ILPA Comments on New Immigration Specification Applying from 1 April 2004

We refer at the outset to our meeting with the LSC last week. Sadly, much of these responses are unchanged as a result. However the notion of 'earned autonomy' was expanded upon at the meeting by the LSC, to the extent that it was stated that those providers with CLR devolved powers would be likely to keep them, but that because of a lack of data about the conduct of Legal Help, devolved powers would not be given re the Legal Help threshold. We have to say we find the logic of this position extra-ordinary. How likely is it that suppliers are so competent in relation to CLR decisions as to be trusted with devolved powers, and yet so incompetent in relation to Legal Help decisions? It is just possible that the LSC may prevent the loss of some of it's better suppliers by extending the earned autonomy to Legal Help at this stage. We would urge that consideration be given to an early announcement on this point.

12.2.1. UNIQUE CLIENT NUMBER

ILPA is pleased to note that the specification takes account of the practical difficulties identified with using the Home Office reference number as the unique client number. However, this in turn leads to questions about how the LSC propose to record and monitor costs in an individual matter. This is because the specification now allows that the same unique client number can be used for each different matter [with its own cost limit] conducted for the same client. It also allows for a dummy number (paragraph 6) of A0000000, where no Home Office reference number has been allocated. Presumably the LSC are aware of these difficulties and they will be treated simply as difficulties for the LSC in maintaining its own records and will not be a barrier to suppliers either obtaining extensions of funding, or submitting claims for payment. Please allay our fears by indicating how your systems will deal with this.

The specification does not make clear whether family members who are considered by the Home Office under the same reference number as the primary applicant, should be dealt with under the primary applicant's reference number or under the dummy reference of A0000000. Clarification would be welcomed on this so as to ensure consistency of practice.

Paragraph 4 in this rule implies that the change to the definition of separate matters, detailed at 12.2.6 below, may not have been fully specified. Clarification would be welcome from the LSC as to how it now proposes that practitioners should deal with a situation where, for example, an asylum seeker submits an asylum and an Article 3 claim but then subsequently makes a further application during the course of that claim, based on marriage or the birth of a child. Is this a separate matter?

12.2.2. PREVIOUS LEGAL ADVICE

We maintain our concerns about the costs limit following from one supplier to the next, although these have been addressed to some extent by the changes to the proposals relating to financial limits.

We welcome the introduction, at paragraphs 6 and 9, of an obligation on the first supplier to provide information to a subsequent supplier within 7 days, subject to a costs penalty.

Please confirm that time spent undertaking these tasks, once a form is signed, is remunerable. Please confirm that the prohibition on duplication

does not include checking the work of the previous representative to make sure the work has been done properly. In our view, not to do so would be negligent.

12.2.3. ACCREDITATION

ILPA has stated that it welcomes any measures which will have the effect of providing incentive for representatives to provide a high quality service. We have commented elsewhere on the accreditation scheme proposed. However we think that the accreditation scheme, together with the bidding process and peer review obviates the need for the new thresholds.

12.2.4. THE APPLICATION FORM

ILPA notes the intention now that an applicant who is outside England and Wales must sign their own CLR form and that sponsors may only sign for advice limited to their role. At para 5, where a sponsor has been given the limited advice outlined here, does this include completing the visa application form? If not, please confirm that para 12.2.4.5 does not apply in this situation and that 2 forms can be signed in the same matter, in these circumstances.

ILPA has concerns as to how this will work in practice in conjunction with the LSC rule that CLR must be applied for as soon as the appeal right arises and sufficient information is available. ILPA is concerned that communication difficulties with applicants in some areas of the world may make it impossible to enable CLR in particular to be applied for and granted in time to meet appeal rights. This is particularly the case where the supplier does not have devolved powers for granting CLR. ILPA considers that there should be provisions to protect appellants in these circumstances.

We are also concerned as it is far harder to find evidence of means from abroad. We ask that the evidential requirements be relaxed in such cases, particularly if there are likely to be more of such cases in the future.

We do not understand the reason, set out in paragraph 6, for this change, namely that "a sponsor or family member cannot sign the application for Controlled Legal Representation because they are not are a party to the proceedings". It is well established within the Appellate Authority that sponsors act with the delegated authority of the applicant, without any formal requirement for them to be made a party to the proceedings.

