



Legal Aid
Agency

Working with others to achieve excellence in the delivery of legal aid

Apply for legal aid for breach of Part 1 injunctions under the Anti-Social Behaviour Crime and Policing Act 2014

Guidance for providers

June 2022



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Introduction

Breaches of injunctions made under the Anti-Social Behaviour, Crime and Policing Act 2014 are criminal matters due to the risk of imprisonment.

To represent a client in committal proceedings you must:

- be authorised to undertake criminal legal aid
- apply for a criminal representation order.

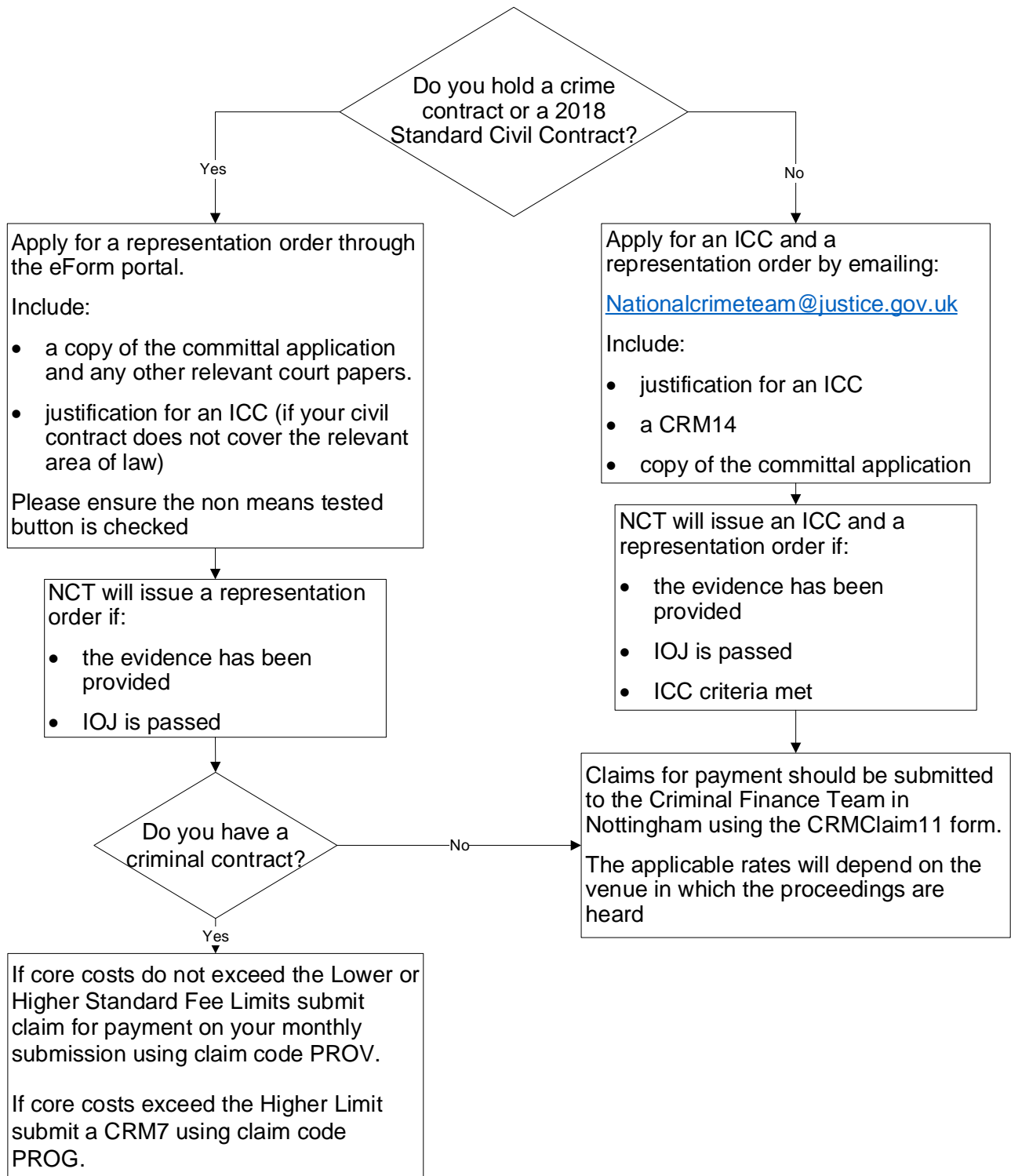
If you do not hold a criminal contract or a 2018 Standard Civil contract in the relevant area of Law, you can apply for an individual case contract (ICC). The ICC criteria are set out on page 6.

