

Annex B

Proposed amendments to Section 5 Controlled Legal Representation General Civil Contract (Solicitors)

These are further consequential amendments to the General Civil Contract (Solicitors) arising out of the DCA Consultation Paper “The Asylum and Immigration Tribunal - The Legal Aid Arrangements for Onward Appeals” November 2004.

Rule 5.1 When you may provide Controlled Legal Representation

~~You may grant Controlled Legal Representation before the Mental Health Review Tribunal or the Immigration Adjudicator or Immigration Appeal Tribunal in accordance with~~ You may grant Controlled Legal Representation before the Mental Health Review Tribunal, before the Asylum and Immigration Tribunal and for review and reconsideration matters under section 103 of the NIA 2002 in accordance with the criteria in the Funding Code and the Rules in this Specification provided that your Contract Schedule permits you to carry out Controlled Work in the relevant category of law, provided that you have the devolved power to do so.

4. Controlled Legal Representation may be provided to a client in ~~proceedings before the Immigration Adjudicator or Immigration Appeal Tribunal~~ proceedings before the AIT and for review and reconsideration matters under section 103 A of the NIA 2002 where the client’s case or application is or is to be the subject of those proceedings and where the Funding Code criteria are met. Sections 4 (Standard Criteria) and 13 (Immigration) of the Funding Code criteria will apply.

Rule 5.4 Right of Review

This does not apply to applications for a review to the High Court under section 103 A of the NIA 2002.