

**2025 Standard Crime Contract
Specification**

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1. Introduction to Contract Work

Definitions

1.1 Unless otherwise stated, definitions that are set out in Legal Aid Legislation and the Standard Terms apply to this Specification and are not repeated here.

1.2 In this Specification, the following expressions have the following meanings:

"Accreditation" means accreditation under the Law Society's Criminal Litigation Accreditation Scheme;

"Advice and Assistance" means advice and assistance provided under section 13 or 15 of the Act (as applicable);

"AGFS" or "Advocates' Graduated Fee Scheme" has the meaning given to it in the Criminal Remuneration Regulations;

"Armed Forces Criminal Legal Aid Authority" means the single authority which manages the provision of, and advises and executes the policy for, civilian criminal legal representation for all eligible service personnel and civilians;

"Armed Forces Legal Aid Scheme" means, in relation to Paragraph 6.22, work carried out on a criminal military case in England and Wales under JSP (Joint Service Publication) 838 (Armed Forces Legal Aid Scheme), as amended from time to time, and as administered by the Armed Forces Criminal Legal Aid Authority;

"Assigned Counsel" means Counsel or in-house advocate who is assigned under a Representation Order in accordance with regulation 16 and 17 of the Criminal Legal Aid (Determinations by a Court and Choice of Representative) Regulations 2013;

"Attorney General's Guidelines on Disclosure" means guidelines issued by the Attorney General for investigators, prosecutors and defence practitioners on the application of the disclosure regime contained in the Criminal Procedure and Investigations Act 1996 ('CPIA') Code of Practice Order 2020, as effective and amended from time to time;

"Back-up" means a system by which the DSCC seeks to contact another Duty Solicitor when a Duty Solicitor on a Rota is unable to accept a request for Police Station Advice and Assistance;

"Call In" or "Call In Scheme" means the magistrates' court Panel Duty Scheme which is operated by a court contacting the Duty Solicitor directly as and when he or she is required at court;

"Caseworker" means an employee who is not a Supervisor, but who is a fee-earner who regularly undertakes criminal defence work to whom a specific caseload of Contract Work is allocated and is responsible for the progression of those cases, within their specific caseload, under supervision. Caseworker includes paralegals;

"*Category A Inmate*" means an inmate whose escape would be highly dangerous to the public, the police or national security, and for whom the aim is to make escape impossible;

"*Category A Prisoner*" means a prisoner whose escape would be highly dangerous to the public, the police or national security, and for whom the aim is to make escape impossible;

"*Child*" means an individual under the age of 18;

"*Civil Contract*" means the 2018 Standard Civil Contract or any substantively similar replacement contract the LAA may award to providers for the provision of civil legal aid services;

"*Civil Financial Regulations*" means regulations made under section 21 of the Act that relate to civil Legal Aid;

"*Civil Procedure Regulations*" means the Civil Legal Aid (Procedure) Regulations 2012;

"*Civil Remuneration Regulations*" means regulations made under section 2(3) of the Act that relate to civil Legal Aid;

"*Close Supervision Centre*" means any cell or other part of a prison designated by the Secretary of State for holding prisoners who are subject to a direction given under rule 46(1) of the Prison Rules 1999;

"*Contract Guide*" means a guide issued by us specifically in relation to the Contract and published on our website;

"*Contribution Order Regulations*" means the Criminal Legal Aid (Contribution Orders) Regulations 2013 and any other regulations made under section 23 of the Act that relate to criminal Legal Aid;

"*Controlled Work*" has the meaning given to it in regulation 21(2) of the Civil Procedure Regulations;

"*Costs Limitation*" means the limitation setting out our maximum liability as to costs (including profit costs, Disbursements and Counsels' fees but excluding VAT and the costs of Assessment) imposed by us, and described as an Upper Limit in respect of a Representation Order granted in respect of Prescribed Proceedings in the Crown Court;