The specification fails to deal with the situation of minor applicants abroad. We would welcome the clarification of the LSC as to what it intends that suppliers should do in such circumstances. We anticipate that the advice may differ for applicants aged under 16 years of age and those aged 16 or 17. ILPA would point out that applications by children are common and therefore clarification of this issue will be necessary by the time the proposed amendment is in force. For applicants under the age of 16, ILPA considers that the sponsor should generally be the person completing the application for CLR.

ILPA also has concerns about the additional cost on individual cases of sending CLR or Legal Help forms to be completed and signed by the applicant abroad. This will inevitably require the forms to be translated into different languages and for advice about completion of the form to be in different languages. We urge the LSC to arrange for the forms to be translated centrally into the main applicant languages before these changes are implemented. (

We do not understand the reference to resources which are 'likely to be provided' by the sponsor. We had understood that the relevant period was the 28 days prior to the signing of the form.

12.2.6. SEPARATE MATTERS

ILPA welcomes the amendment that a new asylum claim will amount to a separate matter and therefore be subject to a separate costs limit.

We would seek clarification (see 12.2.1. above) as to how the LSC intends suppliers to deal with an applicant who has concurrent but unrelated applications, for example an asylum seeker who, in the course of his asylum claim, submits a further application based on marriage or family relationship.

Para 12.2.6.3 appears to be a reversal of the current position, where refugee family reunion cases are dealt with as the same matter. Please justify this.

At para 12.2.6.8 the reference to an 'overseas' student is unfortunate. This is normally understood to relate to the fee-paying status of a student, rather than the immigration status

12.2.7. ADVICE AND REPRESENTATION REGARDING NASS

We note that advice concerning NASS has now been defined as being within the non-asylum immigration category. We would ask for urgent clarification as to whether NASS advice is also still within the welfare benefits and/or community care and/or housing categories. Suppliers, including those who do not have an immigration contract, have been assisting with these types of cases under these categories. If NASS is only restricted to the immigration category, then the prohibition on suppliers who do not have an immigration contract from undertaking work that is within the immigration contract will prevent very needy clients from receiving the assistance they require. ILPA and, presumably, the Commission are already aware that there is a dearth of good advice to clients with NASS problems. ILPA would be extremely concerned if the intended change were to have the result of preventing suppliers from providing this advice.

However, if the work can be carried out under other categories, then it is anomalous that suppliers providing it under the immigration category should be subject to the non-asylum costs limit whereas suppliers providing the same advice under another category heading will not be.

ILPA notes that CLR remains unavailable for asylum support adjudicator hearings and regrets this. Can suppliers provide assistance by way of MacKenzie Friend in these hearings?

12.2.8. FORM FILLING

We note the acceptance that legal advice is required in respect of certain applications for travel documents, passports and citizenship applications. Please confirm that Home Office forms are a fortiori also included. We would make the point that naturalisation forms now include questions on terrorism, and that it is difficult to conclude that a client does not require legal advice in a particular case about a particular form until you have discussed the contents of the form with the client.

12.2.9. DISBURSEMENTS

ILPA has no preference as to whether disbursements should have their own separate maximum limit or be included in the overall costs limit. We do not see any advantage to the Commission in confusing matters somewhat by having different rules for Legal Help and CLR. Our concerns on this relate to the form of the limit and the level (see 12.3.3. below). The disbursement level is set so low as to require extensions to be submitted in the vast majority of cases – for what are very small amounts. This appears to be bureaucracy for bureaucracies sake.

12.2.10. INTERPRETERS AND EXPERTS

We refer to the separate engagement we have had with you in response to the consultation regarding experts and interpreters

12.2.11. COUNTRY OF ORIGIN BUNDLES

There are no changes to this rule.

12.2.12. APPLYING TO EXTEND THE COSTS LIMIT

ILPA welcomes in general the abandonment of [probably unlawful] fixed financial caps and welcomes the possibility of being able to apply for extensions to costs limits and disbursements limits.

We are concerned by the choice of phrase used in specifying that an application can be made whether work is "both reasonable and necessary". The word "necessary" appears to us to be otiose in that work that was unnecessary would clearly be unreasonable. We have concerns whether it is the intention of the Commission to in some way use that choice of words to raise the standard for judging whether work is reasonable. Clarification of the Commission's intention in that respect would be welcomed. ILPA would be concerned if the wording were used to prevent reasonable work from being carried out merely because the Commission assesses that the application or appeal has a reasonable chance of succeeding without that additional work. Given the poor quality of decision-making at the IND and the wide variance in the quality of decision-making in the IAA, ILPA would have very great concerns about the Commission making such judgements.

