

## **Changes to the Contingency for Criminal Legal Aid Applications**

We continue to work hard to restore access to the systems we use to process Criminal Legal Aid applications. As previously confirmed, access to our internal systems has already been restored, and we have been processing Criminal legal aid applications from Tuesday 10 June. Whilst we have access to internal systems, this does not yet include Crime Apply, which we are still working to make available.

As Crime Apply remains unavailable, we have now taken steps to formalise the current contingency arrangements by amending regulations pending the restoration of full system access. As well as formalising the position, the changes will also mean that providers do not need to send in those applications that they are currently stockpiling. It is hoped that this will reduce the administration burden for providers and also allow the LAA to continue to focus our processing on those cases that will be going to the Crown Court or where the means position is more complicated. The LAA has already fallen outside of its 2 day KPI for the processing of Criminal Legal Aid applications, and this additional change to our contingency arrangements will help to minimise any unnecessary delay to the processing of applications for your clients.

From 27 June 2025 Regulations have been amended to delegate the grant of Representation to providers on **Summary only, Either way and Prescribed Proceedings cases in the Magistrates' Court or the Youth Court, where the defendant is on a passported benefit, unemployed or is a Youth**. Providers should use their delegated functions to self-grant representation for cases where they have been unable to (and/or were instructed not to) submit an application to the LAA since 7 May. This only applies to cases where the defendant is on a passported benefit, is unemployed, or is a Youth. Providers will be able to backdate the grant of representation to the date the client instructed the provider (either in-person or remotely) to make an application.

Please read the Criminal and Civil Legal Aid (Amendment) Regulations 2025, and the [tables of delegated authorities](#) for details of the regulation amendments. *(a link to the amended regulations and table of delegated authorities will be available on Gov.uk from 27<sup>th</sup> June.)*

Determinations relating to substantive either way cases heard in the Magistrates' Court, which are subsequently committed to the Crown Court for sentencing, are also delegated to providers – though the requirement for the client to be on a passported benefit, unemployed, or is a Youth still apply. This also applies to cases committed to the Crown Court for Sentence where a Magistrates' Court Representation Order has not previously been granted. The provider can grant for a defendant who is in receipt of a passported benefit, is unemployed or is a Youth.

If the defendant is employed, self-employed, a director or is living off savings, they will need to submit an application to the LAA. If the defendant is unemployed, but their partner is employed, self-employed, a director or is living off savings, these will also need to be submitted to the LAA.

This guidance sets out the arrangements in more detail. We would ask all providers to read this guidance carefully, as it does further change the way that we will process applications during the contingency period. These arrangements will continue until further notice.

## **1. Applications already submitted via Crime Apply**

We are working to gain access to those applications that were submitted to Crime Apply (but had not been processed when system access was removed) shortly after we gained access to our other internal systems. Providers do not need to do anything in relation to these applications – we will email providers with the result of our assessment once we are able to complete them.

## **2. Summary only \ Either Way applications where the proceedings are taking place in the Magistrates' Court**

Regulations and the table of delegated authorities have been amended to delegate the grant of Representation to providers on Summary only, Either way and Prescribed Proceedings cases in the Magistrates' Court or the Youth Court, where the defendant is on a passported benefit, unemployed or is a Youth. Please view [Criminal legal aid: means testing - GOV.UK](#) and the [Criminal Legal Aid Manual](#).

If your application relates to any of these cases **and** the proceedings are being heard in the Magistrates Court **and** the applicant is on a Passported benefit, is unemployed or is a Youth, please use delegated authority to make a determination on the means and merits (Interests of Justice.) Please view [section 8 "The Interests of Justice \(IoJ\) test of the Criminal Legal Aid Manual](#).

Please keep a note of your IoJ reasoning on file along with full details of your client's means (including all relevant evidence). We would recommend that you complete a copy of the CRM14/15 and keep this on file for this purpose, although this isn't mandatory. It is, however, essential that you do keep a copy of the signed declaration page and the completed Representation Order on file. Please view [3.4.10 Evidence Requirements of the Criminal Legal Aid Manual](#) and [Annex B of the Criminal Bills Assessment Manual](#).