All applications for criminal legal aid should be submitted via the eForm portal.

Firms that do not have access to the eForm portal must email a paper CRM14 to the National Crime Team (NCT).

Further details about how to apply and claim are set out in this guidance.

Process flowchart



Applying for a representation order online

Go to the [LAA Portal](#) to submit a CRM14 eForm.

When submitting the eForm you should include a copy of the committal application

This will provide key information to ensure your application can be processed accurately, and the correct court venue used.

Justification for an ICC should also be attached (where required). Please see Applying for an individual case contract

Means information

Is this application subject to the usual means / passported test?

Yes

No

This box should only be ticked 'No' for proceedings that are exempt from the usual means test (please see Criminal Legal Aid Manual).

This should be ticked 'Yes' for passported and youth clients where the proceedings are subject to the means test.

ASBCPA part 1 breach proceedings heard in civil venues are not means tested. You should therefore answer No to this question. This will ensure that the eForm does not present any questions about your client's financial circumstances. It will also direct the eForm to a dedicated non-means work queue administered by NCT.

Case type

This section can be left blank

The court hearing the case

Specify the court hearing the case, for example, county court, or High Court. Please be aware that there are no specific county courts or High Courts in the drop-down list, only a

generic county court or High Court. The evidence attached to the eForm will allow the caseworker to identify the specific court.

Interests of justice test

Interests of Justice		
What charges have been brought against you?		
Charge	Date of Offence	
breach of civil(anti social behaviour) injunction	On	5/5/2017

Use this section to identify the nature of the proceedings

Information for the Interests of Justice test
Items marked * must be completed
Why do you want legal aid?
1 to 9 are possible reasons. Complete one or more reasons. For each reason you choose, say why you have chosen it. Mention any evidence that supports your choice of a reason.

Use this section to explain why the case meets the IOJ test

Applying for an individual case contract

You do not require an individual case contract if the proceedings arise out a category of law you already have a 2018 Standard Civil Contract in. It will be classed as associated criminal work, as set out by sections 4.3 and 4.4 of the 2018 Standard Contract.

However, firms without a criminal legal aid contract, or a 2018 Standard Civil Contract in the relevant category, must apply for an ICC.

The ICC criteria are as follows:

- it is in the interests of justice for an ICC to be granted
- the provider has had substantial involvement in the original proceedings (please note, this could include future substantial involvement in proceedings that result from the contempt such as possession proceedings)
- continuing to act for the individual represents value for money

Apply online

Firms with an existing legal aid contract can arrange access to the criminal eForm portal, if they wish, by contacting their contract manager.

Those firms with access to the portal should follow the guidance in the Applying for a representation order online section above.

You should attach justification for the ICC to the evidence section of the eForm along with evidence of the committal proceedings.

Apply by email

If you do not have access to the eForm portal you should email:

Nationalcrimeteam@justice.gov.uk

Your email should set out why you are applying, and justify how the case meets the ICC criteria. You should also include a CRM14 Form and a copy of the committal application.

If your application is urgent, you should title the subject of the email 'urgent- committal proceedings'. Otherwise, the subject title should be 'Committal Proceedings'

Use of counsel

Counsel will automatically be assigned by the LAA where the proceedings are in the county court, Crown Court, or High Court, this is to ensure that representation can be provided where the litigator does not have rights of audience. The representation order will cover a litigator and one junior advocate.