Furthermore should we be concerned that the test set out here is that an extension can be applied for where the further work is both reasonable and necessary, whereas Appendix A "Asylum and Legal Aid: The Way Forward" refers (page 2) to extensions being granted in genuine and complex cases where there is a real prospect of success.

We are concerned that both within the original limit (paragraph 3(f)) and in applying for extensions (paragraph 5) the effect of the delay caused by an application either prolonging the client's stay in the UK or even leading to the application having a greater chance of success is not considered as justification for funding. This appears to be the LSC taking on the role of the Home Office, rather than remaining within its own remit. It appears to us that, provided an application is not hopeless, vexatious or an abuse of process, an application which will benefit a client because of the Secretary of State's own delay is entirely valid and would certainly meet the sufficient benefit tests in respect of considering whether a privately paying client of reasonable means would fund the application. The answer is for the Home Office to put its house in order, not for the LSC to protect it from the consequences of its inefficiency.

ILPA is concerned about the inclusion of paragraph 6, which is a statement that authority for an extension does not "indicate" that any previous or future work is reasonable or necessary. ILPA accepts the final part of the paragraph, that the claim for costs will be subject to assessment in the normal way, but considers it is unsustainable for the Commission to state that no indication of the reasonableness of work can be taken from the grant of authority. It appears to us unreasonable that the Commission expects suppliers to jump through the hoops to convince the Commission of the worthiness of its work but then for the Commission to accept no responsibility at all for whether that work should be remunerated. This is another example of the Commission attempting to shift all of the risk in undertaking work away from itself and on to suppliers, who are already hard-pressed and finding the work to be barely profitable or even unprofitable. Clearly, where the Commission were not in possession of the full or true facts, no such indication could be taken but we consider that this rule is unnecessary and antagonistic.

We note that paragraph 7 is unamended and would simply take this opportunity to point out that in certain third country cases it may still be necessary for a client to have full advice and assistance, for example where the Secretary of State insists on the client being put through the full SEF procedure whilst, in the background, a decision under the Dublin Convention or equivalent is still pending. We would suggest that the opening line should instead say "Examples of where the prospect of success will generally be poor are where:..." Additionally, disputing removal to a safe third country on Article 8 grounds rather than grounds of safety may mean that the case has reasonable prospects of success but that is not allowed for by this list.

For the record it is not accepted by ILPA that the 3 and 5 hr limits would 'normally be sufficient' for immigration and asylum cases. This is not the impression given by Lord Falconer in his recent statements on the matter, and of course bears no relation to the position taken by the LSC itself in the past. We would ask that the LSC confirm that any work undertaken in line with the LSC endorsed 'Best Practice guide on Asylum Applications' will be 'reasonable and necessary' for the purposes of these provisions.

12.2.13. CASES WHICH REQUIRE SPECIAL AUTHORISATION

This relates to the restriction of providing advice where the client is subject to a fast track process. We refer you to our separate comments in the response to the consultation paper.

12.3. CONDUCTING WORK UNDER LEGAL HELP

12.3.1. LEGAL HELP COSTS LIMIT

We welcome the move away from fixed financial limits to costs limits which can be exceeded by authority, in the sense that an unlawful proposal has now been replaced by an impractical one.

We are dismayed that the costs limit has been set at the same woefully inadequate limit proposed in the original proposal. These limits are well below what any sensible assessment of the reasonable work required is likely to be and, as a result, there will be a huge administrative burden on the Commission to process applications for extensions and on suppliers to obtain those extensions.

Particularly in respect of asylum matters, we are of the view that there will be

relatively few cases, other than the blindingly obvious, which will be identifiable as being of poor prospects. Generally only a claim which on the face of it is outside of the Refugee Convention or Article 3 can be dismissed of within this sort of time frame. Most other asylum claims, if the claimant is to be dealt with justly, will require more detailed investigation.

ILPA is gravely concerned about the ability of the Commission to deal with the hugely increased volume of work that these limits will cause, particularly at the same time as they are proposing that the majority of suppliers should lose the devolved power to grant CLR. Immigration and particularly asylum matters can be subject to very tight timescales, particularly at the outset, and delays in waiting for a decision as to whether funding will be available will be unacceptable. Suppliers should not be expected to work on in the absence of a decision, particularly as the implication is that there will be no backdating of the grant of extension. In this respect ILPA request clarification as to whether the procedure currently adopted by the Commission, namely that an extension will be dated for the date of receipt of the application even if the decision is only taken by the Commission some time later, will continue.

