

Our Ref:

Date: 18 February 2015

**For the attention of the Contract Liaison Manager**

Dear Sir/Madam,

**2010/13/14 Standard Civil Contract: Notice of amendments to the Specification and Category Definitions in effect from 23 March 2015**

I am writing to provide you with notice of amendments to the Specification and associated Category Definitions of your Standard Civil Contract (“the Contract”), which will be incorporated and come into effect from 00.01am on 23 March 2015 pursuant to Clauses 13.2 and/or 13.4 of the Contract Standard Terms. This notice will be deemed to have been received in accordance with Clause 20 of the Contract Standard Terms.

For clarity of interpretation, any terms which are capitalised but not defined within this letter shall have the meaning given to them in the Contract.

**Amendments to the Specification and Category Definitions**

The amended version of the Specification and associated Category Definitions will be available to view on our website <https://www.gov.uk/legal-aid-for-providers/contracts> from 23 February 2015. In addition we have provided a consolidated table of the required amendments at Annex A to this notice.

The amendments in question have been subject to consultation with the Consultative Bodies and reflect changes introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (“ASBCPA”) and associated Legal Aid Legislation. In particular the changes are required in order to reflect the introduction of a new civil injunction under Part 1 of ASBCPA which effectively replaces Anti-Social Behaviour Orders (ASBOs) made pursuant to the Crime and Disorder Act 1998, Anti-Social Behaviour Injunctions (ASBIs) under the Housing Act 1996, intervention order under the Crime and Disorder Act 1998 and drinking banning orders under the Violent Crime Reduction Act 2006.

The new Part 1 injunction is a civil order and will be available in the county court or High Court for adults and in the youth court (sitting in its civil capacity) for under-18s. Appeals against an injunction will be made either to the county court (dependant on the level of judge that conducted the earlier proceedings to which the appeal relates), the High Court or the Crown Court (for appeals against decisions made by the youth court).

Breach of an injunction will be punishable as civil contempt of court and for over-18s will be dealt with in the county court or High Court. For under-18s, contempt proceedings will be heard in the youth court. Breach of a Part 1 injunction may also be used as mandatory grounds for possession if the injunction is housing related. The new injunction will be within scope of the civil legal aid scheme as a result of amendments made by ASBCPA to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) (except on breach, as contempt proceedings are criminal for purposes of legal aid).

As well as amending the Standard Civil Contract we are also amending the Standard Crime Contract in order to permit both existing crime and civil providers to undertake and be paid for this specific category of civil work. This notice applies in relation to changes to the Standard Civil Contract only.

The consultation with the Consultative Bodies commenced on 14 August 2014 and was followed up on 10 November 2014 when the Government published the consultation document 'Anti-Social Behaviour, Crime and Policing Act 2014: Consequential changes to remuneration for legal aid services' setting out how it intended to remunerate legal aid providers in relation to Part 1 injunctions and related parenting orders. The response to consultation document was published on 26 January 2015 and can be viewed at <https://www.gov.uk/government/consultations/changes-to-remuneration-for-legal-aid-services>. The contract amendments implemented in accordance with this notice reflect the outcome of the consultation which is explained fully in the said response document.

If you have any questions concerning these amendments please contact your Contract Manager.