"*CJS Area*" means the areas into which England and Wales is divided for the purposes of administering the criminal justice system, the CJS Areas being based on the police areas as set out in Schedule 1 of the Police Act 1996;

"*Criminal Defence Direct Fixed Acceptance Fee*" means the fee set out in the Criminal Remuneration Regulations which is claimable in an Escape Fee Case if a former Criminal Defence Direct case is referred to you to provide Police Station Advice and Assistance;

"*Criminal Defence Direct Matter*" means Police Station Advice and Assistance which is not within the scope of this Specification and may only be undertaken by a Criminal Defence Direct Telephone Adviser, unless an exception as set out in Section 9 applies;

"Criminal Defence Direct Telephone Adviser" means a person approved by us to be employed or engaged specifically to provide telephone advice for the purposes of Criminal Defence Direct, the minimum qualification for whom shall be the Law Society's Police Station Qualification;

"Criminal Defence Work" means, in relation to Paragraph 6.22, defence work performed for clients in relation to a criminal investigation, criminal proceedings or a prison law matter. It includes Contract Work, work on AGFS, VHCC and the Armed Forces Legal Aid Scheme as well as privately funded work on the same types of matter that would be funded under criminal legal aid save for the client not meeting the relevant means eligibility criteria or choosing to pay privately. Work performed for a client in cross-examining a witness under Section 38 of the Youth Justice and Criminal Evidence Act 1999 is also included;

"Criminal Financial Regulations" means the Criminal Legal Aid (Financial Resources) Regulations 2013 and any other regulations made under section 21 of the Act that relate to criminal Legal Aid;

"Criminal Litigation Accreditation Scheme" or *"CLAS"* means the Law Society criminal litigation accreditation scheme;

"Criminal Remuneration Regulations" means the Criminal Legal Aid (Remuneration) Regulations 2013 and other regulations made under section 2(3) of the Act that relate to criminal Legal Aid;

"Designated Area(s)" means the CJS Areas of:

London,
Greater Manchester,
Merseyside,
West Midlands, and the local authority areas of:
Brighton & Hove,
Bristol,
Cardiff,
Derby & Erewash,
Kingston upon Hull,
Leeds & Bradford,
Leicester,
Nottingham,
Portsmouth,
Newcastle-upon-Tyne & Sunderland (including Gateshead, North Tyneside and South Tyneside),
Sheffield, and
Southampton;

"Designated Area Standard Fee" has the meaning given to it in Section 10;

"Designated Fee Earner" means a person who is designated by you to undertake Contract Work under this Specification (including Agents) in accordance with Paragraphs 2.27 to 2.33;

"Disbursement(s)" means out of pocket expenses properly incurred by you (and which, apart from this Contract, would be properly chargeable to a Client) in performing Contract Work;

"*Disciplinary Case*" means Advocacy Assistance on a Matter, which falls under Section 12, and is within scope of regulation 12(2)(f) of the Criminal Legal Aid (General) Regulations 2013;

"*DSCC*" is the "Defence Solicitor Call Centre" (as may be superseded or replaced from time to time) provided on behalf of us by independent contractors to deal with requests for Advice and Assistance at the Police Station;

"*Duty Period*" or "*Duty Slot*" means a period during which a Duty Solicitor is required to be available to give Advice and Assistance or Advocacy Assistance under a Duty Scheme;

"*Duty Scheme*" or "*Scheme*" means a duty scheme operating under this Contract covering one or more magistrates' courts and/or Police Stations;

"*Duty Solicitor Postcode Tool*" means the tool on our website which sets out the geographical ambit of Duty Schemes by reference to postcodes;

"*Early Cover*" has the meaning given to it in Section 10;

"*Engaged*" means meeting the requirements of Paragraphs 6.21 to 6.23;

"*Escape Fee Case*" means a Case or Matter which would otherwise be paid under a Fixed Fee but which is payable in full or in part on Hourly Rates because of the extent by which the Claim exceeds the relevant fee;

