



Legal Aid
Agency

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

Your Questions Help Us Say Yes Webinar

Representation Orders: transfers, withdrawals, and amendments

17 January 2023



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Contributions

Q: How long does the client have to continue to pay contributions if a withdrawal has taken place and we have claimed against the Order?

A: If the applicant is subject to an Income Contribution Order and subsequently withdraws, they remain liable for any contributions that were due up to the point that Legal Aid is withdrawn. This is outlined in the [Criminal Legal Aid Assessment Manual \(CLAM\)](#) 7.2.

Q: We have a case where a client's contribution was assessed and determined as zero to pay but has recently received a demand from Marston's for £16,000 - we can't get to the bottom of why - what is our best option.

A: Please contact us directly about this specific case and we can advise specifically on the reason for this. It may be that the defendant had capital and / or equity in excess of £30,000 (please see CLAM 6.4.4). If this is the case and the defendant was found guilty, they may have to pay towards their final defence costs.

Q: My client a 19yo case was arrested for robbery and his case sent to CC. He was arrested in October. At the time he was arrested he had just gone back to uni and therefore although he had been working over the summer hols his income had dropped to below the threshold. He was remanded in custody and therefore unable to provide his income evidence. I managed to get this after getting him bailed and submitted it, the assessment was based on the highest of his income in the preceding 3 months. This did not give an accurate reflection of his income. He was ordered to pay contributions despite having no income. He has applied for benefits, but we are waiting for the confirmation, we only have the evidence of his appointments. We will be outside of the 28-day limit. The contributions are racking up and he will be in a position where he owes £4000 despite not having had any income during the entirety of these proceedings. I don't seem to be having any joy getting this resolved. Is there any advice you can offer? Follow up to my question about my 19yo client. Will he have to pay the £4,000 contributions? The difficulty was that he was working through a temping agency and was not available for work as bailed away from the area.

A: Please contact us with a MAAT number so we can investigate the specifics of the case. If you submit a change in financial circumstances that evidence employment had ceased, we may be able to backdate the means assessment. If this is outside 28 days of the change, we will need an explanation for the delay to consider backdating.

Q: If there has been an error on the form meaning the calculation for income is incorrect and a contribution is required would a change in circumstances application be completed to revoke this with an explanation?

A: You can contact us via email to explain the discrepancy, but please note that in some situations evidence may be required if the difference between what is initially declared and what is now being declared is deemed sufficiently contrasting.

Revocations

Q: I have a case where an old client has instructed a firm to apply for revocation of his restraining order. I dealt with the original conviction in 2013. The new firm has tried to apply for a rep order but have been told we still have the original rep order. Is there any way the client can apply for legal aid with the new firm or would they have to apply for a transfer of a very old order?

A: Revocation of a restraining order will be covered under the existing rep order, so a transfer will be required in this situation. If there was a situation where the original firm no longer existed, the new firm should submit a non-means tested CRM14 application.

Representation orders

Q. If a Rep order was granted in 2011 by a then magistrates' court (which is now closed), is there a way to receive copy of it?

Summary of issue- We represented the client in 2011, however, they failed to attend court and a bench warrant was now executed. They are due to appear in court very soon. I am aware that the rep order is still live, and we will be representing them. However, we are not sure how we would be remunerated as we are not sure if there a way to receive a copy of a 10–12-year-old rep order? I have tried to contact the relevant court (who has taken over from the then magistrates') for a copy of the rep order but not received anything.

A: Please contact us and provide details of the case (defendant's name, date of birth, name of the offence, offence date) and we may be able to produce a manual order in this situation.

Q: Re adding offences to a rep order. I have had 2 separate cases where I have submitted the new offences form and then got told by yourselves that a new CRM14 needs to be submitted (by which point the date of hearing has gone and won't be backdated). Can you help us to know when it will be each of the scenarios i.e when to submit a whole new crm14 for new offences or a form for "add new offences". I was told on one of the occasions that it was to do with how the court had one of more separate files as to whether there needs to be one or 2 rep orders. I hope that makes sense. I am now tending to date stamp new applications as well as doing the "add new offence" form which is time consuming

A: Whether to submit a new CRM14 or the adding offences proforma depends on whether the offences come under the existing case ID for previous offences you have been granted for, or whether the court lists them separately. If they come under the same case ID, you should submit the proforma to add additional offences. If the offences come under a new case ID, you should submit a new CRM14. The proforma to add offences can be found on GOV.UK - [Legal aid: crime eForm - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

Q: Firm was granted two rep orders for two separate matters at Crown Court. The two cases have been joined up. Is there anything we need to do?

