



Legal Aid  
Agency

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

# Apply for legal aid in civil contempt – committal proceedings

## Guidance for providers

June 2022



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# Introduction

Civil contempt (Committal proceedings) are considered criminal for the purposes of legal aid funding due to the risk of imprisonment (even though the proceedings themselves are civil proceedings).

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 7.

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

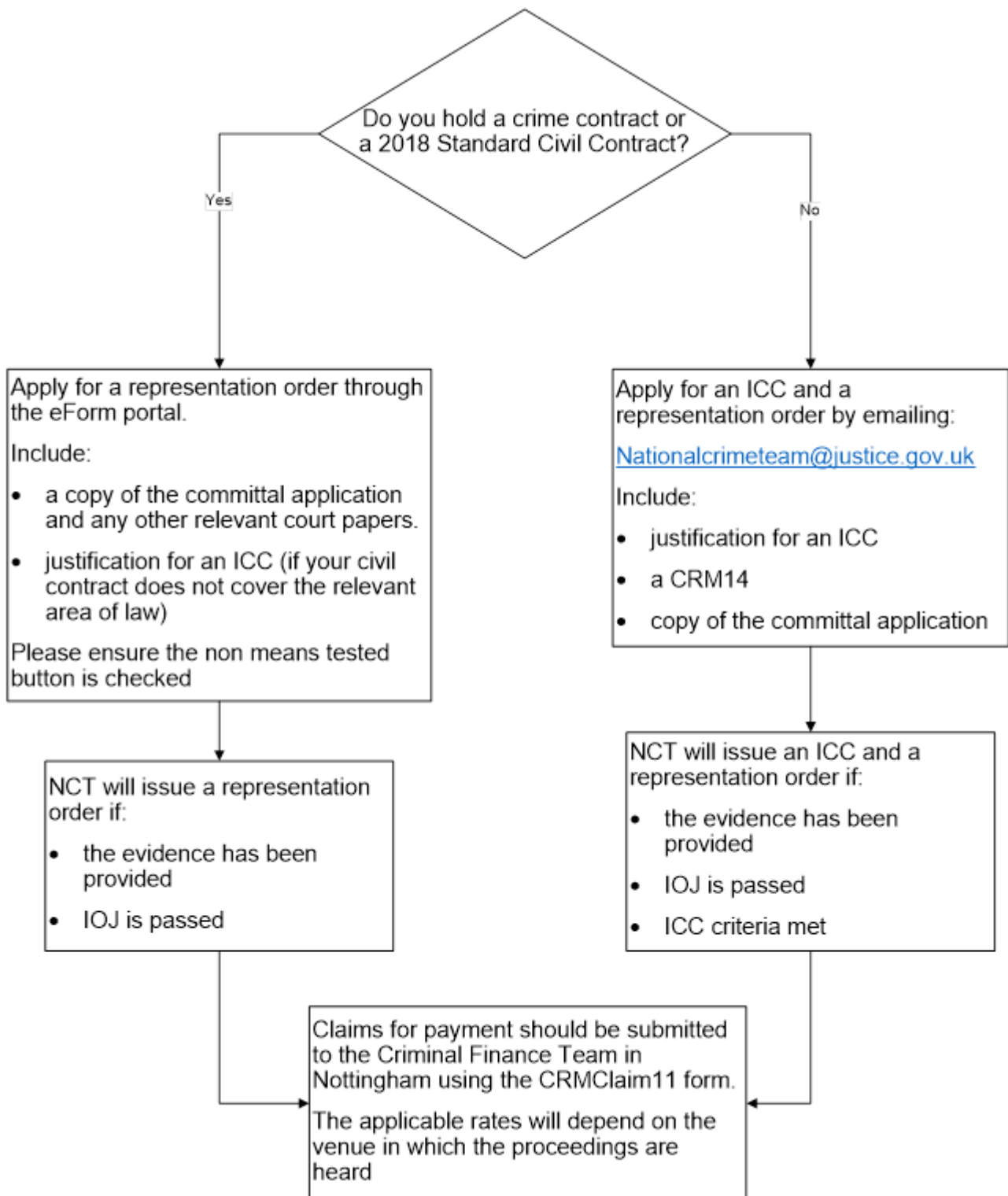
Firms that do not have access to the eForm portal must email a paper CRM14 to the National Crime Team (NCT).

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

## **Gangbo guidance**

Please be advised that proceedings in relation to gang-related injunctions under s.34 of the Policing & Crime Act 2009 are not a criminal matter. As the client has not been charged with a criminal offence. Only breaches of these injunctions are prescribed as criminal proceedings by virtue of section 14(h) of LASPO 2012 and regulation 9(v) of the Criminal Legal Aid (General) Regulations 2013. Should you require representation to respond to a gang-related injunction a civil application will be required. Providers need to meet the criteria for an Individual Case Contract (ICC). Access to the CCMS portal can be arranged through your Contract Manager. Civil applications are means and merit tested, and full justification will be required.

## 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.**

Civil contempt 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

You should 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

<b>Interests of Justice</b>			
<b>What charges have been brought against you?</b>			
<b>Charge</b>	<b>Date of Offence</b>		
Contempt of Court Proceedings - Restraint Order	Between	17/5/2016	26/10/2016

Use this section to identify the nature of the proceedings

<b>Information for the Interests of Justice test</b>
Items marked * must be completed
<b>Why do you want legal aid?</b>
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 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](mailto: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

In civil contempt proceedings counsel will automatically be assigned on the face of the representation order by the LAA. 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 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 with Note of Taxation to the acting solicitor for submission to Magistrates Billing in Nottingham.

1 Unity Square  
Queensbridge Road  
Nottingham  
NG2 1AW

DX 10035



## Further information

### Cost limit

In accordance with paragraph 7(2) of Schedule 4 to the Criminal Legal Aid (Remuneration) Regulations 2013, the cost limitation in respect of this work is £1,574.06. Should you need to extend this limit, email [Nationalcrimeteam@justice.gov.uk](mailto:Nationalcrimeteam@justice.gov.uk) Include details of the work already completed, what further work is required, and the new limit requested.

Please be aware that a costs limit includes profit costs, disbursements and Counsels' fees but excludes VAT and the costs of assessment.

### Further breaches of the same injunction

If further breaches occur once a representation order has been granted (and before the hearing of the 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](mailto: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 in Nottingham. 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.

### Billing

Once the matter is finished, you should complete a CRMClaim11 and a complete schedule of time spent and send this, with your full file of papers to Magistrates Billing in Nottingham. The rates that need to be used are those as set out in the Criminal Legal Aid (Remuneration) Regulations 2013, as amended in 2016.

Please note that Counsels fees must be submitted with the Instructing Solicitors claim and we require a completed 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

All billing enquiries in relation to contempt proceedings should be sent to [ACLS.Contempt@justice.gov.uk](mailto: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](mailto:Nationalcrimeteam@justice.gov.uk)



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