

2024 Standard Civil Contract

Specification

Category Specific Rules:

Public Law

DRAFT

Section 14 Public Law Specification

This part of the Specification sets out the rules relating to cases undertaken in the Public Law Category of Law. Providers must satisfy themselves before undertaking work in the Public Law Category that the work is within scope.

Supervisors' Legal Competence Standard

- 14.1 At any time during the Contract the Supervisor must, in the previous 12 months, have undertaken work on the minimum number of cases in the Public Law case Categories in Table One below:

Table One		
	Public Law case category	Minimum number of case files required
1	Demonstrate a breadth of experience across the subject category: Within the last 3 years, 3 cases that have involved the application of the principles of public law across at least 2 subject areas, e.g. either different categories of law or distinct areas within a category of law.	3 case files

- 14.2 At any time during the Contract the Supervisor must, in the previous 12 months, have undertaken work on the minimum number of cases in each of the 6 case types in Table Two below:

Table Two		
	Public Law case type	Minimum number of case files required
1	Cases in which substantive advice was given to the client on the advantages and disadvantages of remedies alternative to litigation; or of actual conduct of cases where an alternative remedy has been pursued (e.g. complaints, procedures, ombudsman)	2 case files
2	Case involving judicial review proceedings	1 case file

3	Case in which proceedings were conducted or prepared (at least to the stage of making a representation on behalf of the client) from the following: <ul style="list-style-type: none"> • Judicial Review • Habeas Corpus • Statutory Appeals • ECHR • ECJ (where the case turns upon public issues) • Non-court based remedies (e.g. complaints procedures) 	2 case files (not already used as evidence for section 2)
4	Case involving research on a statutory or regulatory framework	1 case file
5	Case in which the impact of the Human Rights Act was assessed and the client was advised of the impact	1 case file
6	Case in which potential public interest implications of proceedings, in producing real benefits for individuals other than the client were recognised	1 case file

14.3 The Supervisor must maintain a portfolio (including case name and reference) of cases to demonstrate compliance with Paragraphs 14.1 and 14.2. ~~The same case file can be used to demonstrate compliance with Paragraphs 14.1 and 14.2.~~

14.4 Prior to the appointment as Public Law Category Supervisor the individual must have demonstrated to our satisfaction a portfolio of cases which meet the requirement in Paragraphs 14.1 and 14.2.

14.5 The Supervisor must take account of any changes in legislation and case law and maintain access for the duration of the Contract to the following required texts:

- (a) public law reports;
- (b) at least 1 nationally published specialist journal containing public law updates;
- (c) at least 1 core administrative text;

(d) at least 1 core human rights law text.

Supervisor Standards

- 14.6 In order to receive or maintain a Schedule Authorisation in the Public Law Category of Law you must have at least one part time equivalent Supervisor in this Category of Law. For the purpose of this Paragraph "part time equivalent" means the equivalent of one individual working 17.5 hours a week (excluding breaks).
- 14.7 Subject to the provisions of this Contract, an individual who is a Supervisor in this Category may also be a Supervisor in another Category of Law but only to the extent that any such individual does not work more than full time equivalent working hours. For the purposes of this Paragraph "full time equivalent working hours" means the equivalent of one individual working 35 hours per week (excluding breaks).