



Application for legal costs from central funds

Barrister Direct Public Access

Protect – Personal

1 Date of warrant, requisition or summons

2 The Court hearing the proceedings

3 The Case Number

4 Names of defendants on the costs order

5 Date of the costs order (enclose this)

5a Date of the notice of legal aid refusal (enclose this)

6 Name and address of the applicant

7 Name of the barrister instructed under Direct Public Access

Use this form

to claim costs from central funds in proceedings on indictment in the Crown Court in which an application for representation was made on or after 27th January 2014 and was refused, and where you have instructed a barrister under the Direct Public Access provisions – that is, you have not instructed a litigator (a solicitor).

If you want to claim costs which relate to:

proceedings which commenced before the 1st October 2012

or proceedings which commenced on or after 1st October 2012 other than those to which this claim relates

or the instruction of a litigator and advocate, use other forms available at the Criminal Cases Unit web page on GOV.UK

Warning

You must make your application within 3 months from the date that you enter at **5** (see **21**).

When you complete the form

you must answer, or comply with, **1** to **18**, and **21** (and ensure your barrister completes **19** and **20** if these questions apply – see **18**). If you do not, or if you do not send with this form the documents that you tick at **17**, the Criminal Cases Unit (CCU) may reject the application (Costs in Criminal Cases (General) Regulations 1986 6(2)).

If you do not claim at **12** or **14**, tick the box 'No claim' for the question.

Guidance

You will find guidance on central funds' costs in:

- Prosecution of Offences Act 1985
- Legal Aid, Sentencing and Punishment of Offenders Act 2012
- Costs in Criminal Cases (General) Regulations 1986
- 'Guidance in respect of defendant's costs orders made in relevant proceedings in the Crown Court in which an application for representation is made on or after 27th January 2014 and is refused' (the 'Guidance Document'), **and**



- 8** **Barrister's VAT number** 'Calculation of amounts payable in respect of legal costs under defendant's costs orders' (the 'Calculation of Legal Costs Document')
- 9** **Barrister clerk's telephone number** Both 'Documents' are available at the Criminal Cases Unit web page on [GOV.UK](http://gov.uk)

You will find guidance on 'Barrister Direct Public Access' in 'Public Access Rules' (Annexe F2, Bar Code of Conduct). This is available at: <http://www.barstandardsboard.org.uk/regulatory-requirements/the-code-of-conduct/annexes-to-the-code/annexe-f2-public-access-rules>

10 **Case synopsis**

The instructed barrister must provide you with a taxation note (see box 10 at **17**). Attach it to this form. The taxation note should give a summary of the proceedings, and include:

- the number of defendants.
- the nature of the prosecution evidence. Include the number of pages of statements, exhibits, interviews and other material.
- the nature and difficulties of the defence case.
- any other special circumstances to which the attention of the determining officer is drawn.

Magistrates' Court: claims for costs

11 **Barrister's fees**

- You must provide a case assessment and schedule of work done by the barrister (see box 6 at **17**); and for all claims you must provide the fee notes (see box 5 at **17**).
- Barristers' fees in the magistrates' court are subject to the rates and maximum amounts described in Part 1, section 1.2 of the 'Calculation of Legal Costs Document' (see 'Guidance' on page 1).

Date: list in date order, earliest date first	Specify work undertaken by the barrister	Sum (£) claimed	VAT claimed	CCU use Sum	CCU use VAT
Total £					

- 12 Disbursements** (including or not liable to VAT, please specify).....No claim
- Disbursements include: fees for expert reports, enquiry agents' fees, copying, couriers and the use of 'legal facility' firms. You must provide the invoices and expert reports (see box 9 at **17**).
 - Refer to Part 4 of the 'Calculation of Legal Costs Document' (see 'Guidance' on page 1).

Date: list as at 11	Specify disbursement	Sum (£) claimed	CCU use
Total £			

The Crown Court: claims for costs

- 13 Barrister's fees**
- You must provide a case assessment and schedule of work done by the barrister (see box 6 at **17**) and for all claims you must provide the fee notes (see box 5 at **17**).
 - Refer to paragraph 2.2 of the 'Calculation of Legal Costs Document'; and paragraphs 10 and 11 of the 'Guidance Document' (see 'Guidance' on page 1).

