

Terms & Conditions of Business

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This terms and Conditions booklet sets out those matters which we feel are important, please keep them in a safe place and of course we will answer any questions that you may have if we are able to, it is important to advise that it may not always be possible to contact the Solicitor or representative you first met for a variety of reasons as they may be in court or in police stations or prison, we will get a message to them and always endeavour to call you back.

We are here to make this often-difficult process as easy as we can, to help you we ask that you help us.

1 Introduction

These Terms and Conditions of Business and the accompanying engagement letter set out our service standards and the terms of business on which we agree to act for you. If you have any questions about any of the information contained herein, please contact the person dealing with your case.

By continuing to instruct this firm we shall be entitled to assume you have agreed to the terms and conditions set out here. For these terms, “we” “our” “us” or “the firm” refers to Shaikh Solicitors. Unless otherwise agreed, and subject to the application of then current hourly rates, these terms and conditions of business shall apply to any future instructions given by you to the firm.

Your contract is with Shaikh Solicitors. There is no contract between you and any employee or consultant of the firm. Any advice given to you (or other work done for you) by an employee or consultant of the firm is given (or done) by that person on behalf of the firm and not in his or her individual capacity and no such person assumes any personal responsibility to you for the advice or other work.

2 About Shaikh Solicitors

Shaikh Solicitors is a legal practice authorised and regulated by the Solicitors Regulation Authority (SRA) under number 544005. The SRA Standards and Regulations set out the regulatory framework imposed on service providers such as ours. Further information is available on the SRA website at www.sra.org.uk.

For the protection of our clients, the firm has professional indemnity insurance in place. A copy of the policy can be viewed by contacting our offices. Our VAT Number is 103787123.

3 Service Standards

We aim to offer our clients quality legal advice with a personal service at a fair cost. As a start, we hope it is helpful to you to set out in this statement the basis on which we will provide our professional services. The firm sets the following standards:

- We will regularly update you with progress on your matter
- We will communicate with you in plain language
- We will explain to you the legal work required as your matter progresses
- We will update you on the cost of your matter, as appropriate
- We will update you on whether the likely outcomes still justify the likely costs and risks associated with your matter whenever there is a material change in circumstances
- We will update you on the likely timescales for each stage of this matter and any important changes in those estimates
- We will continue to review whether there are alternative methods by which your matter can be funded

In return, we request that our clients assume the following responsibilities:

- To provide clear, accurate instructions to us at all times
- To respond to communications from us promptly and to attend arranged appointments
- To notify contact details, change of address, telephone numbers etc. promptly

- To discharge payments requested from you promptly

4 Hours of business

The normal hours of opening at our offices are between 9.00am and 5.15pm on weekdays and we provide an out-of-hours and emergency service 24 hours, 7 days a week on 07976 066427 or 07773 222527.

5 People responsible for your work

The person responsible for dealing with your work and the person responsible for the overall supervision of the matter will be set out in the engagement letter. We will try to avoid changing the people who handle your work but if this cannot be avoided, we will tell you promptly of any change and why it may be necessary.

6 Legal Aid

If your matter is financed via legal aid, the terms and conditions may differ according to the type of matter and legal aid cover which applies. The different conditions are set out below. You agree that you will keep us and the Legal Aid Agency informed of any change in your financial circumstances once in receipt of legal aid.

Police Station

We are contracted with the Legal Aid Agency to provide criminal defence services and, as such, the costs of assisting you with your case at the police station are paid from the Legal Aid Fund. This covers any advice we have provided to date at the police station and up to the point at which you might have to appear at Court if you are charged.

Magistrates Court

If we are assisting you to submit an application to the LAA for a 'Representation Order', in order for you to receive this, the LAA has to be satisfied that it is in the interests of justice that you are represented by a solicitor. The application is also means-tested. You will be advised as to what documentation and/or information we require. It is important that you provide this information and assist in the preparation of this application. It is also important that you keep us and the LAA aware of any changes in your circumstances. Failure to do this or failure to provide us with further instructions can result in your representation order, once granted, being withdrawn. If this were to happen it would leave you without legal aid for your case.

We should also advise you at this stage of the possibility that, should you lose your case, you might have an order made requiring you to pay towards the Prosecution's costs.

Crown Court

You will automatically qualify for legally aided representation once you have completed an application form, provided that your disposable household income does

not exceed £37,500. After you have been means-tested, you may have to pay towards the cost of your defence. This could be from your income while the case is ongoing and/or from your capital if you are convicted.

You will be asked to provide evidence of your income and assets. If you do not, your payments could be increased which would result in you paying more towards your defence costs. If you do not tell the truth on your legal aid application about your income, assets and expenditure you could be prosecuted. You will not have to pay towards the costs of your case if you are under 18 when you make your application or if you receive any of the following benefits: Income Support, Income-based Jobseeker's Allowance, Guaranteed State Pension Credit or Income-related Employment and Support Allowance.