Yours faithfully,

Hugh Barrett  
**Director of Legal Aid Commissioning and Strategy**

**Annex A – Required Amendments to Standard Civil Contract Specification and Category Definitions<sup>1</sup>**

Contract document	Relevant sections	Amendment (shown in blue)												
<p>General Specifications in the 2010, 2013, and 2014 Standard Civil Contracts and the 2013 Standard Civil Contract (Welfare Benefits)</p>	<p>Definition of “Miscellaneous Work” within clause 1.5 (Interpretation)</p>	<p>This is a clarificatory amendment only: “<i>Miscellaneous Work</i>” means work covered by the Miscellaneous <u>Work</u> section in the Category Definitions 2013<sup>2</sup> that you are authorised to undertake under this Contract but which does not fall into any of the exclusive Categories of Work as described at Paragraph 2.28;</p>												
	<p>Table forming part of clause 4.2 (2013 Standard Civil Contract only)</p>	<p>Deletion of row to reflect the fact that ASBOs have been replaced by Part 1 injunctions and will be covered by civil as opposed to criminal legal aid going forwards.</p> <p>4.2 The following matters are carried out under criminal Legal Aid but are authorised under this Contract.</p> <table border="1" data-bbox="568 790 1302 1339"> <thead> <tr> <th data-bbox="568 790 818 857">Work</th> <th data-bbox="818 790 1059 857">Levels of service</th> <th data-bbox="1059 790 1302 857">Payment method</th> </tr> </thead> <tbody> <tr> <td data-bbox="568 857 818 1048"> <p>Housing: ASBO proceedings in the magistrates’ and Crown Courts</p> </td> <td data-bbox="818 857 1059 1048"> <p>Representation as part of criminal Legal Aid</p> </td> <td data-bbox="1059 857 1302 1048"> <p>Standard Fee (criminal Legal Aid)</p> </td> </tr> <tr> <td data-bbox="568 1048 818 1193"> <p>Debt: debt proceedings in the magistrates’ court</p> </td> <td data-bbox="818 1048 1059 1193"> <p>Representation as part of criminal Legal Aid</p> </td> <td data-bbox="1059 1048 1302 1193"> <p>Standard Fee (criminal Legal Aid)</p> </td> </tr> <tr> <td data-bbox="568 1193 818 1339"> <p>Family cases under criminal Legal Aid</p> </td> <td data-bbox="818 1193 1059 1339"> <p>Representation as part of criminal Legal Aid</p> </td> <td data-bbox="1059 1193 1302 1339"> <p>Standard Fee (criminal Legal Aid)</p> </td> </tr> </tbody> </table>	Work	Levels of service	Payment method	<p>Housing: ASBO proceedings in the magistrates’ and Crown Courts</p>	<p>Representation as part of criminal Legal Aid</p>	<p>Standard Fee (criminal Legal Aid)</p>	<p>Debt: debt proceedings in the magistrates’ court</p>	<p>Representation as part of criminal Legal Aid</p>	<p>Standard Fee (criminal Legal Aid)</p>	<p>Family cases under criminal Legal Aid</p>	<p>Representation as part of criminal Legal Aid</p>	<p>Standard Fee (criminal Legal Aid)</p>
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<p>Paragraph 5.2 and new paragraph 5.2A.</p>	<p>Insertion of new clause 5.2A to allow providers without Schedule Authorisation to exercise Delegated Functions in relation to Part 1 injunctions.</p> <p>5.2 <u>Subject to Paragraph 5.2A below, P</u>provided you have Schedule Authorisation in the relevant Category of Law, and subject to any restriction within your Schedule and to Paragraphs 5.3 and 5.4, you may carry out the following actions on behalf of the Director in accordance with an Authorisation:</p> <ul style="list-style-type: none"> <li data-bbox="683 1738 1385 1843">(a) make a determination that a Client qualifies for authorised representation provided on an emergency basis;</li> <li data-bbox="683 1877 1385 1975">(b) amend or refuse to amend a limitation or condition to which a determination in respect of Emergency Representation is</li> </ul>													

<sup>1</sup> Please note that the clause numbering referred to in Annex A is based on the 2013 Standard Civil Contract and may vary in the context of the same amendments being applied to the 2010 and 2014 contract documents.

<sup>2</sup> The year stated here will vary depending upon whether the 2010, 2013 or 2014 Standard Civil Contract (and associated Category Definitions) apply.

		<p>subject;</p> <p>(c) any actions in the Category Specific Rules set out at Sections 7 to 10; and</p> <p>(d) any additional actions delegated to you in accordance with an Authorisation.</p> <p><u>5.2A The requirement to have Schedule Authorisation in the relevant Category of Law referred to in Paragraph 5.2 above shall not apply by way of restriction on the exercise of Delegated Functions where expressly exempt under an authorisation made by the Director under section 5(3) of the Act or under regulations pursuant to section 5(4) of the Act.</u></p>
Family Specification to the 2013 Standard Civil Contract	Subparagraph 7.179(b)	<p>Amendment to delete reference to Anti-Social Behaviour and Sex Offender Orders – the deletion reflects the fact that ASBOs have been replaced Part 1 injunctions (covered by civil legal aid) and Sex Offender Orders are now known as Sexual Harm Prevention Orders.</p> <p><b>Applying for a Criminal Representation Order in Family Proceedings</b></p> <p>7.179 If you have Schedule Authorisation for Family under this Contract, then you may also provide representation:</p> <p>(a) in enforcement proceedings in the magistrates’ court arising out of the breach of an order of that court in Family Proceedings where there is a risk of imprisonment;</p> <p>(b) to a Child who is the subject of proceedings for an <del>Anti-Social Behaviour or Sexual Harm Prevention-Offender</del> Order and/or to the parent of any such Child in relation to an Associated Parenting Order; or</p> <p>(c) to a parent in relation to a Parenting Order made on the conviction of a Child where the parent cannot reasonably be represented by the Child’s solicitor;</p> <p>provided that it is in the interests of justice to provide representation.</p>
Housing and Debt Specification to the 2013 Standard Civil Contract	Paragraph 10.9 (Applying for criminal Legal Aid in cases involving Anti-Social Behaviour Orders)	<p>Paragraph deleted to reflect the fact that ASBOs have been replaced by Part 1 injunctions (covered by civil legal aid).</p> <p><del>Applying for criminal Legal Aid in cases involving Anti-Social Behaviour Orders</del></p> <p><del>10.9 Not used. If you have Schedule Authorisation for Housing under this Contract, then you may also provide representation under Section 16 of the Act</del></p>