We are also concerned that setting the initial limit so low will mean that there is a significant and unremunerated administrative burden on suppliers. Members have informed us that an application for an extension of costs limit currently can take 15-20 minutes to prepare even in a straightforward matter and can take 30 minutes to 1 hour in more complex cases. If applications must be made at a much earlier stage and presumably at a greater frequency, then suppliers will quickly find that they are spending a significant percentage of their time on a case in unremunerated work for the Commission. This burden is likely to influence more suppliers to conclude that this work is unprofitable and therefore to reduce the amount of such work undertaken or to withdraw from contract completely.

The specification appears to contain no system for an emergency procedure and for backdating of applications when there are emergencies, although such a process is currently in place. This procedure must be reincorporated into the specification.

12.3.2. ATTENDANCE AT INTERVIEWS

ILPA commented at length in its response to the consultation on the proposed changes (see paragraphs 82-101). We would repeat those comments and are hugely disappointed that the LSC have instead accepted the view of the Home Office that such attendance is not of assistance to the process. Quite apart from blatantly assisting the Home Office in coming to negative decisions, this proposal will greatly increase the complexity and length of appeals, as the record of interview is will be contested in open court in every case. We still expected better from the LSC.

We remain deeply concerned that there is no provision within the specification for attendance at the screening interview whether with a minor, with someone suffering from mental incapacity or a client vulnerable on any other basis. What we are supposed to do about children going to the Screening Unit?

We welcome the indication that the Commission have taken into account to an extent the difficulties of those suffering from a mental incapacity (paragraph 2(b)). However, the definition adopted is set so absurdly high as to be an effectively meaningless concession. The definition of mental incapacity adopted, that a person is unable to make a decision for himself in

the matter, is set at such a level of severity that no responsible adviser should even countenance allowing such a client to attend an interview. In such circumstances, the only reasonable course for the adviser to take is to state that the client will not attend any interview and that any decision to refuse the application through non-compliance will be immediately challenged.

The real issue which the Commission should be addressing relates to clients who are capable of being interviewed and of providing through interview evidence in support of their application but who are vulnerable. We would propose as a starting point that the Commission consider the group of persons who would, under the terms of PACE, require the assistance of an appropriate adult were they being interviewed at the police station. This refers to those who are mentally disordered or otherwise mentally vulnerable or mentally incapable of understanding the significance of questions or their replies. We strongly urge that the Commission urgently re-thinks its rules in this respect, as it would be wholly unacceptable for such persons to be subject to Home Office interviews without legal advice. We would point out that the Home Office and IND has no arrangements for appropriate adults, other than for juvenile asylum seekers who may be accompanied by a panel member from the Refugee Council Children's Panel.

We note the requirement (paragraph 4) for an experienced adviser to attend the interview in those circumstances where attendance is authorised. We would note firstly that the requirement in these circumstances for an experienced adviser would appear to indicate that the role in the interview is both complex and important and, therefore, at odds with the view that no representation is required at these interviews. We would note secondly that there are many competent self-employed representatives who can do this work if properly accredited or supervised.

12.3.3. MAXIMUM DISBURSEMENT LIMIT UNDER LEGAL HELP

ILPA welcomes the move to allow extensions to the disbursement limit but notes that the initial limit set is very low, particularly for a client that requires an interpreter. The administrative burden therefore on both the Commission and suppliers of dealing with this very low limit will be considerable. We are also concerned in case there is some expectation within the Commission that disbursements will rarely need to exceed that limit. In our view, such a limit will often be insufficient.

12.4. CONDUCTING WORK UNDER CLR

12.4.1. UPPER COSTS LIMIT - ADJUDICATOR

The Commission states that the total claim for costs before an adjudicator, including counsel's fees, should not exceed £1,200.00. Whilst we welcome the fact that there are arrangements for the limit to be extended, we are dismayed at the very low figure set as the standard upper costs limit and the implications of the paragraph that that should generally be enough.

This figure bears no relationship at all to the costs that are likely to be incurred in many cases if best practice is followed. ILPA considers that it is unacceptable for the Commission, whilst at the same time taking steps to improve quality, should be stating that good preparation can generally be done within these limits. This is a fallacy.

In particular, the Commission states that 4 hours of work will generally be sufficient preparation for an appeal and includes in that travel and waiting.

