

Notice of changes to the General Civil Contract (Solicitors) from 1 April 2004

These are consequential amendments to the General Civil Contract (Solicitors) arising out of the Consultation Paper on Proposed Changes to Publicly Funded Immigration and Asylum Work (issued 30 June 2003) and the Consultation Paper on CLR and Fast Track Processes (issued 3 December 2003).

Rule 1.5 List of Devolved Powers

Paragraph (f) will now read as follows:

“(f) grant or refuse Controlled Legal Representation under Rules 5.1 and 5.2. This does not include the devolved power to grant Controlled Legal Representation for an immigration matter unless we have specifically granted you this power in writing;”

Rule 2.13 Disbursements

Add the following to sub-paragraph 2 Section B: Disbursements which may not be incurred:

“Immigration application fees.”

Rule 3.6 Upper Financial Limit (Legal Help)

Delete the following text under sub-paragraph 1:

“Unless otherwise varied by the Regional Director, the Upper Financial Limit (excluding VAT) is as follows:

- (a) in immigration asylum matters; £2000 if you are fully franchised in the immigration category but otherwise £1000.
- (b) £500 for all other matters.”

Replace with:

“For the costs of Legal Help in the immigration category, see Rule 12.3 Immigration.”

Rule 5.1 When you may provide Controlled Legal Representation

Add the following after the first paragraph:

“If you do not have the devolved power to grant Controlled Legal Representation an application for Controlled Legal Representation may be made to the London Regional Director on a form approved by us.”

Add the following after sub-paragraph 4:

“Further guidance on this Rule is contained in Section 12.5 Immigration”

Rule 5.3 Grant of Controlled Legal Representation

In the first paragraph replace “qualified solicitor” with “**experienced adviser**”

Add the following after the first paragraph:

“If you do not have a devolved power to grant Controlled Legal Representation, Controlled Legal Representation will be granted by the London Regional Director on a form approved by us.”

Delete the first sentence of sub-paragraph 1:

“Controlled Legal Representation will be granted not by an application to the Commission but by your signature of the ‘Declaration and Grant’ section on the application form specified by us.”

Add the following at the end of Rule 5.3:

“Further guidance on this Rule is contained in Section 12.5 Immigration”

Rule 5.4 Right of Review

Delete the existing text of Rule 5.4 and replace with the following:

“Where you refuse an application for Controlled Legal Representation or, having granted the application, subsequently withdraw Controlled Legal Representation, your client has a right to seek a review of your decision by the London Regional Director and the Funding Review Committee. You should advise your client of that right and keep a record of that advice on the file.

Where Controlled Legal Representation is refused or withdrawn by the London Regional Director your client may have that decision reviewed by the Funding Review Committee.

A review by the Funding Review Committee under this rule shall operate in the same way (with necessary modifications) as a review of the refusal or withdrawal of Certificated Work under Part C of these Procedures, save that in relation to proceedings before an immigration adjudicator or the immigration appeal tribunal the review shall be on the papers only.”

Rule 5.5 The Controlled Legal Representation Financial Limit

Add the following sub-paragraph at the end of Rule 5.5:

“4. For the costs of Controlled Legal Representation in the immigration category, see Rule 12.4 Immigration.”

Appendix B General Guidance

In paragraph 13 sub-paragraph (a) replace “practising solicitor” with **“experienced adviser”**

Appendix E Guidance on the assessment of Costs for Controlled Work

Delete the existing text of sub-paragraph 7.4 (Interviews with the Immigration Authorities) and replace with:

“1. The costs of attending the client on an interview are payable provided the requirements of Rule 12.3.2 have been satisfied. In particular there should be evidence of the authority or extension granted by us to cover the costs of attending.

2. Where attendance has been authorised, there should be a comprehensive verbatim note of the interview (taken by an experienced adviser) on the file. If such a note does not exist then the costs of the interview should be disallowed (see Rule 12.3.2 (3)).

3. A reasonable period of up to 4 units is allowed for advising on the interview procedure in advance.”

Delete the existing text of sub-paragraph 7.7 (2) (Translations) and replace with:

“2. It will not normally be reasonable to obtain translations of documents into the client’s home language where a friend, relative or interpreter can translate for them. Although it will not be routine to have written translations provided to the client, costs can be allowed where the representative has obtained an extension to do so.”