Determinations relating to substantive either way cases heard in the Magistrates' Court, which are subsequently committed to the Crown Court for sentencing, are also delegated to providers – though the requirement for the client to be on a passported benefit, unemployed, or is a Youth, still apply.

Do not submit an email application for these cases (although as already stated if the defendant is employed, self-employed, a director or is living off savings please email these applications for consideration).

A template Representation Order is available on the Gov.uk website for cases where a determination can be made by a provider (*a link to the template will be available on Gov.uk from 27<sup>th</sup> June*). If your client passes the means and merits assessment, you must complete the Representation Order, hold on file and provide a copy to your client. The Representation Order is for the Magistrates Court only.

If the case is sent to the Crown Court for trial, an application for the Crown Court Representation Order must be submitted to the LAA. Please see “All Other Applications” below for further information.

If you require a backdated representation order date stamp, use the date the client instructed you (either in-person or remotely) to make an application.

Please take care when reviewing the offences on the case to ensure you have correctly determined the case classification.

To receive an indication if your client will pass the means test for these cases, please use the Financial eligibility calculator for criminal legal aid: [Criminal legal aid: means testing - GOV.UK](#) This will be particularly important where your client is on benefits but is not passported. Whilst this is not mandatory, we would strongly advise providers to use this tool.

Providers will have Delegated Authority to withdraw the Representation Order for the cases where they have used Delegated Authority to make a determination.

If you have exercised your delegated authority, you must register your association with the case on Common Platform by using HMCTS’ self-service process as highlighted on the Gov.uk website - [Find a case, self-serve the IDPC and fully access a case in Common Platform - GOV.UK](#)

If the defendant has a change in financial circumstances and can no longer be considered as being in receipt of a passporting benefit, or considered as unemployed, an application for change in financial circumstances should be submitted to the LAA to determine whether the defendant is financially eligible for legal aid e.g. the defendant or their partner becomes employed/ self-employed.

There are change in financial circumstances that are not required to be submitted to the LAA e.g. reassessments are not required for Youths turning 18 and you do not need to submit a CIFIC to the LAA where the defendant was initially in receipt of a passporting benefit but is now in receipt of a non-passporting benefit.

### **Stockpiled Applications**

The new regulations will allow providers to treat the determination as having effect from either 7th May 2025 or the date the client instructed the provider (either in-person or remotely) to make an application, whichever is the latter. This means that providers should use devolved powers on all cases that they have stockpiled if they meet the criteria (relating to the venue / clients means position) set out above.

### **3. All Other Applications**

For all other application types (other than the case types referenced in “Summary only \ Either Way \ Prescribed Proceedings applications where the proceedings are

taking place in the Magistrates' Court \ Youth Court") please follow the contingency process by manually completing the CRM14 and CRM15 forms available online ([CRM14: criminal legal aid application form - GOV.UK \(www.gov.uk\)](#)) and submitting them by email as follows:

For passported / unemployed / youths and employed applicants please send these to: [Crime.applications@Justice.gov.uk](mailto:Crime.applications@Justice.gov.uk)

For self-employed, directors, non-means tested, and hardship applications please send these to: [nationalcrimeteam@justice.gov.uk](mailto:nationalcrimeteam@justice.gov.uk)

For further details of non-means tested applications please refer to [Section 25 – Annex H – Prescribed proceedings in the Criminal Legal Aid Manual](#) but submit via email rather than using the Apply for criminal legal aid service.

We would encourage providers to initially focus on applications where a contribution might be payable, as we will be processing applications in strict date order.

Applications submitted to the LAA must be fully completed, and all necessary evidence must be attached in accordance with the current guidance and regulations. This is crucial to avoid your application being rejected and to prevent any further delays in receiving a decision.

Initial applications should be submitted to the email address provided above. However, if your application is rejected, you may receive a reply from our existing NCAT mailboxes. In such cases, please reply to [Crime.applications@justice.gov.uk](mailto:Crime.applications@justice.gov.uk) and **include both the initial application and attachments from your original submission**, along with any additional evidence or information that has been requested. We will have many thousands of emails to deal with, and finding an earlier email to match up with additional information provided will not be possible.

If your application was previously rejected when the Crime Apply service was still online, please note that we don't have access to these applications at this time. In these circumstances, please complete a new CRM14/CRM15 as appropriate and email into the address above. Please clearly indicate on the form(s) that this was previously rejected in Apply.