"*Escape Fee Case Costs*" is the remuneration payable in a case which would otherwise be paid by a Fixed Fee but where your costs exceed the specified Escape Fee Case Threshold and are assessed by us;

"*Escape Fee Case Threshold*" means the extent to which your costs must exceed a Fixed Fee so as to entitle you to have your costs assessed by us as an Escape Fee Case;

"*Financial Eligibility Tests*" means such test of the Client's financial resources as are applicable under the Criminal Financial Regulations;

"*Findings*" include not only findings on particular practices (such as failing to Assess financial eligibility or charging for administrative work that is not allowable) but in relation to more general matters, such as claiming excessive time for preparation or attendances or the average percentage reduction on Assessment of a sample of your files;

"*Fixed Fee*" means any payment under this Specification for Contract Work on the basis of a specified fee rather than on Hourly Rates;

"*Free Standing Advice and Assistance*" is Advice and Assistance provided under section 15(2)(a) of the Act and which is claimed in accordance with this Specification;

"*Full Time Equivalent*" or "*FTE*" means the equivalent of one individual working 35 hours in a standard 7 day week (excluding breaks). More than one individual may together make up the FTE requirement;

"*Graduated Fee*" means a fee designated as such (and paid in the circumstances set out and at the levels set out) in the Criminal Remuneration Regulations;

"*Higher Courts*" means the Court of Appeal and the Supreme Court of England and Wales;

"*Higher Fee*" has the meaning given to it in Section 10;

"*Higher Fee Limit*" means a specified amount of costs of preparation above which you are entitled to have your costs assessed by us and paid at Hourly Rates;

"*Higher Standard Fee*" has the meaning given to it in Section 10;

"*Higher Standard Fee Limit*" means in relation to the Prison Law Class of Work only, a specified amount of costs of preparation above which you are entitled to have your costs assessed by us and paid on a Non-Standard Fee basis;

"*Hourly Rates*" means payment on the basis of hours of Contract Work as set out in the Criminal Remuneration Regulations;

"*Immigration Offence*" means a breach of legislation relating to immigration in force from time to time and such breaches shall include illegal entry, overstaying leave to enter or remain, or breaching a condition of leave or failure to observe a condition of temporary admission or release. This list is not exhaustive;

"*Incidental Proceedings*" means proceedings which are specified in regulation 19 of the Criminal Legal Aid (General) Regulations 2013;

"*Independent Adjudicator*" in the Prison Law Class has the same meaning as in Rule 2 of the Prison Rules 1999;

"*Inmate*" means a person who is required to be detained in a young offender institution;

"*Intensive Paper Review*" means the process used by the Parole Board where following an initial consideration by the Panel the case is directed to an oral hearing, but it is not possible or appropriate to progress the matter as an oral hearing either face to face or by remote means. In these cases, the Panel will make a decision on the papers and any written representations submitted on behalf of the prisoner;

"*Interests of Justice Test*" means the factors set out in section 17(2) of the Act;

"*Lower Fee*" has the meaning given to it in Section 10;

"*Lower Fee Limit*" has the meaning given to it in Section 10;

"*Lower Standard Fee*" has the meaning given to it in Section 10;

"*Lower Standard Fee Limit*" has the meaning given to it in Section 10;

"*Minimum Term Review*" means an application to the High Court to review a prisoner's minimum term and consider a reduction in the prisoner's tariff;

"*Mis-Claiming*" means claiming in a manner that is clearly contrary to the Contract and where no discretion arises as to payment. For instance, claiming using the wrong rates, failing to claim post charge Advice and Assistance provided on the same Matter as part of the Standard Fee or claiming for Advocacy Assistance outside the scope of this Specification;

"Non-Standard Fee" is a fee payable in respect of costs which have been assessed by us because your case costs have exceeded the Higher Standard Fee Limit; or because the case falls outside the Standard Fee payment scheme;

