

1 Overview

When an application for legal aid is submitted, there may be occasions when the first hearing takes place before a decision on legal aid is reached.

Solicitors claim for payment under the legal aid Representation Order, in accordance with their LSC Criminal Contract. However, there are also a number of other schemes available. Payments can be claimed if solicitors represent a client effectively at the first hearing but subsequently no Representation Order is granted, either because the client has failed the means test (Early Cover) or they have failed the interest of justice test (Pre-Order Cover).

There is also provision for solicitors to make a claim if they assist a client in completing the legal aid application forms, where notification is given before the first hearing, that s/he is ineligible for legal aid.

This leaflet aims to clarify the rules for claiming Early Cover, Pre-Order Cover and the Form Completion Fee.



2 When is Early Cover available?

Early Cover* is available under the LSC Criminal Contract. A fixed fee of £75 + VAT is available to solicitors where:

- A properly completed legal aid application is sent to HMCS no later than the sixth working day from first instruction (provided that first instruction is on or before the date of the first hearing); and
- The application has not been granted or refused by the start of the first hearing; and
- The first hearing moves the case forward and any adjournment is justified; and
- The application satisfies the IoJ test but does not pass the means test.

*Not available where the hardship form (CDS16) has been submitted directly to the NCT prior to HMCS carrying out a means test assessment.

3 Claiming Early Cover

STEP 1 - Complete a **CDS11** for the case in which the Early Cover fee is being claimed.

STEP 2 - Complete a **CDS6** form and enter the code for Early Cover which is PROT.

STEP 3 -
Email to:
online-support@legalservices.gov.uk

Or

Submit your CDS6 online
(details in section 6 overleaf)

Or

Post to: Legal Services Commission,
62-68 Hills Road, Cambridge, CB2 1LA.

CDS6 forms must be received by 10th of the month.

Fixed Fee Scheme (please refer to numbered section):		Payment under the Representation Order in accordance with the LSC Criminal Contract				
Result of Application	Means Test	Fixed Fee Scheme				
		Interests of Justice	Early Cover (2)	Pre-Order Cover (4)	Pre-Order Cover (4)	Form Completion Fee (where the above do not apply) (7)
PASS	PASS	PASS	Early Cover (2)	Pre-Order Cover (4)	Pre-Order Cover (4)	Form Completion Fee (where the above do not apply) (7)
PASS	FAIL	FAIL	Early Cover (2)	Pre-Order Cover (4)	Pre-Order Cover (4)	Form Completion Fee (where the above do not apply) (7)
FAIL	FAIL	FAIL	Early Cover (2)	Pre-Order Cover (4)	Pre-Order Cover (4)	Form Completion Fee (where the above do not apply) (7)
FAIL	PASS	PASS	Early Cover (2)	Pre-Order Cover (4)	Pre-Order Cover (4)	Form Completion Fee (where the above do not apply) (7)
PASS / FAIL	FAIL (before first hearing)	FAIL	Early Cover (2)	Pre-Order Cover (4)	Pre-Order Cover (4)	Form Completion Fee (where the above do not apply) (7)

4 When is Pre-Order Cover available?

Pre-Order Cover is available under the LSC Criminal Contract and will continue to offer solicitors an additional safeguard.

Where legal aid is refused on Interests of Justice grounds, regardless of whether the defendant passes or fails the means test, a claim can be made for up to one hour's preparatory work under the Pre-Order Cover scheme.

Unlike the Early Cover scheme, there are no conditions to be met to submit a claim for Pre-Order Cover.

5 Claiming Pre-Order Cover

STEP 1 - Complete a **CDS11** for the case in which the Pre-Order Cover fee is being claimed. (This is capped at one hour's preparation).

STEP 2 - Complete a **CDS6** form and enter the code for Pre-Order Cover which is PROP.

STEP 3 -
Email to:
online-support@legalservices.gov.uk

Or

Submit your CDS6 online
(details in section 6)

Or

Post to: Legal Services Commission,
62-68 Hills Road, Cambridge, CB2 1LA.

CDS6 forms must be received by 10th of the month.

6 Forms

Forms can be downloaded from www.legalservices.gov.uk

To submit your CDS6 online:

- Register on www.legalservices.gov.uk/ebusiness, or
- Call the LSC online marketing team on 0117 302 3117, or
- Email them on: online-support@legalservices.gov.uk for further information.

Online CDS6 entries must be completed by the 20th of the month.

Please note: the codes for payment have changed

Pre-Order Cover: **2P** is now **PROP**
Early Cover: **2T** is now **PROT**
Form Completion: **2U** is now **PROU**

7 Form Completion Fee

When time is spent going through forms to assess a client's eligibility for means, and:

- the form was submitted to the court, and they formally failed the means test before a hearing took place

or

- the form was not submitted to the court on the basis that the solicitor was certain the client would not pass the means test,

a solicitor can claim £25 for the time spent completing the forms with their client.

The code for this is now **PROU** (previously **2U**).

fair justice fair price



Your quick guide
to Early Cover and
Pre-Order Cover

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