

### **13. Associated Civil Work**

- 13.1 This Specification provides you with authority to undertake Associated Civil Work. This work will constitute as either "Controlled Work" or "Licensed Work" within the meaning of the Civil Procedure Regulations. The relevant provisions of the current Civil Contract apply except insofar as this Specification provides otherwise.

#### **Qualifying criteria**

- 13.2 In order to provide Legal Help or Legal Representation under this Class of Work, the relevant criteria in the Civil Merits Regulations and Civil Procedure Regulations must be satisfied.
- 13.3 Subject to Paragraph 4.4(g), in order to provide Legal Representation, a Client must be issued with a Certificate in accordance with the Civil Procedure Regulations.
- 13.4 To provide Legal Help or Legal Representation under this Class of Work the Client must meet the Financial Eligibility Test set out in the Civil Financial Regulations.

#### **Application Procedures**

- 13.5 You must apply for Civil Legal Services in this Class of Work in accordance with the rules applicable to civil matters under the Civil Contract, using the procedures and claim forms specified for civil matters under the Civil Contract in force at the time.

#### **Rules on claiming**

- 13.6 A single Claim for Legal Help provided under this Class of Work must be submitted for all work undertaken for the same Client in the same Matter, except where a Claim has been submitted already in the same Matter because Paragraph 13.7(c) or (d) below apply.
- 13.7 A Claim for Legal Help may only be submitted when:
- (a) the Matter has concluded; or
  - (b) it is known that no further work will be undertaken for the Client in the same Matter; or
  - (c) it is unclear whether further work will be required or not and a minimum of one month has elapsed since the last work in the Matter was undertaken; or
  - (d) a determination that a Client qualifies for Representation is made for the same Client arising from the same Matter.
- 13.8 A Claim must not be made under this Unit of Work where a human rights issue is being argued as an integral part of existing Criminal Proceedings and a Claim has been, or it is known that it will be, made for magistrates' court Representation (or for Representation in the Crown Court, Court of Appeal or Supreme Court) for any Matter forming part of the same Case.
- 13.9 A Claim must be submitted for Legal Help using the Contract Report Form and procedures specified for work under this Specification.
- 13.10 A Claim must be submitted for Legal Representation in accordance with the rules applicable to civil matters under the current Civil Contract, using the procedures and claim forms specified for civil matters under the current Civil Contract.
- 13.11 The procedures under this Specification for the Assessment of remuneration for representation under this Unit of Work are the same as those contained in section 6 of

the current civil specification and prior authority may be applied for and granted in accordance with the provisions of the current civil specification.

- 13.12 Where an application for a determination that an individual qualifies for Associated Civil Work has been made to us, no further work must be claimed under Legal Help unless there is likely to be a delay before the application is determined or further work needs to be done without which the Client's position would be prejudiced or there is an ongoing Criminal Investigation relating to that Matter. The reasons must be noted on the file in such circumstances. You must not undertake more than two hours work on making the application for the determination.

### Limits on Claims

- 13.13 Subject to any extension granted in accordance with this Specification, the rates set out in the Civil Remuneration Regulations apply to this Unit of Work.

Unit of Work	Scope	Payment
<p><b>Legal Help and Legal Representation:</b></p> <p><b>judicial review or habeas corpus</b></p>	<p>This Unit of Work concerns Legal Help or Legal Representation for actual or proposed proceedings concerning public law challenges to the acts, omissions or decisions of public bodies by way of judicial review (including under the Human Rights Act 1998) or habeas corpus, arising from any matter within the Crime Category</p>	<p>The applicable Legal Help Fixed Fee is the Public Law Category Fixed Fee.</p> <p>You must claim for work undertaken in the Associated Civil Class of Work at such rates as are specified in the Civil Remuneration Regulations</p>
<p><b>Legal Help and Legal Representation:</b></p> <p><b>Proceeds of Crime Act 2002</b></p>	<p>This Unit of Work may only be undertaken for a Client in civil proceedings under the Proceeds of Crime Act 2002</p> <p>If your Client requires legal assistance to respond to the Crown Court under the terms of a restraint order (prior to being charged with an offence) to serve a witness statement of means and assets, this work is paid for under Legal Help under this Unit of Work.</p> <p>You may only apply for Associated Civil Work on behalf of a Client who is subject to a restraint order under s41 of the Proceeds of Crime Act 2002 to make an application to vary or discharge that restraint order in circumstances where the Client is not charged with a criminal offence or the subject of Criminal Proceedings.</p> <p>If your Client is subsequently charged with a criminal offence, Associated Civil Work will cease to be available because a determination made in the</p>	<p>The Legal Help Fixed Fee for Proceeds of Crime Act work is the Fixed Fee for the Miscellaneous Category of Work.</p> <p>You must claim for work undertaken in the Associated Civil Class of Work at such rates as are specified in the Civil Remuneration Regulations.</p>

	<p>Criminal Proceedings will extend to any work done in respect of the restraint proceedings.</p> <p>You may only apply for a determination that an individual qualifies for Associated Civil Work in respect of forfeiture proceedings under Part 5 of the Proceeds of Crime Act 2002 (forfeiture of cash in the magistrates' court), subject to your Client passing the means and merits test to be eligible for Associated Civil Work</p>	
<p><b>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</b></p>	<p>This Unit of Work concerns Civil Legal Services in relation to proceedings for an injunction sought in respect of alleged anti-social behaviour arising under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014. For the avoidance of doubt this includes Civil Legal Services in actual proceedings for such injunctions in the Youth Court and provision of Civil Legal Services to a parent in relation to a parenting order where the child is the subject of an injunction granted under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.</p> <p>When undertaking work under this Unit the relevant provisions of the Civil Contract apply except insofar as this Specification provides otherwise. For the purposes of this Paragraph, the relevant Civil Contract is the one in force at the date you commence the civil matter</p>	<p>You will be remunerated for work undertaken in this Unit of Work in accordance with and at such rates as are set out in the Civil Remuneration Regulations.</p> <p>Travel and waiting time will be paid in accordance with the Civil Remuneration Regulations. For the avoidance of doubt, travel and waiting time is payable for civil Legal Representation but it is only payable (in addition to the fixed fee) if the case escapes.</p>
<p><b>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</b></p>	<p>This Unit of Work concerns Civil Legal Services (as described under subparagraph 38(1) of Part 1 of Schedule 1 to the Act) in relation to proceedings for an injunction sought in respect of gang related violence and drug related activity arising under Part 4 of the Policing and Crime Act 2009 known as "Gang injunctions". For the avoidance of doubt this includes Civil Legal Services (Legal Help and representation) in proceedings for such injunctions in the youth court and magistrates' court.</p>	<p>You will be remunerated for work undertaken in this Unit of Work in accordance with and at such rates as are set out in the Civil Remuneration Regulations.</p> <p>Travel and waiting time will be paid in accordance with the Civil Remuneration Regulations.</p>

	<p>When undertaking work under this Unit the relevant provisions of the Civil Contract (Sections 1 to 6 of the Civil Specification) apply except insofar as this Specification provides otherwise. For the purposes of this Paragraph the relevant Civil Contract is the one in force at the date you commence the civil matter.</p>	
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