You may have to pay towards the costs if your monthly disposable income is above a certain level. If this is the case, you will receive a Contribution Order and you will have to make payments as required under the order. The first payment will be due within 28 days of your case being committed, sent or transferred for trial to the Crown Court. You must tell the LAA about any changes to your financial circumstances during your case because a change may affect the amount you have to pay towards your defence costs. If you don't think you can afford to pay, or you think that a mistake has been made, you can ask for a review of the amount you have been told you to pay.

If your disposable household income exceeds £37,500 then you will not be eligible for legal aid in the Crown Court. You can continue to instruct the firm on a privately paying basis.

Please note that if you do pay for your legal fees privately and are acquitted of the offence(s) that you faced then an application can be made for the return of some of your money, **provided that you made an application for legal aid and were deemed to be financially ineligible**; the application is called a Defendants Costs Order and any monies returned via such an Order are limited to Legal Aid rates. This means that unless agreed otherwise you are financially responsible for the difference between our private charging rates and the current Legal Aid rates. Should this situation arise, we will advise you accordingly.

If you are found not guilty, any payments you have made will be refunded with interest. If you paid late or not at all and action was taken against you, the costs of this action will be deducted from the refund. If you are found guilty, you may have to pay towards your defence costs from any capital assets you may have.

This would only apply if you have £30,000 or more of assets (for example: savings, equity in property, shares or

Premium Bonds) **and** any payments you have already made have not covered your total defence costs.

You will be told at the end of your case if you must make a payment from capital.

7 Storage of papers and documents

After completing the work, we will be entitled to keep all your papers and documents while there is still money owed to us for fees and expenses. We will retain your file of papers in storage for not less than six years except those papers that you ask to be returned to you. After that, storage is on the clear understanding that we have the right to destroy your file after such period as we consider reasonable without further reference to you, or to make a charge for storage if we ask you to collect your papers and you fail to do so. We will not of course destroy any documents such as wills, deeds, and other securities, which we agree to hold in safe custody. No charge will be made to you for such storage unless prior notice in writing is given to you of a charge to be made from a future date which may be specified in that notice.

If we retrieve papers or documents from storage in relation to continuing or new instructions to act in connection with your affairs, we will not normally charge for such retrieval. However, we may make a charge based on time spent at our lowest charge out rate for producing stored papers or documents to you or another at your request. We may also charge for reading, correspondence, or other work necessary to comply with your instructions

8 Termination

You may terminate your instructions to us in writing at any time. If at any stage you do not wish us to continue doing work on your behalf, you must tell us this clearly in writing. We may only decide to stop acting for you if we have good reason, for example, if you fail to provide us with instructions or if a conflict of interest arises. We will tell you the reason and give you notice in writing.

9 Data protection/GDPR

We use the information you provide primarily for the provision of legal services to you and for related purposes including updating and enhancing client records, analysis to help us manage our practice, statutory returns and legal/regulatory compliance. Our use of that information is subject to your instructions, data protection law and our duty of confidentiality.

Please note that our work for you may require us to pass on such information to third parties such as expert

witnesses and other professional advisers, including sometimes advisers appointed by another party to your matter. We may also give such information to others who perform services for us, such as typing or photocopying. Our practice may be audited or checked by our accountants or our regulator, or by other organisations. We do not normally copy such information to anyone outside the European Economic Area, however we may do so however when the circumstances of your matter so require. All such third parties are required to maintain confidentiality in relation to your files.

You have a right of access under data protection law to the personal data that we hold about you. We seek to keep that personal data correct and up to date. You should let us know if you believe the information which we hold about you needs to be corrected or updated. The person in the firm with overall responsibility for data protection compliance is Riyaz Shaikh. The firm is registered with the Information Commissioner. Further information regarding data protection and privacy is available from the Information Commissioner's Office www.ico.org.uk.

Under the General Data Protection Regulation (GDPR) you, as a data subject, have several rights. These include the right to be informed, the right of access, the right to rectification, the right to erasure, the right to restrict processing, the right to data portability and the right to object. Further information about these rights is set out on the ICO website referred to above and on our website.

We may receive personal data from you for the purposes of our money laundering checks, such as a copy of your passport. These will be processed only for the purposes of preventing money laundering and terrorist financing, or as otherwise permitted by law or with your express consent. You consent to us retaining such data for longer than the five-year statutory period, unless you tell us otherwise.

If you send us personal data about anyone other than yourself, you must ensure you have any appropriate consents and notices in place to enable you to transfer that personal data to us and so that we may use it for the purposes for which you provide it to us.

