



Legal Aid
Agency

LAC1 Form: Guidance

Version:	Issue date:	Last review date:	Owned by:
3	November 2016	April 2013	Crime Case Management

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1. Overview

This guidance provides an update on the use of the LAC1 form in local justice areas where committal proceedings have been abolished and / or an Early Guilty Plea Scheme is operational. The guidance also deals with scenarios where either way cases are treated as indictable only (and the evidential requirements to support these claims).

2. Background

- For some cases with a Representation Order granted on or after 3 October 2011 litigators and advocates may be required to submit a LAC1 form, signed by the court clerk, in addition to their LF1 or AF1 claim for payment. However, where the original representation order is dated on or after 1 August 2015, a LAC1 or memorandum of conviction does not need to be submitted as the LAA are able to validate if the case was directed to the crown court. For representation orders dated prior to 1 August 2015, a LAC1 or memorandum must be submitted for elected cases.
- The purpose of the LAC1 form is to validate, in either way cases which plead guilty, crack, or are discontinued in the Crown Court, that the case was directed to the Crown Court by the magistrates as opposed to being elected by the defendant. The difference between elected and directed either way cases is important and can have a significant impact on the final value of the claim.

Cases that are directed must be supported with a LAC1 to enable caseworkers to pay a graduated fee. Elected cases are only eligible for a fixed fee payment and do not need to be supported by a LAC1. A directed either way case that is not supported by a LAC1 will be treated for payment purposes as elected and the fixed fee will be paid.

- Where the defendant elects crown court trial and the case meets the cracked trial criteria, a graduated fee will be payable if the prosecution offer no evidence on all counts under S.17 Criminal Justice Act 1967. In the same scenario where the client changes his plea on one of the counts on the indictment and the prosecution discontinue the remainder counts under S.17, this will be an elected fee as the defendant has changed his plea on one or more of the counts.
- Where the defendant elects crown court trial and the prosecution discontinue the case prior to or at the PTPH hearing, an elected cases fee is payable. This is due to the fact that the cracked trial definition has not been met. Where the client is directed to the crown court and the prosecution discontinue prior to or at the PTPH hearing, a discontinuance fee is payable unless evidence was served which then attracts a guilty plea fee.
- Where the defendant was unrepresented in the magistrates' court the litigator should request a Memorandum of Conviction from the court. The LAA will refund the litigator the £5 cost as a disbursement as part of the LGFS claim. If the defendant was represented in magistrates' court but, for whatever reason, you did not obtain a signed LAC1 before the case moved to the Crown Court you should still request a Memorandum of Conviction, but the LAA will not refund the cost.

3. Abolition of Committal Proceedings & Early Guilty Plea Scheme

- The Criminal Justice Act 2003 (Commencement No. 28 and Saving Provisions) Order 2012 came into force on 18th June 2012. The effect of the Order is, in particular, to abolish committal proceedings in the 12 local justice areas that commit cases to Liverpool, Bristol, Winchester and Reading Crown Court centres. From 5 November 2012 committal proceedings were abolished in a further 48 areas. A list of all local justice areas where committal proceedings have been abolished is set out in Annex 1.
- The abolition of committal proceedings does not affect the requirement to support directed either way cases (that are discontinued, crack or plead guilty in the Crown Court) with a LAC1 form. A Plea Before Venue Hearing will still take place in the magistrates' court and, where necessary, the LAC1 form should be signed at this hearing (or any other magistrates' court hearing where the decision on venue is known).

- An LAC1 is also required in areas where an Early Guilty Plea Scheme is in operation. A committal hearing and / or Plea Before Venue Hearing will take place for Early Guilty Plea cases and the LAC1 should be signed at either of those hearings if it is required.

4. Either Way Offences Sent to the Crown Court

- The LAA has been asked to provide guidance on the validation requirements for scenarios where Either Way cases are sent to the Crown Court (as opposed to being elected or directed).
- **Scenario A:** The defendant is initially charged with an indictable only offence but the prosecution drop this charge before the indictment is drafted. The remaining Either Way offences are sent to the Crown Court.

You should make the situation clear in the Additional Information section of the AF1 or LF1. The indictable only offence should also appear on the representation order submitted with the claim.

- **Scenario B.** The client is charged with an either way drug trafficking or domestic burglary offence (e.g. third strike burglary) which could attract the relevant minimum sentence – such an offence is triable only on indictment.

You should make this clear in the Additional Information section of the LF1 or AF1 and support your claim with any evidence the prosecution has provided that demonstrates that this is a 'third strike' offence.

- **Scenario C.** The defendant is jointly charged in an Either Way matter with a co-defendant. The co-defendant is also charged with a related Indictable Only offence.

You should make this clear in the Additional Information section of the LF1 or AF1 that the two defendants appeared at the magistrates' court on the same occasion and that both defendants were sent to the Crown Court. You should also explain how the offences were related and provide details of the relevant co-defendant, etc so that the joint hearing can be confirmed.

5. T-Numbers

- The LAA cannot accept the fact that the 6th digit of the case number is a 7 or higher (e.g. T20127154) as evidence that the case was sent for trial and a LAC1 is not required. This is because there are situations where this numbering convention is used when the case was not actually sent for trial as an Indictable only matter.

Annexes

- Annex 1 – Local Justice Areas.

Annex 1

Local Justice Areas where committal proceedings were abolished from 18 June 2012

Bath and Wansdyke	North Somerset
Berkshire	Ormskirk
Bristol	Sefton
Liverpool and Knowsley	St Helens
North Avon	Wigan and Leigh
North Hampshire	Wirral

Further 48 new areas announced - in force 5th November 2012

Birmingham	Nottingham and Newark
Bolton	Oldham
Buckinghamshire	Oxfordshire
Burnley, Pendle and Rossendale	Preston
Bury and Rochdale	South Cheshire
Carmarthenshire	South East Wiltshire
Ceredigion and Pembrokeshire	South Lakeland
Chorley	South Ribble
Coventry District	South Somerset and Mendip
Dudley and Halesowen	Southern Derbyshire
East Lancashire	Stockport
Furness and District	Swansea County
Fylde Coast	Swindon
Gloucestershire	Tameside
Halton	Taunton Deane, West Somerset & Sedgemoor
High Peak*	Trafford
Lancaster	Walsall and Aldridge
Macclesfield	Warrington
Manchester and Salford	Warwickshire
Mansfield and Worksop	West Cheshire
Neath Port Talbot	West Cumbria
North Cumbria	West Hampshire
North East Derbyshire and Dales	North Wolverhampton
West Wiltshire	

*(added in a later SI to cure this omission)

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