

Set out in the tables below are LAA's amendments to the 2010 Standard Crime Contract Specification, which have been subject to consultation with the Consultative Bodies (The Law Society, Bar Council and Legal Aid Practitioners Group (LAPG)) and come into effect on 2 December 2013. The tables set out the rationale behind each of the amendments.

The proposed amendments are directed at:

- the Lord Chancellor's legislative changes in regard to prison law, which come into force on 2 December (subject to Parliamentary approval) and can be found at <http://www.legislation.gov.uk/new> from Friday 1 November 2013;
- changes to paragraphs 1.13, 5.6 and 9.8 (the sub-heading above it), to reflect Legal Aid Legislation;
- a change to paragraph 12.48 to reflect the proper name of the LAA form and clarify that this is an online form only;
- a change to paragraph 12.120 to reflect wording that is consistent with other parts of the prison law section.

PART A – GENERAL PROVISIONS

(Current) Contract Specification Section/Paragraph	LAA Amendment(s)	Rationale for LAA Amendment(s)
<p>Section 1 Preliminary</p> <p>Scope of the Specification</p> <p>The Table that follows Paragraph 1.5</p> <p>Interpretation</p> <p>Paragraph 1.13</p>	<p>Delete reference to Treatment Cases.</p> <p>Amend definition of “Criminal Defence Direct Matters(s)” – (remove “s(s)”. Replace “are” with “is”). Delete reference to “CDS” and replace with “Criminal Defence Direct”.</p> <p>Amend definition of “<i>Prison Law</i>”</p> <p>Amend definition of “<i>Parole Board Case</i>” – removing the words “or (h)”.</p>	<p>Treatment Cases will no longer be in the scope of criminal Legal Aid under regulation 12 of the Criminal Legal Aid (General) Regulations 2013 (as amended by the Criminal Legal Aid (General) (Amendment) Regulations 2013)¹.</p> <p>Criminal Defence Direct is the correct term used in the Contract; “CDS” is no longer a defined term in the Contract.</p> <p>To reflect the reduction in scope of prison law legal aid (as will be set out in regulation 12 of the Criminal Legal Aid (General) Regulations 2013).</p> <p>To reflect that the scope of Parole Board Cases will be set out in regulation 12(2)(g) of the Criminal Legal Aid (General) Regulations 2013.</p>

¹ For the avoidance of doubt and convenience, references in this document to the “Criminal Legal Aid (General) Regulations 2013” are references to the those regulations, as amended by the Criminal Legal Aid (General) (Amendment) Regulations 2013.

AMENDMENTS TO THE 2010 STANDARD CRIME CONTRACT SPECIFICATION – EFFECTIVE FROM 2 DECEMBER 2013

	<p>Amend definition of “<i>Sentence Case</i>”</p> <p>Delete definition of “Treatment Cases”</p>	<p>To reflect that the scope of Sentence Cases will be set out in regulation 12(2)(d) of the Criminal Legal Aid (General) Regulations 2013.</p> <p>As above - Treatment Cases will no longer be in the scope of criminal Legal Aid under regulation 12 of the Criminal Legal Aid (General) Regulations 2013.</p>
<p>Section 4 General Powers</p> <p>Paragraph 4.1</p>	<p>Delete reference to Treatment (Cases) and associated prior approval process.</p>	<p>As above - Treatment Cases will no longer be in the scope of criminal Legal Aid under regulation 12 of the Criminal Legal Aid (General) Regulations 2013.</p>
<p>Section 5 Remuneration For Contract Work</p> <p>Paragraph 5.6</p>	<p>Delete this paragraph and replace it with “Not used”.</p>	<p>This paragraph is redundant in light of earlier changes implemented on 13 May 2013 to remove the fees and rates from the Contract under LASPO. In summary, the fees and rates for Contract Work are now only set out in the Criminal Remuneration Regulations. If these fees and rates were to change during the Contract Period, then those changes would be made solely to the Criminal Remuneration Regulations.</p>

