



Civil accounts update

16 December 2009

To:
All civil legal aid firms

Cases where property is recovered or preserved - new civil accounts procedure

We have reviewed the letter we send offering payment of your account in civil cases where property is recovered or preserved.

While the introduction of payment on offer in 1999 ensured that firms received the bulk of their money up front, it makes it difficult for us to know when a case has concluded. The current offer letter works well for accounts where there is no recovery or preservation, but not for cases involving property recovered or preserved.

Where property is recovered or preserved, we have to receive your formal acceptance of our offer of payment before we can properly assess the client's net liability to the Legal Aid Fund, and pay them any money we owe them from the principal sum. Currently, if we do not receive that formal acceptance, we issue reminder letters and we do not close our record until we receive it. Any delay in finalising an account can

- reduce the potential for recovery of expenses from the opponent, and
- add to any net liability we have to claw back from property recovered or preserved by your client.

To avoid prejudice to assisted persons and to the Fund arising from any delay, we are changing our procedure for making offers in civil accounts with effect from 1 January 2010.

- We will send you an offer letter informing you that, if you have any objections to the proposed abatements, you should write to us with your objections or, alternatively, if you wish to accept the offer, complete and return the slip attached to the letter.
- If we do not receive a response we will issue one reminder to you and if we still receive no response we will close our record.

We will deal in the normal way with any objections to offers of payment in these cases. It is important that you contact us promptly either to accept the offer or to inform us of your objections as, once our record is closed:

- we will release to your client any sums we hold on their behalf and
- we will not pay you anything more for this case.

If you have any queries about this new procedure, please contact Christine Connerton, Team Leader, Civil Accounts on 0131 240 2057.