10 Equality and diversity

We are committed to promoting equality and diversity in all our dealings with clients, third parties and employees. Please contact us if you would like a copy of our Equality and Diversity Policy.

11 Communications

We shall communicate with you in the most effective way, as agreed between us. You should be aware that the use of e-mail is not secure for confidential matters. We take

every precaution to ensure that e-mail is virus free, but we cannot guarantee this. If you require correspondence to be addressed to a particular person or marked private and confidential then you must tell us.

12 Identity, disclosure and confidentiality

The law requires solicitors to get satisfactory evidence of the identity of their clients and sometimes people related to them. This is because solicitors who deal with money and property on behalf of their client can be used by criminals wanting to launder money. To comply with the law, we need to get evidence of your identity as soon as possible. If you cannot provide us with the specific identification requested, please contact us as soon as possible to discuss other ways to verify your identity.

We are entitled to refuse to act for you if you fail to supply appropriate proof of identity for yourself or for any principal whom you may represent. We may arrange to carry out an electronic verification of your identity if we consider that a saving of time and cost will be achieved by doing so.

Solicitors are under a professional and legal obligation to keep the affairs of the client confidential. This obligation, however, is subject to a statutory exception: legislation on money laundering and terrorist financing has placed solicitors under a legal duty in certain circumstances to disclose information to the National Crime Agency (NCA). Where a solicitor knows or suspects that a transaction on behalf of a client involves money laundering, the solicitor may be required to make a disclosure. If, while we are acting for you, it becomes necessary to make such a disclosure, we may not be able to inform you that it has been made, or of the reasons for it, because the law prohibits 'tipping-off'. Where the law permits us, we will tell you about any potential money laundering problem and explain what action we may need to take.

External firms or organisations may conduct audit or quality checks on our practice. These external firms or organisations are required to maintain confidentiality in relation to your files. We may need to disclose your information to third parties (such as barristers, accountants or government agencies) to enable us to handle your affairs. We may also need to permit third parties (such as our auditors and the Solicitors Regulation Authority) to have access to your information for administrative or regulatory purposes. We may also outsource work. This might be for example costings, research and preparation to assist with your matter. Information from your file may therefore be made available in such circumstances. We will always aim to obtain a confidentiality agreement with the third party. We will not otherwise disclose your information to any third party unless permitted or required to do so by law. If you

do not want your file to be outsourced, please tell us as soon as possible.

13 Liability

Our liability to you for a breach of your instructions shall be limited to £3,000,000.00 unless we expressly state a higher amount in the letter accompanying these terms of business. We will not be liable for any consequential, special, indirect or exemplary damages, costs or losses, or any damages, costs or losses attributable to lost profits or opportunities. We can only limit our liability to the extent the law allows. In particular, we cannot limit our liability for death or personal injury caused by our negligence.

14 Client care and complaints and the Legal Ombudsman (see Transparency / website)

At Shaikh Solicitors we aim to provide the best possible service to our clients and, in order to do this, we need to know from you if you feel dissatisfied. Should you have any occasion to feel unhappy about our service, or about a fixed price representation disbursement or bill, please let me know straight away and I will discuss this with you. Should you wish to make a complaint, Riyaz Shaikh is the person who deals with these matters who will be prepared to meet with you to discuss your complaint. We have a procedure in place which details how we handle complaints which is available upon request.

If we are unable to resolve your complaint, then you can have the complaint independently looked at by the Legal Ombudsman who is responsible for investigating complaints about service issues with law firms.

The Legal Ombudsman expects complaints to be made to them within one year of the date of the act or omission about which you are concerned, or within one year of you realising there was a concern. You must also refer your concerns to the Legal Ombudsman within six months of our final response to you. Contact details for the Legal Ombudsman LeO are as follows:

As of 22/01/24

Address: The Legal Ombudsman PO Box 6167, .
Slough SL1 0EH
Telephone: 0300 555 0333
Website: www.legalombudsman.org.uk.

The Solicitors Regulation Authority (SRA) can help you if you are concerned about a solicitor's behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic. You can find information about raising your concerns with the SRA at www.sra.org.uk in the 'For the public' section.

15 General information and questions you may have and a bit more information.

Police Station attendance (Pre Charge)

We are contracted with the Legal Aid Agency to provide criminal defence services and, as such, the costs of assisting you with your case at the police station are paid from the Legal Aid Fund. This covers all the advice we have provided to date and up to the point at which you might have to appear at Court if you are charged. Our service at the Police Station is completely free.

In the office, a solicitor can advise and assist you if you are financially eligible under the simple and immediate means test.