		<p><del>in proceedings in the magistrates' court for an Anti-Social Behaviour Order sought by a registered social landlord against a tenant or a person living with him or her, or (by way of Advocacy Assistance) in any appeal against such an order to the Crown Court provided that is in the interests of justice to provide representation. Payment for representation under this paragraph will be in accordance with the relevant Standard Fee scheme applicable to such cases under our current contract for criminal Legal Aid services. Representation under this Paragraph is part of criminal Legal Aid services (even though provided for under this Contract) and may also be performed by those with a contract for criminal Legal Aid services. You may apply for criminal Legal Aid by completing the appropriate forms and sending them to the magistrates' court which is dealing with the matter. Criminal Legal Aid in the magistrates' court is subject to the individual passing the applicable means test.</del></p>
2013 Category Definitions	Paragraph 16 (Minor Civil/Criminal Overlaps)	<p>Amendment to delete reference to Anti-Social Behaviour and Sex Offender Orders – the deletion reflects the fact that ASBOs have been replaced Part 1 injunctions (covered by civil legal aid) and Sex Offender Orders are now known as Sexual Harm Prevention Orders.</p> <p><b>Minor Civil/Criminal Overlaps</b></p> <p>16. Work falling within the Crime Category is generally excluded from any other category, but there are some minor exceptions:</p> <ul style="list-style-type: none"> <li>(a) Enforcement proceedings in the magistrates court arising out of the breach of an order of that court made in family proceedings where there is a risk of imprisonment also fall within the Family Category;</li> <li>(b) Civil proceedings in the magistrates' court arising out of the breach of a financial order of that court where there is a risk of imprisonment also fall within the Debt Category;</li> <li>(c) Associated <del>Civil</del> Work as defined in the 2010 Standard Crime Contract" including civil proceedings under the Proceeds of Crime Act 2002;</li> <li>(d) Proceedings against a child for a <del>n Anti-Social Behaviour Order or Sexual Harm Prevention Offender Order</del> and any associated Parenting Order, and for a Parenting Order made on the conviction of a child where the parent cannot be reasonably represented by the child's solicitor also fall within the Family Category;</li> </ul>

	Subparagraph 28(f) (Housing)	<p>Amendment to reflect the fact that the legislation originally referred to in this subparagraph is being replaced by the ASBPCA 2014 and that Part 1 Injunctions will now fall within "Miscellaneous Work". The replacement paragraph allows Housing providers to undertake work on varying or discharging an ASBI that continues to be in force due to the transitional provisions in section 21 of the ASBCPA 2014.</p> <p><u>Applications to vary or discharge an injunction under section 153A of the Housing Act 1996 anti-social behaviour matters in the county court, namely orders under section 1B of the Crime and Disorder Act 1998, interim orders under section 1D (following an application under section 1B), intervention orders under section 1G in connection with a section 1B Order and anti-social behaviour injunctions under section 153A of the Housing Act 1996 (paragraph 36 of Part 1 of Schedule 1).</u></p>
	Subparagraph 28(g) (Housing)	<p>Correction.</p> <p>Injunctions under the Protection from Harassment Act 1997 arising from matters within paragraphs <del>28</del> and 29 of this section (paragraph 37 of Part 1 of Schedule 1 to the Act);</p>
2010, 2013 and 2014 Category Definitions	Miscellaneous Work	<p>Amendment to reflect the fact that these proceedings will be funded as Miscellaneous Work.</p> <p><u>Anti-social behaviour injunctions</u></p> <p><u>Legal Help and proceedings in relation to an injunction in respect of alleged anti-social behaviour arising under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 and related parenting orders (paragraph 36(1) of Part 1 of Schedule 1 and paragraph 1(1)(e) of Part 1 of Schedule 1.</u></p>