A: In the event a case has been joined, you can submit your claim as normal, attaching both rep orders / referencing both MAAT numbers. You should put it through as one claim, as stated in sections 2.1 and 3.1 of the [Crown Court Fee Guidance](#).

Appeals

Q: If an application is refused on IOJ and we need to appeal, but the case concludes on the same day how long do we have to appeal?

A: There is no set time limit for an IOJ appeal to be submitted. If an IOJ appeal is submitted and now passes on IOJ, it will be backdated to the appropriate date stamp relevant to the date stamping provisions in CLAM 3.4.

Change in financial circumstances

Q: We have a case where the client has a change in circumstances, i.e. now working, he is self-employed but has no evidence to show this as he hasn't been trading for a year. The only thing that can be provided is bank statements to prove payments going into his bank from subcontracted jobs. How can I resolve this the application has been returned?

A: So we can refer to the specifics of this case, please contact us with the MAAT number so we can investigate it. However, to give some overview on this area - If a self-employed applicant has not been trading for a year and in the absence of trading accounts, we can accept running accounts, cash book, invoices, or other business records they are maintaining to monitor their business income and outgoings. If the applicant is a sub-contractor, they would normally have a principal contractor who provides them with CIS payslips as the principal contractor normally deducts 20 or 30% to pay to the HMRC; check if the defendant has these to provide. In the absence of all the above we will accept bank statements, however we will not be considering any business expenses and only including income in the means assessment. Bank statements will need to be clearly annotated. Annex P of CLAM includes a useful table on evidential requirements

National Insurance number

Q: The system will not allow us to progress without the client's National Insurance Number. DWP do not seem to provide the NINO so we are unable to continue with the application.

A: As per CLAM 10.1.1, 'A National Insurance number (NINO) is required where the applicant has declared that they are on a passporting benefit.' Therefore, this must be included on the application. 'The only exception to this is where the applicant is remanded into Court custody and does not know their NINO.' (CLAM 10.1.3). For crown court cases where the applicant is not on a passporting benefit, an evidence request will be sent for the NINO, which will allow 14 days for this to be provided. If you are having difficulties obtaining the client's NINO, the following link may be useful. [Find a lost National Insurance number - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/find-a-lost-national-insurance-number)

General

Q: Where can I find the pro forma for withdrawal?

A: This is available on the GOV website - [Legal aid: crime eForm - GOV.UK \(www.gov.uk\)](https://www.gov.uk/legal-aid-crime-eform)

Q: Do you have any suggestions on how to proceed when we are struggling to obtain the MAAT number from previous sols having had a transfer of LA to us?

A: If you contact us with as much detail about the case as you can (defendant's full name, national insurance number (NINO), date of birth, details of the offence), we may be able to locate the MAAT number for you.

Q: Is there any guidance to send the court as I find it an absolute nightmare to receive that information as they do not appear to know about the clam rules at court?

A: CLAM 7.2.2.2 states "Where another provider represented the client prior to withdrawal. A new application can only be considered by the Legal Aid Agency once you provide written confirmation from the court that they consent to a change in representation." This can be referenced to the court when trying to obtain confirmation that they consent to you submitting an application. We will look at liaising with the courts to ensure they are aware of this aspect of our guidance.

Q: Can you please provide a link for the LA bulletin?

A: [Sign up here!](#)

Contacting us

Contacting the National Criminal Applications Team:

To aid in replying in a timely manner to your queries, please use the following email addresses:

For self-employed queries: nationalcrimeteam@justice.gov.uk

For any other queries including any relating to the content of the webinar: Transfers, withdrawals etc, you can email any of our 'CAT' sites. You can refer to your representation order to see which site dealt with your original application to determine who you address your email to. - BirminghamCAT@justice.gov.uk / NottinghamCAT@justice.gov.uk / LiverpoolCAT@justice.gov.uk



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