required."

There are three points of clarification from this:

- First, the £25 can be claimed when an application for legal aid has been made to the court outside the 2/5 working day rule; the payment is not limited to cases where you have given advice not to apply for legal aid. However it is still a requirement that the application be made within 10 working days of charge or summons.
- Second the £25 + VAT fee should be claimed under code 2U, Refused Means Test Form Completion Fee and no outcome code is required
- Third, where a claim is being made for £75 + VAT for Early Cover, as described above, this should be claimed under code 2T. Where a claim is being made for £25 + VAT, as described in the two situations above, this should be claimed under code 2U.

We realise that your case management and billing software may not be able to accommodate this change at short notice. Therefore, we will not expect you to report work under the 2U code until your software is able to use it. Any claims that are delayed because of this will not be subject to the contract sanctions for late submission. This position will continue to January 2007.

We are also setting this scheme up in the first instance for six months. But we will review the need for it and its detailed operation, in consultation with representative bodies, well before that time.

For the answers to further queries please visit our FAQ section on the LSC website http://www.legalservices.gov.uk/docs/cds_main/SolicitorQandAcompositedocument28Sep06.pdf

Yours sincerely,



Derek Hill
Director, Criminal Defence Service