"Over-Claiming" means claiming more than we determine to be reasonable on Assessment under Section 8, but where discretion arises as to the amount allowable. For instance, claiming one hour for an attendance where on Assessment we consider that only 30 minutes would have been reasonable or claiming a Disbursement where we consider that it was not reasonably incurred;

"Own Client" means a Client other than a Client who is advised under a Duty Scheme;

"Own Solicitor" means a lawyer who provides Advice and Assistance to a Client other than as a Duty Solicitor;

"Parole Board" means the independent executive non-departmental public body that carries out risk assessments on prisoners to determine whether they can be safely released into the community;

"Parole Board Case" means Advice and Assistance or Advocacy Assistance (including any subsequent Advocacy Assistance provided in respect of a Parole Board Reconsideration Hearing or a Parole Board Set Aside Hearing) on a Matter which falls under Section 12 and is within scope of regulation 12(2)(g) and (h) of the Criminal Legal Aid (General) Regulations 2013;

"Parole Board Hearing" means any hearing before the Parole Board in a Parole Board Case that is not a Parole Board Reconsideration Hearing or a Parole Board Set Aside Hearing;

"Parole Board Reconsideration Hearing" means a reconsideration hearing (whether heard orally or on the papers) before the Parole Board which falls under Section 12 of this Specification and as described in rule 28 of the Parole Board Rules 2019, as amended;

"Parole Board Set Aside Hearing" means the hearing (whether heard orally or on the papers) which the Parole Board Set Aside Panel directs to take place where it decides that a final decision should be set aside and that the case should be decided in accordance with rule 28A(8) of the Parole Board Rules 2019, as amended;

"Parole Board Set Aside Panel" means a panel appointed pursuant to rule 5 of the Parole Board Rules 2019 as amended to consider any application made to set aside a final decision under rule 28A of the Parole Board Rules 2019, as amended;

"Parole Board Set Aside Process" means the process, including any application or initiation of the process, of making a decision on whether a final decision made by the Parole Board will be set aside in accordance with rule 28A of the Parole Board Rules 2019, as amended;

"Police Station Advice and Assistance" means Advice and Assistance given either by Police Station attendance or by Police Station Telephone Advice under section 13 of the Act;

"Police Station Attendance Fixed Fee" means the fee payable for all work done on the Matter relating to Police Station attendance, including time spent advising the Client, travelling to and from the Police Station and waiting in relation to initial

and subsequent visits to the Police Station. It also includes all letters and telephone calls and other work done outside the Police Station in relation to a Matter where at least one Police Station attendance has been given. It does not include Advice and Assistance to a Client who has entered into Pre-Charge Engagement on disclosure with prosecutors and/or investigators after the first PACE interview during a Criminal Investigation;

"*Police Station Qualification*" or "*PSQ*" means the qualification which must be attained before a Solicitor or Counsel or Accredited Representative is eligible to provide Police Station Advice and Assistance;

"*Police Station Register*" means the list maintained by us of all Accredited Representatives;

"*Police Station Telephone Advice Fixed Fee*" means the fee payable for all telephone calls for a Matter advising the Client in custody for which the Matter does not also include attendance at the Police Station;

"*Pre-Charge Engagement*" means voluntary engagement on disclosure which has been (either formally or informally) agreed by all parties to an investigation (prosecutors and/or investigators, suspects and suspect's legal representatives) and which takes place after the first PACE interview, and before any suspect has been formally charged in accordance with the Attorney General's Guidelines on Disclosure as appropriate. It may not be Claimed as Contract Work under Police Station Advice and Assistance or Free Standing Advice and Assistance;

"*Pre-Order Cover*" has the meaning given to it in Section 10;

"*Prescribed Proceedings*" means proceedings which have been prescribed by Regulations as criminal for the purposes of Legal Aid by virtue of section 14(h) of the Act and are listed under regulation 9 of the Criminal Legal Aid (General) Regulations 2013;