Date: list as at 11	Specify work undertaken by the barrister	Sum (£) claimed	VAT claimed	CCU use Sum	CCU use VAT
Total £					

14 Disbursements (including or not liable to VAT, please specify).....No claim

- You must provide the invoices and experts' reports (see box 9 at **17**).
- Refer to Part 4 of the 'Calculation of Legal Costs Document' (see 'Guidance' on page 1).

Date: list as at 11	Specify disbursement	Sum (£) claimed	Sum allowed
Total £			

15 Summary of claims

		Sum claimed (£)	CCU: Sum allowed
15.1	Magistrates' Court (totals for 11 and 12)		
	Barrister's fees excluding VAT		
	VAT		
	Disbursements (including or not liable to VAT)		
	Total claim for magistrates' court		
15.2	The Crown Court (totals for 13 and 14)		
	Barrister's fees excluding VAT		
	VAT		
	Disbursements (including or not liable to VAT)		
	Total claim for Crown Court		
15.3	Both courts (total of summaries 15.1 and 15.2)		
	Total barrister fees excluding VAT		
	Total VAT		
	Total disbursements (including or not liable to VAT)		
	Total costs claimed (when costs are in both courts)		

Certifying the application

16 Certificate by the applicant

- Applicants should be aware that the Legal Aid Agency is entitled to look behind all claims to establish their authenticity. The Legal Aid Agency will instigate proceedings on claims found to be false, inaccurate or misleading.

Choose either box 1 or box 2 **or** box 1 and box 2, and tick the box(es):

I certify that I instructed the barrister to conduct:

- Advocacy
- Litigation

Choose either box 1 or box 2, and tick the box:

- I certify that no claim has been made, and no claim will be made, for payment in respect of services funded for me as part of the Criminal Defence Service in connection with these proceedings.
- I attach full particulars, including the date and outcome, of any claim for payment in respect of services funded for me as part of the Criminal Defence Service in connection with these proceedings.

I certify that this claim is correct, and that the costs claimed from central funds do not exceed the costs I have actually incurred.

Signed by the applicant

Date of application

Checklist of documents

- 17**
- A complete application requires documents to be provided with this form.
 - Tick the boxes to confirm the documents which you will provide. If you intend to provide a document but the barrister has it, do not tick the box at this time (see **20** and **21**).
- a copy of the costs order made by the court.
 - 1a a copy of the notice of legal aid refusal.
 - 2 the warrant, requisition or summons if you are claiming magistrates' court legal costs (any of these documents should be endorsed with the date of service).
 - 3 a copy of the barrister's written agreement to act, any amendments, and any estimates of costs given in accordance with rule 6 of the Public Access Rules.
 - 4 a copy of any instructions given to the barrister, and any other correspondence with the barrister.
 - 5 a copy of any interim and final fee notes received from the barrister, whether paid or not.
 - 6 a copy of the case assessment and schedule of work done, kept by the barrister in accordance with rule 9 of the Public Access Rules.
 - 7 a copy of any notes of advice given in conference or by telephone, or by any other means, retained in accordance with rule 10 of the Public Access Rules.
 - 8 any proofs of evidence, advices or any other documents prepared by the barrister.
 - 9 invoices for all disbursements together with copies of any expert reports.
 - 10 the barrister's taxation note in accordance with **10** (and see **20**).
 - 11 details to support **box 2** at **16**.

- 18** If the barrister received your instructions before the 1st April 2013 (see **19**) or you require documents (see **20**), now send the form to the barrister. Otherwise, go to **21**.

For completion by the barrister

- 19** **Certificate by the barrister** (only if instructions were received before 1st April 2013)
- Before the 1st April 2013, different provisions of the Public Access Rules applied. If these older provisions apply, the Criminal Cases Unit requires you to complete this certificate. If you received instructions **on or after** 1st April 2013, do not complete this certificate.

I certify, in accordance with Rule 3(1) of the Public Access Rules (Annexe F2 of the Bar Code of Conduct), that the applicant would not be eligible for public funding in connection with these proceedings.

Signed by the barrister instructed
in accordance with the Public Access Rules

Date

- 20**
- Now return this form to the applicant.
 - If you have not already provided your taxation note, please include it.
 - Include any other document that is in the checklist at **17**, which you hold but which is not ticked (meaning that the applicant does not have the document).
If you cannot provide such a document, please explain:

What to do next

- 21**
- If the barrister has provided any documents which are listed at **17**, tick the box at **17**.
 - Send the form and documents to the Criminal Cases Unit no later than 3 months from the date of the costs order (see 5).
 - Do not send prosecution statements, exhibits or other evidence.