Not only is this figure unrealistically low for most cases and almost certainly for all asylum cases, the inclusion of travel and waiting within that figure puts detainees at a particular disadvantage. Detainees will often have very complex cases and will face real barriers to providing good instructions and being able to properly prepare their appeal. This merely adds to those difficulties. It is a further disincentive to a supplier assisting this very vulnerable and needy group, who already find difficulty in obtaining good representation.

Although this is not made explicit, the clear implication of the rule is that time spent on bail applications is also expected to be dealt with in the same limit and that assumption is highly damaging. This will place a disincentive in the way of suppliers assisting clients with bail applications, as doing so will pose an administrative burden on them to seek extra funding and potential difficulties in obtaining funding for the appeal itself.

ILPA takes exception to the tone of paragraph 9, which is a reminder of an obligation not to waste public funds. We would point out that in large part the waiting time incurred at appeals is due to the listing policies of the Appellate Authority, which continues to list all appeals to start at 10:00 a.m. in most hearing centres.

ILPA objects to the wording of paragraph 10, which states that suppliers should seek to ensure that "wherever possible" counsel is from local chambers. ILPA is aware that whilst there are concerns about quality of legal advice by solicitors and other suppliers, there are equally concerns about the quality of counsel. The fact that there is a local counsel available should not be the determining factor as to whether they are engaged. If, in the opinion of the adviser, it is not reasonable to instruct counsel local to the hearing centre, then that should not be done. There will, for example, be times when the cost of employing a local counsel will be greater because of the cost of conferences held beforehand. Suppliers have a professional obligation to choose appropriate counsel and the rule as currently worded is in direct conflict with that professional obligation. We propose that the word "possible" be replaced with the word "reasonable".

12.4.2. APPLICATIONS FOR LEAVE TO APPEAL TO THE IMMIGRATION APPEAL TRIBUNAL

Whilst the Tribunal still exists, the limit of £150.00 will in most cases be too low to cover both the preparation of grounds for the appeal and the process of advising the client and taking appropriate instructions.

Often there is a need to obtain the clients comments onn the determination, before a decision on CLR can be made. Often experts have to comment on determinations. Are all these things to be covered , together with the time spent drafting grounds? We think there should be the possibility of obtaining extensions in these circumstances. If not this discriminates against non-english speaking appellants.

In particular, ILPA is concerned about the situation that will face clients who seek to transfer suppliers after an appeal has been lost before an adjudicator. This is a relatively common time for an appellant to transfer instructions, as it is often the appeal hearing and determination which shows them that their initial advice was unacceptably poor. The rule as currently drafted would mean that any supplier taking over a case at that stage could only incur costs of £150.00 for the whole process of taking on the new client, taking instructions and preparing the application. If that is not the intention of

the Commission, then that must be made clear.

If it is the intention of the Commission that that restriction will apply in such transfer cases, then this means that there will be effectively no prospect of clients transferring post appeal where their case has been either messed up or where, for professional reasons, the original supplier cannot continue to act. Such a restriction is unacceptable.

12.4.3. COSTS OF APPEAL HEARING

ILPA anticipates that in a large number of cases it will be necessary for applications to exceed the financial limit of £750.00.

12.4.4. We have no comments on this section.

12.4.5. ATTENDANCE OF INTERPRETERS OR EXPERTS AT SUBSTANTIVE HEARINGS

This proposal is likely to cost the LSC more than it saves. Hearings will have to be adjourned so the directed expert can attend.

12.4.6. APPEAL BUNDLES

ILPA notes (paragraph 3) that costs may be disallowed if practice directions for the filing of evidence have not been complied with. ILPA notes the discretionary basis of this sanction but would suggest that the penalty should not be applied either where there are adequate reasons or where the court in any event accept the evidence.

12.4.7. COUNSEL'S ADVICE ON APPLYING FOR JUDICIAL OR STATUTORY REVIEW

We note the prohibition on counsel's opinion on the merits of apply for judicial or statutory review. This is in direct contrast with every other category of Legal Help work in which it is routine that advice on the merits of judicial review should be on Controlled work. The need for a distinction in this matter between immigration and other categories of work has not been explained and is not apparent. It is the experience of many ILPA members that Public Funding Certificates are often refused by the Commission and that decision is subsequently overturned on appeal or where the application nevertheless goes ahead and is successful. In such a situation, denying the Commission the availability of counsel's opinion or, alternatively, expecting that counsel will provide their opinion free of charge seems an unhelpful attitude for the Commission to adopt.