"*Prison Governor*" has the meaning given by Rule 2 of the Prison Rules 1999;

"*Probationary Representative*" means a person (including a Solicitor or employed barrister) who is, under the Police Station Register Arrangements 2001 (as amended), registered with us as a Probationary Representative and who has not yet passed the relevant accreditation tests to provide Police Station Advice and Assistance;

"*Protected Party*" means a party or intended party who lacks capacity to conduct proceedings in accordance with the Mental Capacity Act 2005;

"*Qualifying Criteria*" means the criteria outlined in Section 3 and which is used to determine whether an individual is eligible to receive criminal Legal Aid;

"*Released Under Investigation*" means where the police release a suspect under investigation (and prior to charge or postal requisition) otherwise than on bail and where a decision has not been made to take no further action;

"*Representation*" has the meaning given to it in section 42(1) of the Act;

"*Representation Authority*" means us, the court or a court officer or anyone to whom a function has been delegated under section 5 of the Act;

"*Representative*" means an Accredited Representative or a Probationary Representative who is, under the Police Station Register Arrangements 2001 (as amended), registered with us;

"*Restricted Status Inmate*" means an Inmate whose escape would present a serious risk to the public;

"*Restricted Status Prisoner*" means a prisoner whose escape would present a serious risk to the public;

"*Schedule Payment Limit*" means the maximum sum we will pay you, while a Schedule is in force, for Controlled Work;

"*Sending Hearing Fixed Fee*" means the fee payable under Schedule 4 of the Remuneration Regulations in respect of cases which are committed to or sent to the Crown Court for trial under s. 51 of the Crime and Disorder Act 1998;

"*Sentence Case*" means Advice and Assistance on a Matter, which falls under Section 12 and is within scope of regulation 12(2)(d) of the Criminal Legal Aid (General) Regulations 2013;

"*Separation Centre*" means any part of a prison for the time being used for holding prisoners who are subject to a direction under rule 46A(1) of the Prison Rules 1999;

"*Serious Service Offence*" means an offence under the Armed Forces Act 2006 which cannot be dealt with summarily or which appears to interviewing Services Police to be serious;

"*Service Standards*" means the requirements set out in Section 2;

"*SMP Reconciliation Protocol*" means the document of that name published on our website, setting out our approach to reconciliation and to the review and amendment of Standard Monthly Payments due under this Specification;

"*Solicitor*" means a Solicitor of the Senior Courts of England and Wales;

"*Special Request*" is a request identified to you as such by the DSCC. Special Requests may include, for example: requests where Criminal Defence Direct consider that, because of a conflict of interest, the request should be handled by you (instead of by a Criminal Defence Direct Telephone Adviser); or considers that Advocacy Assistance is required; or considers that one of the other exceptions in Section 9 applies;

"*Standard Fee*" means a fee designated as such (and paid in the circumstances set out and at the levels set out) in this Specification;

"*Sufficient Benefit Test*" has the meaning given to it in Paragraph 3.10;

"*Unassigned Counsel*" means Counsel or in-house advocate who is not assigned (within the meaning of regulation 16 and 17 of The Criminal Legal Aid (Determinations by a Court and Choice of Representative) Regulations 2013 under a Representation Order in the magistrates' court, but who is instructed by you acting under that Representation Order;

"*Undesignated Area Standard Fee*" has the meaning given to it in Section 10;

"Unique File Number" or "UFN" means the file number to be allocated by you to a Matter or Case or as otherwise specified in this Specification pursuant to Paragraph 4.34 and in accordance with Paragraph 4.35;

"Unit of Work" and "Unit" means a unit of work described as such in Paragraph 1.3;

"Upper Limit" means a specified maximum amount of costs which may be claimed under a Unit of Work, but which may be extended on application. An Upper Limit operates in the same way as a Costs Limitation;

"VHCC" or "Very High Cost Case" has the meaning given to it in the Criminal Remuneration Regulations;

"VHCC Notification Request Form" means the form designated by us used to provide information in support of an application for a VHCC contract;

"Volunteer" has the meaning set out in regulation 12(3) of the Criminal Legal Aid (General) Regulations 2013.