PART B – SPECIFIC PROVISIONS ON CLASSES AND UNITS OF WORK

(Current) Contract Specification Section/Paragraph	LAA Proposed Amendment(s)	Rationale for LAA Proposed Amendment(s)
<p>Section 9 Criminal Investigations</p> <p>Sub-heading above paragraph 9.8</p>	<p>Delete reference to “CDS” and replace with “Criminal Defence Direct”.</p>	<p>Criminal Defence Direct is the correct term used in the Contract; “CDS” is no longer a defined term in the Contract.</p>
<p>Section 12 Prison Law</p> <p>Scope</p> <p>Paragraph 12.4</p> <p>Paragraph 12.5</p> <p>Commencing a Matter under this Part of the Contract and Limiting New Matter Starts in Treatment Cases</p> <p>Paragraphs 12.24 to 12.32</p>	<p>Delete this paragraph and replace it with “Not used”.</p> <p>Delete the last three sentences.</p> <p>These paragraphs have been deleted and have</p>	<p>The scope of prison law will be set out in the regulation 12 of the Criminal Legal Aid (General) Regulations 2013.</p> <p>As highlighted above, Treatment Cases will no longer be in the scope of criminal Legal Aid under regulation 12 of the Criminal Legal Aid (General) Regulations 2013 and the associated prior approval process is not required. The LAA does not intend to instigate a system of New Matter Starts in regard to these cases during the remainder of the Contract Period.</p> <p>As highlighted above, Treatment Cases will no longer be in the scope of</p>

AMENDMENTS TO THE 2010 STANDARD CRIME CONTRACT SPECIFICATION – EFFECTIVE FROM 2 DECEMBER 2013

General Provisions on Starting a New Matter Start	been replaced with references to “Not used”.	criminal Legal Aid under regulation 12 of the Criminal Legal Aid (General) Regulations 2013 and the associated prior approval process is not required. The LAA does not intend to instigate a system of New Matter Starts in regard to these cases during the remainder of the Contract Period.
Paragraph 12.36	Delete references to Treatment.	As above - Treatment Cases will no longer be in the scope of criminal Legal Aid under regulation 12 of the Criminal Legal Aid (General) Regulations 2013.
Disbursements		
Paragraph 12.48	Insert reference to “online” and amend form name to “CRM4”.	To reflect the proper name of the form and clarify that this is an online form only.
Treatment Cases – Advice and Assistance provided under section 15 (2)(c) of the Act		
Paragraphs 12.79 to 12.97.	Delete the whole section regarding Treatment Cases and replace with references to “Not used”.	As above - Treatment Cases will no longer be in the scope of criminal Legal Aid under regulation 12 of the Criminal Legal Aid (General) Regulations 2013.
Sentence Cases – Advice and Assistance provided under section 15(2)(c) of the Act		
Scope		
Paragraph 12.98	Insert reference to regulation 12 (2)(d) of the Criminal Legal Aid (General) Regulations 2013. Delete reference to Treatment.	To reflect that only matters specified under regulation 12(2)(d) of the Criminal Legal Aid (General) Regulations 2013 are in scope and can be undertaken by Providers under the Contract i.e. only sentence calculation matters where the date of release is disputed.

<p>Qualifying Criteria</p>	<p>Delete non exhaustive list of cases which could potentially pass the Sufficient Benefit Test and matters not in scope.</p>	<p>To reflect the circumstances in which the Sufficient Benefit Test is only capable of being satisfied under the revised scope of Sentence Cases (as will be set out in regulation 12(2)(d) of the Criminal Legal Aid (General) Regulations 2013).</p>
<p>Paragraph 12.101</p>	<p>Insert new paragraph 12.101A.</p>	<p>To reflect LAA’s requirement, under the revised scope of prison law set out in regulation 12(2)(d) of the Criminal Legal Aid (General) Regulations 2013, for the provider to make a note on their file to set out how the Sufficient Benefit Test has been satisfied in relation to Sentencing Cases.</p>
<p>Disciplinary Cases – Advice and Assistance or Advocacy Assistance provided under section 15(2)(c) of the Act</p>		
<p>Scope</p>		
<p>Paragraph 12.108</p>	<p>Insert reference to regulation 12 (2) (f) of the Criminal Legal Aid (General) Regulations 2013.</p>	<p>To reflect that only Disciplinary Cases in accordance with regulation 12(2)(f) of the Criminal Legal Aid (General) Regulations 2013 are in scope and can be undertaken by Providers under the Contract. These are disciplinary cases that involve the determination of a criminal charge for the purposes of Article 6 ECHR, i.e. are referred to an Independent Adjudicator and as such there is a risk that the Client may have days added to their sentence (regulation 12(2)(f)(i) of the Criminal Legal Aid (General) Regulations 2013) and those that engage the “Tarrant Criteria” (regulation 12(2)(f)(ii) of the Criminal Legal Aid (General) Regulations 2013).</p>