This is done by completing forms CDS1 and CDS2 and requires confirmation that you come within the eligibility limits in that you are in receipt of a certain type of benefit and have a disposable income within the eligible limit of which you will be advised. This entitles you to receive free legal help, which covers advice, letters and telephone calls, but will not cover the cost of representation at court. Under this type of legal aid, we can complete work to a limit of £300

but this is subject to change. Depending on how your case develops, you may be entitled to apply for further legal aid. This type of funding does not cover representation in Court. Please note that where we act on your behalf in court this is carried out 'pro bono' (free of charge).

Post Charge

If you are charged or summonsed to appear before the Magistrate's Court you may be eligible for representation in the magistrates Court under the Advocacy Assistance Scheme. We will advise you when we can act as it is limited by certain factors such as your Income & Capital in particular cases. If appropriate, we will submit an application for a Representation Order to the Magistrates' Court. The representation at the Magistrates Court is subject to a financial eligibility test and an interest of justice test. If you have not already provided details of your income please can you do so immediately, without this information we are unable to apply for a public funding and you may have to pay for legal advice and representation.

This will also include representation by barristers in the Crown Court, if necessary, together with the cost of instructing experts to assist in your defence. The application has to meet the test of whether it is in the interest of justice but if a representation order is not granted, you can appeal against the decision, and we may still be able to assist you.

Should you hear directly from the Court that your application for representation has been refused, and then please contact the office immediately? The court has to review your legal aid in certain circumstances. For example, if it is determined that you made a false statement in your legal aid application or you insist in unreasonable conduct of the case, it may withdraw your entitlement to representation.

The Police Station and what happens?

Often the most important stage in any case is what happens at the police station, in some cases you will be under arrest, and it may be that the police can do what they want, this is not true. You have important rights (which can only rarely be withheld):

You have a right to have someone notified of your arrest;

You have a right to read the rules that govern your treatment by the police; PACE 1984 Codes of Practice.

You have the right to speak to an independent solicitor – this is in many ways your most important entitlement; your lawyer can attend the police station to speak to you face to face and in private. He or she can make representations to the police on your behalf and ensure that they are acting fairly. He or she can also advise you prior to, during and after any interview with the police. No matter is too simple to receive expert legal advice. Shaikh Ayub Solicitors (trading style of Shaikh Solicitors) offers a 24 hour, 7days a week service. You will always be advised by a specialist defence solicitor. It will not delay matters to speak to a specialist Criminal Defence Solicitor and may save you so much more than time.

always advise you the best that we are aware as to time scales).

Which court will hear my case if i am charged ?

All criminal cases start in Magistrates' Court and minor ('summary only') matters will stay in that court. A minor matter is any case where maximum sentence is six months or less. Examples are careless driving, common assault and criminal damage. (low level) theft and associated traffic offences.

Some matters are regarded as serious that only the Crown Court can deal with them. These are called 'indictable only' matters, examples are causing death by dangerous driving, causing grievous bodily harm with intent, Murder , manslaughter , rape and conspiracies.

Most criminal allegations can be heard either in the Magistrates' Court or the Crown Court and are known as 'either way' matters. In these cases, where the case will be heard is decided in the Magistrates' Court, examples are dangerous driving, assault causing actual bodily harm and theft.

We will of course advise you which type of allegation you face. Always remember that if you want to plead guilty to any aspect of the case you must do sooner rather than later, the earlier you enter a plea the more credit you will be given which will save you costs and a reduction in any sentence the court may impose.

How long will my case last?

Usually in the Magistrates Court a case can last 3-6 months, this will depend on whether you are pleading guilty or having a trial, it is not us who fix the date it is the courts who will fix the case dependent on availability and complexity.

In the Crown Court again dependent on the complexity and availability amongst other considerations the case can last up to 12 months, it again will be shorter if you plead guilty and are sentenced relatively quickly. (in current times there is a backlog due to covid but we will

What happens in court?

Often your case will be adjourned for various reasons, for example, the Prosecution have to provide details of their evidence of the allegation so that we can advise you properly and this sometimes takes time, which means that your case often cannot be disposed of on your first appearance in court.

A solicitor will represent you from our office who will know the issue in your case; all our solicitors are very experienced in Magistrates' Court work.

Normally you must attend court; however, sometimes it is possible to adjourn your case in your absence and we will advise you if this is possible. However, if you fail to attend Court when required to do so the proceedings may continue in your absence, and this may result in you being convicted in your absence.

If you admit the allegation, after receiving our advice, you will receive credit for an early guilty plea and a reduction in the sentence you might otherwise receive, and this will depend on the stage of the proceedings that you pleaded. The Prosecution will then read their version of the facts to the Court, if you disagree with that version of events we will make this clear to the Court and if the court feels that this disagreement cannot be resolved it can order that a trial, known as a Newton Hearing, should take place to decide which version of events the court should accept, if the court feels that the facts are too serious to be dealt with in the Magistrates Court, it will refuse to hear it further and adjourn your case to the Crown Court to be sentenced at a later date.