Additionally, please clearly indicate on the form if the date stamp needs to be backdated due to the service being offline. Note that **during this contingency only**, we will backdate all applications (including indictable only) to the date that they would have been submitted had the portal been available. Once Crime Apply becomes available, we will revert to the existing backdating arrangements as set out in CLAM.

#### **4. Post submission Evidence (PSE)**

Please send your post submission evidence applications to the following email addresses, clearly indicating in the subject that the email relates to a PSE application.

Please use one of the following for passported / unemployed / youths and employed applicants:

[BirminghamCAT@justice.gov.uk](mailto:BirminghamCAT@justice.gov.uk) or [LiverpoolCAT@justice.gov.uk](mailto:LiverpoolCAT@justice.gov.uk) or [NottinghamCAT@justice.gov.uk](mailto:NottinghamCAT@justice.gov.uk)

For applicants that are self-employed, or a director please send these to:

[nationalcrimeteam@justice.gov.uk](mailto:nationalcrimeteam@justice.gov.uk)

Please ensure you provide sufficient details to assist us in locating the substantive application. Where possible the following information should be provided: Crime Apply application reference, MAAT ID and defendant's name and date of birth.

## **5. Passported applicants**

In line with existing guidance and regulations, please provide the applicant's and/or partner's National Insurance Number.

To avoid delays in processing your application, please provide the details of any benefits the defendant receives, this should include the name of the benefit, the amount and frequency of the payments as indicated at question 16 on the application form.

Please also complete questions 17 to 22 (and relevant questions relating to capital on the CRM15), even where you have indicated the defendant is on a passported benefit.

As you are unable to use Crime Apply to check your client's benefits status, the Legal Aid Agency will carry out these checks and if these return a negative or undetermined result, then we can continue to assess the application and avoid rejecting your application for this information.

## **6. Change in Financial Circumstances (CIFC) applications**

Applications for change in financial circumstances should be submitted using the same submission method outlined in "All Other Applications" above. Applications for CIFC where the provider has granted the Representation Order are only required to be submitted to the LAA in certain circumstances (please see "Summary only \ Either Way \ Prescribed Proceedings applications where the proceedings are taking place in the Magistrates' Court \ Youth Court.")

Please use the relevant email address for your submission based on the applicant's financial circumstances and use the same CRM14 / CRM15 forms for this submission.

Please indicate clearly the date you would have submitted.

Where a change in circumstances application is submitted more than 28 days after the change it should be accompanied by a reasonable explanation for not complying

with the time limit. If the explanation is deemed to be acceptable then the reassessment can be backdated to the date of the change. (CLAM 14.1.1). The unavailability of the portal will be considered as a reasonable explanation.

## **7. Interests of Justice (IOJ) Widgery criteria**

The IOJ reasons should be given to support your legal aid application. We appreciate when the Crime Apply service was online, for some applications you received a message to state the IOJ justification was not required.

However, for all applications as part of the contingency, please provide the IOJ justification in line with the Widgery criteria. For those cases that you are not submitting to the LAA, please keep a note of the IOJ reasons on file.

## **8. Declaration signatures**

Guidance and regulations remain in place for signatures for applicants and partners.

For further information please view [The Criminal Legal Aid Manual \(3.4.6 Signing the form\)](#). The applicant must provide a fresh signature with each application, and you must not use saved copies of the electronic signature.

For applications submitted via Crime Apply, and previously via eForms, we did not ask for evidence of the signature itself and either an undertaking check box was ticked or declaration page to confirm that the signature(s) has been obtained and kept on file.

On the CRM14 form we have followed the same format. There is now just a check box to confirm your declaration and that you have the relevant signed declarations on file. You agree to the declaration as set out on the form and agree to obtain and keep on file the applicants and partners (where applicable) signature. As before you will just need to get a fresh signature with each application, including for Change in Financial Circumstances.

We have replaced the [CRM14 and CRM15 PDF forms on GOV.UK](#) with updated versions. We have done this to make submitting the PDF forms as part of the contingency arrangements as clear and as straightforward as possible.