Scope of the Specification

1.3 This Specification applies to the following Classes of Work and Units of Work:

CLASS OF WORK	UNIT OF WORK	
Criminal Investigations	Work conducted at the Police Station	Police Station Advice and Assistance
	Work conducted outside the Police Station	Advice and Assistance for Pre-Charge Engagement provided in accordance with the Attorney General's Guidelines on Disclosure
		Free Standing Advice and Assistance
		Advocacy Assistance on a warrant of further detention provided under section 15(2)(b) of the Act
		Advocacy Assistance for armed forces custody hearings provided under section 15(2)(b) of the Act
		Advocacy Assistance in the magistrates' court in connection with an application to vary police bail conditions provided under section 15(2)(b) of the Act
		Advocacy Assistance in the magistrates' court in connection with an application to extend pre-charge

CLASS OF WORK	UNIT OF WORK
	bail provided under section 15(2)(b) of the Act
Criminal Proceedings	Advocacy Assistance and Advocacy Assistance by a court Duty Solicitor provided under section 15 (2)(b) of the Act
	Representation in the magistrates' court provided under section 16 of the Act
	Pre-Order Cover Early Cover Means test form completion
	Representation in the magistrates' court under a Representation Order in Proceedings that are sent to the Crown Court for trial
	Representation in Prescribed Proceedings in the Crown Court other than in appeals from the magistrates' court provided under section 16 of the Act
	Representation in the Crown Court under a Representation Order in mainstream Criminal Proceedings provided under section 16 of the Act
	Representation in the High Court or county court
	Representation in the Higher Courts
	Representation in relation to proceedings for breach of injunctions arising under Part 1 of the Anti-Social behaviour, Crime and Policing Act 2014
	Representation in relation to proceedings in civil court venues
Appeals and Reviews	Advice and Assistance on appeals against conviction or sentence (where a newly instructed representative is not covered by an existing determination) or

CLASS OF WORK	UNIT OF WORK
	applications to the Criminal Cases Review Commission (CCRC) provided under section 15(2)(c) of the Act
	Representation on an appeal by way of case stated provided under section 16 of the Act
	Representation in the Crown Court under a Representation Order in Prescribed Proceedings on appeal from the magistrates' court provided under section 16 of the Act
Prison Law	Sentence Cases – Advice and Assistance provided under section 15(2)(c) of the Act
	Disciplinary Cases – Advice and Assistance or Advocacy Assistance provided under section 15(2)(c) of the Act
	Parole Board Cases – Advice and Assistance or Advocacy Assistance provided under section 15(2)(c) of the Act
Associated Civil Work carried out under the provisions governing civil Legal Aid in Part 1 of the Act	Legal Help and civil Legal Representation - Proceeds of Crime Act 2002
	Legal Help and civil Legal Representation - judicial review or habeas corpus
	Civil Legal Services in relation to proceedings for injunctions sought in respect of alleged anti-social behaviour arising under Part 1 Section 1 of the Anti-Social Behaviour Crime and Policing Act 2014
	Civil Legal Services in relation to proceedings for injunctions sought in respect of gang related violence and drug-related activity arising under Part 4 of the Policing and Crime Act 2009 (so called 'gang' injunctions)

Structure of the Specification

- 1.4 Sections 1 to 8 apply to all Classes of Work. Sections 9 to 13 set out the specific rules which apply to each Unit of Work. Unless otherwise stated, where there is any conflict between Sections 1 to 8 and Sections 9 to 13, Sections 1 to 8 shall take precedence. You will notify us of any conflicts between Sections of which you become aware promptly upon becoming aware of the same.

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