If you plead not guilty to a 'summary only' matter your case will be adjourned to another date for trial when evidence will be heard by the Court.

If your case is an 'either way' matter and you give no indication of plea or you plead guilty, then the prosecution

read out their version of the facts and it does not matter whether you accept that version at this stage. If, after hearing our representations the court takes the view that the Prosecution's case at its highest is too serious to be dealt with in the Magistrates' Court, they will refuse to hear your case. Your case will then be adjourned for a 'committal', which is the legal step that moves your case from the Magistrates' Court to the Crown court.

If the Magistrates agree that the facts of the case make it suitable to be heard in that Court, you have the choice of having it heard there or in the Crown Court, this is an important decision, and we will advise you about this depending on circumstances of your case, you should be aware, however, of some general consideration:

The Crown Court in our view, a trial by jury tends to find people not guilty more than the Magistrates' Court, especially when dealing with police evidence. In the magistrates court you will either be dealt by a District Judge (a single qualified judge or a panel of Lay Judges (3) usually in number.

The Crown Court's Sentencing powers are a lot more severe than in the Magistrates' Court if you are found guilty and so you will be represented by a barrister in the Crown Court, rather than one of our solicitors in the Magistrates' Court, however some of our solicitors have attained the relevant qualification to represent you in the Crown Court, if you require this level of continuity we will of course discuss this with you.

Appearing at the Crown Court is often more intimidating than in the Magistrates' Court. In a Crown Court trial, a jury of twelve people rather than three magistrates (or a District judge) will decide whether you are guilty or not guilty.

If you decided, following our advice, that you want to take your case to the Crown Court, your case will be adjourned for a committal hearing which will be once again in the Magistrates' Court. If you decide to stay in the Magistrates' Court, your case will be adjourned for trial.

If you are charged with a serious matter (an 'indictable only' allegation), your case will normally only appear in the Magistrates' Court once and will be transferred on a S.51 transfer to the Crown Court. Your case will be sent for the

next hearing at the Crown Court in a matter of days. The Magistrates will not ask you for a plea and will only be concerned with preliminary matters such as bail and legal aid, however if you are wanting to plead guilty YOU MUST indicate so in the Magistrate court so the papers in court can be marked.

You are invited to search " sentencing guidelines " in your search bar which will identify the ranges of sentence the various courts can impose.

At the Crown Court you will be represented by a Barrister or in-house Solicitor Advocate who are lawyers who specialise in Crown Court work. Your defence will, however, be controlled and prepared by a representative from our office with your input. We only instruct Barristers who we know are suitable for your case and who have the sufficient knowledge and expertise. It is important that if you have any views about the barrister you want to use as you have that choice that you let us know as soon as possible. It is important that you meet and speak to your Barrister. You are the most important person in your case, you know the most about it, and you should have confidence in him or her.

If you plead guilty or are convicted at the Magistrates' Court and they have sent your case to the Crown Court, it is important that you co-operate with the Probation Service so that they can prepare a pre-sentence report about you. Your case will normally be dealt with on your first appearance at the Crown Court.

If you have been charged with an 'indictable only' matter the first hearing in the Crown Court is usually an administrative hearing which simply sets a timetable for your case. Your case will then be adjourned for a Plea and directions Hearings.

If you are charged with 'either way' matters, your case will be listed for a Plea and Case Management Hearing; this is when you will be asked to plead guilty or not guilty.

If you plead guilty you may be sentenced by the judge there and then, or he may adjourn your case to find out more about you, usually by asking the Probation Service to prepare a pre-sentence report. It is important that you

cooperate with the Probation service to get the best report we can from them.

If the lawyer dealing with your case advises that evidence is strong against you then you should consider entering a plea as soon as possible as the earlier you enter a plea the more credit you receive, in some cases up to a full third discount on any sentence. This will again depend on several factors which again will be advised to you at the outset of your case.

If you plead 'not guilty' your case will be adjourned for a trial. A trial can be listed very quickly i.e. a matter of weeks, or it may be substantially delayed, i.e. several months, depending on the type of case. It is important that you keep in regular contact with us as the court will not contact you directly but notify us (sometimes at very short notice) about your hearings.

Bail

If you are granted conditional or unconditional bail by the court or Police Station, you must attend the Court or Police Station on the date and time stated on your bail sheet. If you are unable to attend for whatever reason you must contact us immediately.

If you fail to attend as required or break your bail conditions you could commit an offence, which means you could be arrested, held in custody and charged with the offence of failing to answer to bail or breaching your bail conditions and produced before the court which will have to review your bail position and decide if you should be re admitted to bail.

