

CLA 48 : TITLE LEGAL HELP

DECISION NUMBER:	CLA 48
DATE:	October 2007
OFFICE NUMBER: REFERENCE	CA4/HOS/130135

POINT OF PRINCIPLE

Suppliers must treat each Legal Help matter as concluded when a Certificate is issued in that matter. Any time periods for claiming for the Legal Help work carried out will start to run from the date of issue of the Certificate.

Guidance

The following guidance will be issued to Regional Offices, both for LSC assessors and Independent Cost Assessors:

“The General Civil Contract Schedule allowed the LSC not to pay a proportion of costs where Controlled Work was claimed more than 3 months and less than 5 months after the matter had concluded. It also allowed the LSC not to pay costs at all where the claim is made more than 5 months after conclusion. Decisions by the LSC to exercise these penalties in cases to which that Contract still applies must be made by the exercise of appropriate discretion. There should be no assumption of automatic penalties, with the firm to prove otherwise. Factors to take into account, as well as the length of time, include the reason for the delay and the balance of prejudice to the firm and the Fund.

Note that, under the new Unified Civil Contract, there are no express terms for reduction in costs payable on the basis of late claims. However, the Standard Terms provide for potential sanctions where a provider frequently fails to adhere to the time limits for submission of claims.

Note also that, under both the current (Paragraph 5.33(c)) and previous (Rule 2.10 (c)) Specification, a Controlled Work matter will not end on the grant of certificated funding if Legal Help is required on matters not covered by the certificate.”