



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

September 2024



Contents

Introduction	2
Process flowchart	3
Applying for a representation order online (crime providers only)	4
Applying for a representation order by email if you do not hold a crime contract	6
Applying for an individual case contract	6
Use of counsel	7
Further information	8
Cost limit	8
Further breaches of the same injunction	8
Prior authorities	8
Billing	8

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 2024 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.

If you hold a crime contract, all applications for criminal legal aid should be submitted via the Apply for criminal legal aid service.

Firms that do not have a crime contract must email a paper CRM14 to:

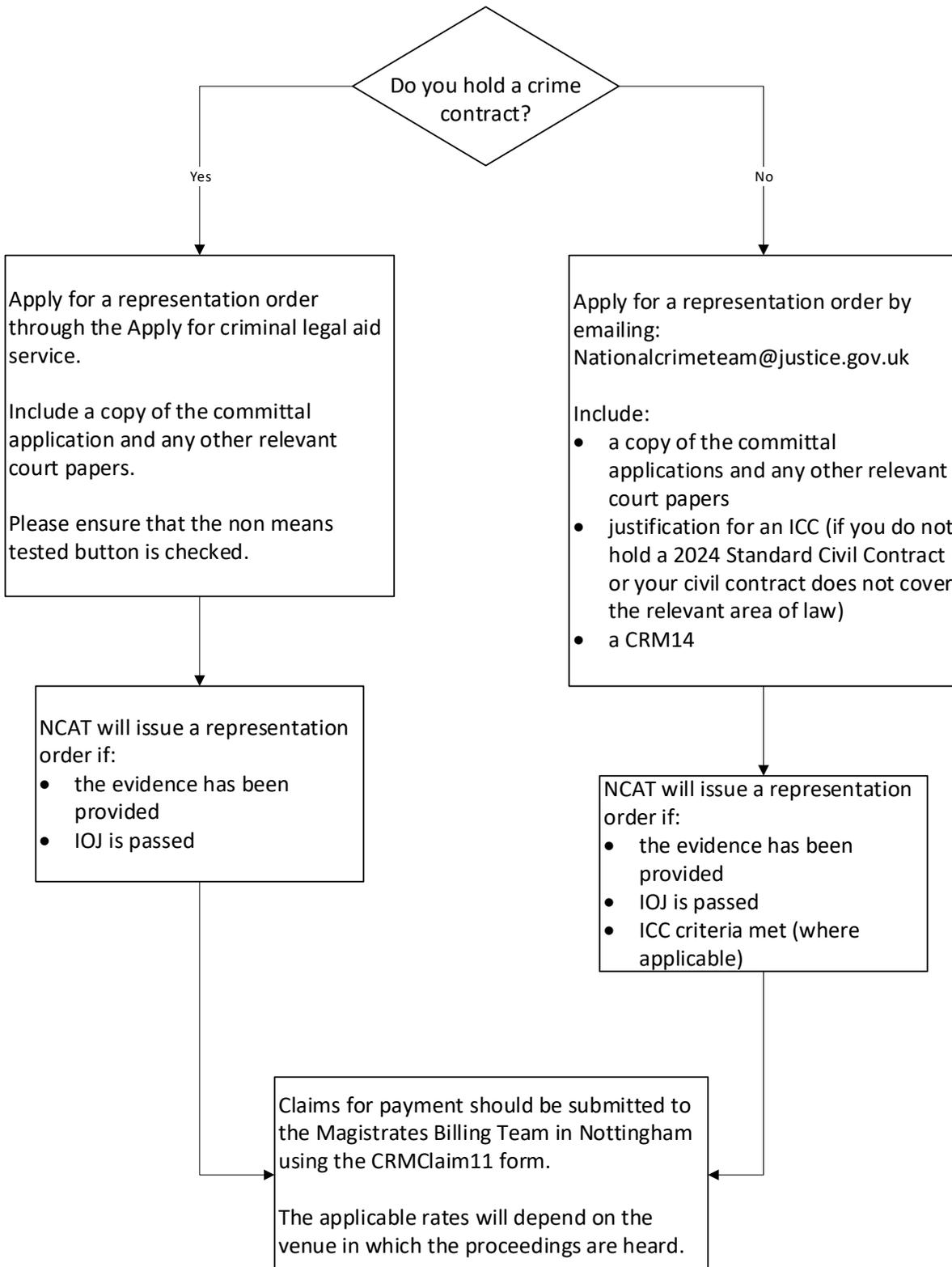
Nationalcrimeteam@justice.gov.uk

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 (crime providers only)

Go to the [LAA Portal](#) to submit an application using the Apply for criminal legal aid service.

When submitting the application, 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.

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 Apply for criminal legal aid service does not present any questions about your client's financial circumstances. It will also direct the application to a dedicated non-means work queue administered by designated caseworkers.

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 application 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		
Contempt of Court Proceedings - Restraint Order	Between	17/5/2016	26/10/2016

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 a representation order by email if you do not hold a crime contract

Firms that do not have a crime contract must apply by emailing:

Nationalcrimeteam@justice.gov.uk

Your email should set out why you are applying, and where applicable, justify how the case meets the ICC criteria (see below). 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'

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 2024 Standard Civil Contract in. It will be classed as associated criminal work, as set out by sections 4.3 and 4.4 of the 2024 Standard Civil Contract.

However, firms without a criminal legal aid contract, or a 2024 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

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 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 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 or disbursements can be claimed by emailing Nationalcrimeteam@justice.gov.uk. 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 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



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