The courts take a very dim view of persons who breach their bail and fail to surrender to the Courts, and if without a reasonable excuse you do fail to attend you can be kept in custody until your case is concluded. If you feel any of the bail conditions are wrong or need changing, please contact us as soon as possible so an application for a variation can be made to the court.

Appeals

If an appeal is appropriate, we will advise you. Appeals from the Magistrates' Court are normally to the Crown Court. Appeals from the Crown Court are normally heard at the Court of Appeal London. There is a time limit to appeal in both courts so please be wary of this, as the Courts are reluctant to extend the time without good reason.

Appeals will usually arise in respect of two types of matters, a challenge to the law, or that the sentence was manifestly excessive. Sentences can be concurrent and consecutive; the former is to run alongside each sentence and the latter to run on top of the first sentence.

In nearly all cases we will endeavour to confirm with you post the final hearing if you have grounds of appeal against sentence or conviction. You will be posted if in custody a copy of your grounds of appeal, as the Legal Aid Agency will not authorise payment for additional travel and attendance once your case has been completed in the crown court.

In limited circumstances the Court of Appeal MAY authorise specific tasks to be completed but this will be specific under the grant of an extension to the appeal legal aid order, usually and in most cases the Court of Appeal will only authorise Counsel or Leading Counsel (now referred to as KC but previously QC) if instructed to prepare matters connected to the appeal hearing and will not allow payment under a representation order for a solicitor to attend the Appeal Court.

Any appeal heard in the Crown Court and The Court of Appeal will be conducted by Counsel (a common word to describe a barrister) who will draft grounds and advise on appeal, this will be done by counsel instructed in the case and his chambers will be kept informed as will you if you are in custody by the court, the reason is that an NG form is completed for the Appeal office with your details if in custody and you are written to directly by the Court.

The firm as such do not operate a system where they are automatically notified by the Court of Appeal of any matters once an initial appeal is refused by the single judge, only in limited cases if the appeal is to be pursued on a private basis, we will provide a written quote on an agreed fixed fee basis for work to be done.

On occasions it can be that Counsel will feel strongly about a refusal and will wish to act pro bono, that of course will be a matter for Counsel who will speak to you about that if the matter arises. The time limits for appeal against sentence or conviction, whilst can be extended are set down by statute.

An appeal in the Crown Court where you are advised positively by a lawyer that the sentence and or conviction or both are to be appealed (permission / Leave) as it is commonly referred to as has to be submitted within 28 days of the sentence and or conviction. This will be a document drafted by the lawyers and submitted via an NG form to the Crown Court / Court of Appeal Criminal division.

Whilst the application itself is detailed as is the process, an acknowledgement will be received by the lawyers and the defendant if he is in custody of the appeal application. A process is then undertaken whereby a single judge will look at the grounds which have been submitted and if they are meritorious or not, if the single judge responds that the application has no merit he or she will usually advise that in writing, the time process can take several months.

At this stage your team together with yourself will decide if the application should still be pursued before the full court, this again can take several months to list. In some instances, an expedited application can be made but again you will be advised of that if it becomes necessary.

The client must remember that if the single judge refuses the initial application and initials the application (the single judge) that is a warning in essence to state that if the appellant (as you are now referred to as) continues with the application to the full court a loss of time order can be made if the defendant has been in custody, the court cannot increase the sentence.

You are advised to read the government link attached in respect of an appeal.

www.gov/appealcriminalconviction.com

This will advise as to any matters which you require additional information on.

In the Magistrates the time limits are slightly different, usually 21 days / 15 days (Criminal Procedure Amendment Rules (2) 2021 or an application under s142 of the Magistrates Court act 1980. The appeal will in the first instance be heard in the Crown Court or on application under s142 before a different tribunal in the Magistrate's court.

If the appeal is unsuccessful in the appellate court you may have to pay the prosecution cost if the court feels that the application was without merit, again this is a matter upon which we will advise you should this situation arise.

Please log on to the link below which will hopefully answer any additional questions that you may have in this regard.

[Home | The Law Society](#)

Criminal Procedure Amendment Rules (2)

[The Criminal Procedure Rules 2020 \(legislation.gov.uk\)](http://legislation.gov.uk)

Legal Aid. (representation order)

If we are assisting you to apply to the Court for a 'Representation Order', in order for you to receive this, the court has to be satisfied that it is in the interests of justice that you are represented by a solicitor. The application is also means-tested. You will be advised as to what documentation and/or information we require. It is important that you provide this information and assist us in the preparation of this application. It is also important that you keep us and the Court aware of any changes in your circumstances. Failure to do this or failure to provide us with further instructions can result in your representation order, once granted being withdrawn. If this were to happen it would leave you without legal aid for your case.

We should also advise you at this stage of the possibility that, should you lose your case, you might have an order made requiring you to pay towards the Prosecution's costs.