Where the proceedings are in the Youth Court or magistrates' court Counsel will be unassigned.

Where litigators have the relevant rights of audience, they may undertake advocacy if they wish to do so.

The rates of payment applicable to assigned counsel in these cases are set out in the table that follows paragraph 12 (2) of Schedule 4 of the Criminal Legal Aid (Remuneration) Regulations 2013 (as amended).

To make a claim for assigned counsels' fees, counsel should submit their claim on the CRM8 form with Note of Taxation to the acting solicitor for submission with the solicitor's claim to Magistrates Billing in Nottingham:

1 Unity Square
Queensbridge Road
Nottingham
NG2 1AW

DX 10035

Further information

Further breaches of the same injunction

If further breaches occur once a representation order has been granted (and before the hearing of the committal application) they are considered as a series of offences and will be added to the existing representation order. If further breaches are committed after this hearing and are the subject of a fresh committal application, a fresh application for representation will have to be made.

Applications for an amendment to cover a further breach should be emailed to Nationalcrimeteam@justice.gov.uk along with evidence of the further breach. The email should contain the client's name and CNTP number. If the request is made in a reasonable time frame the amendment will be backdated.

Prior authorities

A prior authority to incur expert fees/disbursements can be claimed by sending an email to the NCT. The correspondence should be marked as a contempt matter and contain full details of the costs to be incurred, quotes from any experts, and why the disbursement is necessary. The email should contain the client's name and CNTP number.

Billing

Billing for firms with a criminal contract

Where the core costs do not exceed the Lower or Higher Standard Fee Limits you should submit your claim for payment on your monthly submission using claim code PROV.

Where the core costs exceed the Higher Limit you should submit a CRM7 using claim code PROG. Even if your firm is in one of the 16 designated areas as defined in the Standard Crime Contract Specification, travel and waiting can be claimed in these matters. Please refer to the Criminal Bills Assessment Manual, rule 6.15.6. The rates and the lower and higher standard fee are set out in the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2016, part 6.

Please note, where Assigned Counsel has been instructed, these are considered automatic non-standard claims and should therefore be submitted on a CRM7 regardless of costs. Where Assigned Counsel has been instructed, ensure counsel completes a CRM8 including a Note of Taxation and submits this to your firm for inclusion with your claim.

Assigned Counsel rates can be claimed at £70 per hour for attendances, preparation and advocacy under the Standard Crime Contract Part B 10.108.

Please note that where the case is in the county court, Crown Court, or High Court, Counsel will be automatically assigned; however, where the case is in the Youth Court or magistrates' court, Counsel will not be assigned as per 10.136-10.139 of the Standard Crime Contract Part B.

Once the matter is finished, you should submit your claim for costs via your monthly submission or complete a CRM7 and send this, with your full file of papers, along with a CRM8 and Note of Taxation from Counsel, to Magistrates Billing in Nottingham.

Billing for civil providers with an Individual case contract

Once the matter is finished, you should submit a CRMClaim11 to Magistrates Billing in Nottingham. You should include your full file of papers, and where applicable, a CRM8 and note of taxation from Counsel.

Assigned Counsel rates can be claimed at £70 per hour for attendances, preparation and advocacy under the Standard Crime Contract Part B 10.108.

If the case is in the county court, Crown Court, and High Court, Counsel will be automatically assigned. If the case is in the Youth Court or magistrates' court, Counsel will be unassigned. See 10.136-10.139 of the Standard Crime Contract Part B.

Please be aware of the Lower and Higher Standard Fee Limits, and note that fixed fees will be paid for claims that fall within these limits. Where claims exceed the higher limit, the hourly rate will be applied when assessing the work completed.

All billing enquiries about ASBCPA Part 1 breach proceedings should be sent to ACLS.Contempt@justice.gov.uk or alternatively please contact Magistrates Billing on 0300 200 2020. Select option 2 and then option 2.

More detailed billing guidance can be obtained by contacting the above email address or Nationalcrimeteam@justice.gov.uk



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