AMENDMENTS TO THE 2010 STANDARD CRIME CONTRACT SPECIFICATION – EFFECTIVE FROM 2 DECEMBER 2013

Paragraphs 12.109 to 12.111	These paragraphs have been deleted and replaced with references to “Not used”.	To reflect the revised scope of Disciplinary Cases (as set out in regulation 12(2)(f) of the Criminal Legal Aid (General) Regulations 2013).
Qualifying Criteria	Insert new paragraph 12.112A.	To reflect that the matter described in regulation 12 (2)(f)(i) (see above) of the Criminal Legal Aid (General) Regulations 2013 will be deemed to satisfy the Sufficient Benefit Test.
Paragraph 12.113	This paragraph has been amended.	To reflect that the Sufficient Benefit Test must be satisfied in order to provide Advice and Assistance or Advocacy Assistance in relation to the matter described in regulation 12(2)(f)(ii) (see above) of the Criminal Legal Aid (General) Regulations 2013.
Paragraph 12.114	This paragraph has been deleted and replaced with “Not used”.	To reflect the revised scope of Disciplinary Cases (as will be set out in regulation 12(2)(f) of the Criminal Legal Aid (General) Regulations 2013).
Paragraph 12.115(a)	This sub-clause has been deleted and replaced with “Not used”.	In light of the new paragraph 12.112A to reflect the revised scope of prison law under regulation 12(2)(f) of the Criminal Legal Aid (General) Regulations 2013, this sub-clause is no longer necessary, as where a Client is likely to have additional days added to their sentence, they will satisfy the Sufficient Benefit Test.
Paragraph 12.117	Insert reference to regulation 12 (2) (f) of the Criminal Legal Aid (General) Regulations 2013.	To reflect that Advocacy Assistance must only be provided in cases in relation to those matters described in regulation 12(2)(f) of the Criminal Legal Aid (General) Regulations 2013.
Payment		
Paragraph 12.120	Amended to eight units of time to remain consistent with other parts of the prison law section.	Sentence previously read 8 units of work which is not consistent with other parts of the prison law section of this Specification. For the avoidance of doubt the eight units of time can include letters and telephone calls whereas units of work might be misinterpreted to only include profit costs that are claimed in units.

AMENDMENTS TO THE 2010 STANDARD CRIME CONTRACT SPECIFICATION – EFFECTIVE FROM 2 DECEMBER 2013

<p>Parole Board Cases – Advice and Assistance or Advocacy Assistance provided under section 15(2)(c) of the Act</p>		
<p>Scope</p>		
<p>Paragraph 12.123</p>	<p>Insert reference to regulation 12 (2)(g) of the Criminal Legal Aid (General) Regulations 2013 and the additional wording at the end of the sentence i.e. “...where the Parole Board has the power to direct release...”</p>	<p>To reflect that Advice and Assistance or Advocacy Assistance in relation to parole board cases can only be provided in relation to matters described in regulation 12(2)(g) of the Criminal Legal Aid (General) Regulations 2013.</p>
<p>Qualifying Criteria</p>		
<p>Paragraph 12.125</p>	<p>This paragraph has been deleted and replaced with “Not used”.</p>	<p>To reflect the revised scope of Parole Board Cases (as will be set out in regulation 12(2)(g) of the Criminal Legal Aid (General) Regulations 2013).</p>
<p>Paragraphs 12.126 and 12.27</p>	<p>Amend wording.</p>	<p>To reflect that if the Parole Board has the power to direct release under regulation 12(2)(g) of the Criminal Legal Aid (General) Regulations 2013, the Sufficient Benefit Test will be deemed to be satisfied.</p>
<p>Recall to prison for breach of licence conditions.</p>		
<p>Paragraph 12.128</p>	<p>Delete reference to Treatment.</p>	<p>As above - Treatment Cases will no longer be in the scope of criminal Legal Aid under regulation 12 of the Criminal Legal Aid (General) Regulations 2013.</p>
<p>Paragraph 12.129</p>	<p>Amend wording.</p>	<p>In accordance with regulation 12(2)(g) of the Criminal Legal Aid (General) Regulations 2013, advice and assistance will only be available for proceedings before the Parole Board where the Parole Board has the power to direct the individual's release.</p>