Crown Court and legal aid (a bit more information)

You will automatically qualify for legal aided representation once you have completed an application form, provided that your disposable household income does not exceed £37,500, after you have been means-tested, you may have to pay towards the cost of your defence. This could be from your income while the case is ongoing and/or from your capital if you are convicted. Please ensure that you log onto www.legalaid.gov the website which will explain your obligations and how further legal aid works, it is your responsibility to read and understand the correspondence as the legal aid board can and do make financial orders against parties dependent on the information provided.

You will be asked to provide evidence of your income and assets. If you do not, your payments could be increased which would result in you paying more towards your defence costs. If you do not tell the truth on your legal aid application about your income, assets, and expenditure you could be prosecuted. You will not have to pay towards the costs of your case if you are under 18 when you make your application or if you receive any of the following benefits: Income Support, Income-based Jobseeker's Allowance, Guaranteed State Pension Credit or Income-related Employment and Support Allowance, universal credit.

You may have to pay towards the costs if your monthly disposable income is above a certain level. If this is the case, you will receive a Contribution Order from the Court and you will have to make payments as required under the order. The first payment will be due within 28 days of your case being committed, sent or transferred for trial to the Crown Court. You must tell the Court about any changes to your financial circumstances during your case because a change may affect the amount you have to pay towards your defence costs. If you don't think you can afford to pay, or you think that a mistake has been made, you can ask for a review of the amount the court has told you to pay.

If your disposable household income exceeds £37,500 then you will not be eligible for legal aid in the Crown Court. You can continue to instruct the firm on privately

paying basis. Please note that if you do pay for your legal fees privately and are acquitted of the offence(s) that you faced then an application can be made for the return of some of your money, **provided that you made an application for legal aid and were deemed to be financially ineligible**; the application is called a Defendants Costs Order and any monies returned via such an Order are limited to Legal Aid rates. This means that unless agreed otherwise you are financially responsible for the difference between our private charging rates and the current Legal Aid rates. Should this situation arise, we will advise you accordingly.

Please read carefully (at the end of the case para below)

PRIVATE COSTS (See Web page and additional client care booklet)

In privately funded cases we will provide you with: -

A fixed fee quotation & VAT if applicable for work which is agreed between both parties, it is important that you read this document which will be sent to you and available on our website under the transparency banner. It holds all the information that we are required to advise you of including any complaints process.

Choice of Barrister / Advocate / Agents

Please note that as of right you are free to choose which type of lawyer you wish to have represent you in your court case in the Crown Court, in simple terms generically both barristers and advocates are deemed lawyers, barristers work from a set of chambers and are independent to this law firm, advocates are usually solicitors who have attained the same qualification as a barrister in terms of rights of audience in the Crown Court and Appeal courts.

We have a number of solicitor advocates at this practice and an association with a number of barrister's chambers, we will at all times advise as to who feel is best placed to deal with your case if and when the matter reaches the crown court but please advise us at any point if you wish to use a particular barrister and we will ensure that all best efforts are undertaken to do that.

From time to time, we will have to use agents who are all qualified to undertake this type of work, we will only use agents where it is not possible for one of our own solicitors to attend if they are engaged in another matter.

Please appreciate that this is a matter out of our control, but you will always have the opportunity to speak with one of our solicitors at the firm.

Please remember at all times to ensure you keep us and the legal aid agency of any change in your personal and financial circumstances, please ensure that your national insurance no is provided at all times as we find that this causes the most problems in that if it is not provided a recovery order can be made incorrectly which can run in to thousands of pounds and or the total cost of your case. We attach herewith the GOV website for you to better understand what is required of you, please do consider this before making an application for legal aid.

<https://www.gov.uk/guidance/work-out-who-qualifies-for-criminal-legal-aid>

Prisoners, if you are remanded or serving a sentence.

For those who are unfortunately in custody awaiting trial or having been sentenced, we advise that sometimes it is not possible to book immediate visits as we have to email the prison who will allocate an available slot, this can sometimes take up to 14 days dependant on the availability of places and so we would ask that you bear with us in those circumstances.

At the end of the case and legal aid.

If you are found not guilty, any payments you have made will be refunded with interest. If you paid late or not at all and action was taken against you, the costs of this action

will be deducted from the refund. If you are found guilty, you may have to pay towards your defence costs from any capital assets you may have. This would only apply if you have £30,000 or more of assets (for example: savings, equity in property, shares or Premium Bonds) and any payments you have already made have not covered your total defence costs.

You will be told at the end of your case if you have to make a payment from capital. Please note that within 21 days you will receive a notice from the legal aid agency at which point any apportionment of costs in a case can be dealt with, you must ensure that if and when you receive this correspondence you ask immediately for an apportionment of costs for your case, this will involve the crown court judge being asked to provide an apportionment figure of your total contribution but there is no obligation for the judge to involve himself / herself in this process and the legal aid agency will commence proceedings to recover the whole of the defence costs which can run in to thousands of pounds. The legal aid agency has the power to instruct agents to recover the debt owed and can place a statutory charge on your assets including your family home.