ILPA notes that 30 minutes has been set for the completion of an application for legal representation. Again, given the attitude of the Commission when considering such applications on the merits, such a time limit is unhelpful and will inevitably lead to more applications being refused wrongly or, alternatively, suppliers being expected to spend longer on the application without being remunerated. Such a limit is not imposed or anticipated in any other category of controlled work. We are at a loss to understand why the Commission expects that it will be quicker for these applications to be completed within the immigration category than any other category of work. This is particularly so when a far larger proportion of clients in the immigration category will not speak or write English and, therefore, the process of completing the forms will be much slower and much more of the forms will have to be completed by the legal adviser than would be with the case with

an English-speaker or, more particular, a British resident familiar with more of the terms in the forms. The limit is unrealistic and appears to be imposed purely to limit costs without any regard for the actual time that is likely to be taken and which is reasonable and is therefore unacceptable.

12.4.8. OBTAINING COUNSEL'S OPINION ON THE MERITS OF APPEALING TO THE COURT OF APPEAL FROM THE IAT

Similarly, the prohibition on counsel's opinion in respect of an appeal to the Court of Appeal is unhelpful to the whole process of applying for a Funding Certificate and does not assist the Commission in reaching proper decisions on those applications.

12.4.9. FAMILY VISIT APPEALS

No comment on this unamended section.

12.4.10. BLOOD/DNA TESTING

No comment on this unamended section.

12.4.11. CERTIFICATE THAT AN APPLICATION HAS NO MERIT

This section is unamended so we make no comment.

12.5. GRANTING AND REFUSING CONTROLLED LEGAL REPRESENTATION

ILPA has responded separately on this proposal in response to the consultation paper.

12.6. REPORTING A CASE - STAGE BILLING

ILPA notes that the first stage claim A in asylum claims has been amended. Previously the claim could be made at the point at which the application has been completed. As the Commission has also done away with the stage C (6 months and £500.00) claim, this is a retrograde step. Although most asylum applications for new claimants are dealt with speedily, there will be many instances where a decision could be delayed by the Home Office, completely beyond the control of the supplier. Under the proposals as drafted, a supplier may have run up significant costs and incurred significant disbursements but be unable to claim them from the Commission. We have in mind particularly applications amounting to a fresh claim for asylum. At current rates of processing, some such applications can take more than 12 months.

We would wish to have clarification of whether it is the Commission's intention that no costs on CLR relating to a bail application can be made until CLR costs are able to be claimed under paragraph 1(b). If this is the case, again this will provide a disincentive to suppliers taking on detained cases and conducting bail applications if they are going to have to wait a long time for their own costs and for reimbursements of disbursements.

The abandonment of the previous stage C claim is also a retrograde step and will involve significant hardship for suppliers, although this will, of course, be significantly diminished if the government proposal to abolish the separate Tribunal goes through. The Commission had previously accepted the arguments in respect of this and introduced the stage C claim. No explanation has been put forward as to why the Commission now considers it appropriate to reverse that

position and ILPA would ask that the explanation be provided. Why can there not be transitional provisions for older cases, which are often way past the first 2 billing points?

We note Patrick Reeves statement that

'Legal Help should not automatically stop when CLR is granted. Rule 12.6.1 of the new Immigration Specification states that claims for Legal Help should be submitted when any work under Legal Help is completed. If the work has

not been completed, a bill should not be submitted until the work is completed.'.

We think it will be the rare asylum case where there is not ongoing legal help work after the decision. By making this decision you have effectively deprived the practitioner of 2 billing stages. Alternatively the later legal help work could be treated as a separate matter.

12.7. TRANSITIONAL ARRANGEMENTS

The Commission appears to imply that the new limits will apply to Legal Help granted prior to 1 January 2000, i.e. granted under the Green Form Scheme or Claim 10 Scheme. Our understanding is that the Commission could not impose financial limits on those cases when the contracts came in on 1 January. We do not see how you think you can now do that. There are many cases still continuing who are on pre-2000 arrangements.

The transitional arrangements appear to say that for Legal Help forms signed before 1 April the costs limit will be imposed on that work carried out after 1 April or 1 March for suppliers in London. For CLR transitional arrangements appear to impose a £1,500.00 limit on all work whenever carried out subject to any previous extension. Is the old £2500 limit equivalent to an extension? What if you have already spent £2000

12.8. FURTHER GUIDANCE - TIME STANDARDS

The time standards are prepared with no regard for best practice or the experience of practitioners. The figures are arbitrary and the time set out insufficient.

12 January 2004