## **9. Claiming for Cases where no MAAT Number has been supplied**

If you need to claim for the case before our systems are back up (and so you have not been able to submit the application), please feel free to do this. Whilst we understand that you will not have a MAAT number, a note on the file referring to the incident will be sufficient for audit purposes. If you need to submit a CRM7, an explanatory note will equally suffice. As you will not have received a MAAT number for these cases, please use 900900 as a dummy MAAT number when claiming. This is essential to ensure that it is clear that your claim is a contingency claim and allows us to track and monitor these.

When claiming a Committal for Sentence fixed fee on CCCD, the system requires a 7 digit MAAT number to be used to allow the claim to be submitted. For these cases only, please use 4900900 when claiming.

## **10. Additional guidance**

The Legal Aid Agency will continue to implement our soft reject policy where possible, to obtain certain information over the telephone to assist with processing your application. Please provide up to date contact details on your application to assist with processing.

If an LAA caseworker contacts you, please aim to assist them as best as possible to provide the information or clarification needed to avoid your application being rejected.

If you would like documentation relating to your application to be sent to an additional or alternative email address, please indicate this in your email to us.

Please be aware that we have limited access to printing facilities, as such these documents are being issued via email only. We would be much obliged if you could please relay the contents to your client.

Please use the following link to check our current application processing dates:  
[Crime processing dates - GOV.UK.](#)

Please do not contact our customer service team or our alternative mailboxes to chase an update on your application if it was submitted within the current processing timeline mentioned on the weblink. This will impact our ability to focus all of our resource on processing applications and in turn will lead to unnecessary delays. If you have not heard from us 2 days after the oldest dates shown in the weblink, please contact us for an update on your application.

To assist with processing your applications correctly on the first submission and reducing the administrative burden on your firm and the LAA, please ensure you clearly indicate on the application if your representation order needs to be backdated. Please specify the exact date for both initial applications and 'Change in Financial Circumstances' applications.

[5.55 of the Standard Crime Contract Specification](#) states, "You may charge for work done in the exercise of Delegated Functions and recording of such exercise", although we recognise that this will only make a difference to the fee claimed in limited circumstances.

Changes have been made to the CRM14 as follows:

- A new field on page 1 for the unique reference number (URN) for your client's case - it is important that you provide the URN from the shared online system

known as 'common platform' for the LAA to find the HMCTS record - read [further guidance on the URN and how to obtain it.](#)

- A new appeal lodged date field on page 1 for Appeals to Crown Court
- A new page (page 10) for further information to match the Apply for criminal legal aid service. For example, you may use this field to tell us about any charges there is not space for at that question as there is currently only space for 4 offences.

To help streamline our processing and improve efficiency, we kindly request that going forward, providers submit only one application per email. This adjustment will take effect immediately and is expected to have a positive impact on our workflow, enabling faster decision making for you.

## Annex A

Some examples of when to submit / not submit:

| Case Type  | Means Situation  | Action Required  |
|--|--|--|
| Summary Only / Either Way / Prescribed Proceedings in the Magistrates' Court or Youth Court            | Passported / Unemployed / Youth                          | Please do not submit. Regulations have been amended to delegate the grant of Representation to providers. We recommend that you confirm defendants means eligibility using the online calculator |
| Summary Only / Either Way in the Magistrates' Court  | Employed / self-employed / director / living off savings | Please submit for assessment   |
| Either Way cases heard in the Magistrates' Court that has been committed to Crown Court for sentencing | Passported / Unemployed / Youth                          | Please do not submit. Regulations have been amended to delegate the grant of Representation to providers. We recommend that you confirm defendants means eligibility using the online calculator |
| Either Way cases heard in the Magistrates' Court that has been committed to Crown Court for sentencing | Employed / self-employed / director / living off savings | Please submit for assessment   |
| Indictable Only  | All means types  | Please submit for assessment   |

|                              |  |  |
|------------------------------|--|--|
| Trial already in Crown Court | All means types  | Please submit for assessment   |
| Committal for Sentence       | Passported / Unemployed / Youth                          | Please do not submit. Regulations have been amended to delegate the grant of Representation to providers. We recommend that you confirm defendants means eligibility using the online calculator |
| Committal for Sentence       | Employed / self-employed / director / living off savings | Please submit for assessment   |
| Appeal to Crown Court        | All means types  | Please submit for assessment   |