An application for apportionment is made against the final bill paid to us and the whole of your legal team, that includes the barrister and defence experts as well. We are not paid by the hour by the legal aid agency, your case is based on criteria currently A-K which identifies the type of case and then based on actual served material in the case (pages) of evidence, this in turn is set against the stage of the proceedings ie was a trial had, was a plea entered, when was it entered and what the plea was, was it a cracked trial, amongst other variances.

The point of this explanation is that we as solicitors will not know at the beginning or sometimes even at the end of your case what the final bill is that will be paid to us until the prosecution confirm the final page count. We are then required to use the litigator fee calculator, whichever is the current version and submit the figures as advised above and the category of case, the legal aid agency will then pay the fee based on that information.

You are more than welcome to view the litigator fee calculator online by searching it on google or via the LAA website. We further provide this information as part of our care booklet and terms so clients can understand that if they receive a letter from the Legal Aid Agency identifying what has been paid to the barrister and solicitor this does not mean this is the fee that we have charged, this is the fee the final case attracts based on the variances above over which we have no control.

In all the above circumstances we remind you **that it is your responsibility to inform us of any changes or correspondence from the Legal Aid Agency regards contributions from capital or income and if an application is to be made for an apportionment YOU must notify us at the conclusion of your case in court or within 21 days at which point you will be required to sign a form, confirming and dating the request, failure to do this will result in you being liable for the costs.**

You are free to apply to withdraw from legal aid at any time in writing but please be aware that your obligation to pay costs will remain to the date of withdrawal if the Legal Aid Agency pursue you for those costs.

Please remember the legal aid granted to you only covers work that is relevant to that specific order, it does not cover advising or representing in other matters and will not allow us to collect from property from a police station or matters of an ancillary nature, we are not insured to collect or retain property and would ask at the conclusion of your case you should contact the police for the return of any property.

We simply inform you as to the above as we feel it is an important consideration in applying for legal aid.

charge for storage if we ask you to collect your papers and you fail to do so. We will not of course destroy any documents such as wills, deeds, and other securities, which we agree to hold in safe custody. No charge will be made to you for such storage unless prior notice in writing

is given to you of a charge to be made from a future date which may be specified in that notice.

If we retrieve papers or documents from storage in relation to continuing or new instructions to act in connection with your affairs, we will not normally charge for such retrieval. However, we may make a charge based on time spent at our lowest charge out rate for producing stored papers or documents to you or another at your request. We may also charge for reading, correspondence, or other work necessary to comply with your instructions.

COVID 19 Coronavirus advice.

We are required to update our client care booklet to advise and incorporate the government advice on the pandemic.

It is a rapidly changing scenario, and the government is implementing several measures, we would ask that you comply with the necessary GOV.UK website advice and keep you to date with all such advice.

We are asking all clients to please wash their hands regularly and use any gels provided in our office, we have started to implement other controls as per the government advice and would ask that you bear with us during this difficult time., we appreciate that you will be concerned about your case and may not be able to attend at the office or have face to face meetings, in those circumstances we would ask that you contact us by phone and a link will be provided or alternatively we will speak on the phone.

As part of our commitment to all clients the emergency number is available 24 hrs a day 7 days a week and if you wish to book an appointment, please call the office where possible or the mobile number before attending.

We will continue to operate as normally as we can give the guidance from the government, and we hope that all of our clients remain safe in this very difficult time.

This section has been reviewed in November 2023 and whilst we appreciate that it is now the “ new normal “ we will maintain the above discipline.

There is a WhatsApp free messaging service on our website

www.shaikhsolicitors.co.uk

Please feel free at any time to message on that and the message will be picked up in real time, please note that whilst we will respond to any client specific to their case after completing our checks for id purposes, we will NOT discuss and or disclose any other information.

The Law Society Electronic logo is displayed on our website which will direct you to the organisation if so required.

On a final note,

We will always try and assist you in this time of need and will always try our utmost to simplify all matters to our clients.

We appreciate that some people will not readily understand and appreciate the gravity of any charge or appearance either at the police station and or the court, so we will endeavour to explain matters in as simplistic way as possible.

If at any time you feel you need to speak with a person of a different gender, then feel free to drop a WhatsApp message as per our website service and we will aim to get to you where possible within 24 hours.

We would also advise that you should not feel reluctant to ask any question pertaining to your case, once the court proceedings start, they usually use a number of acronyms to describe hearings and a list of those relevant to criminal cases is listed below.

Remember, just because you are charged with an offence or appear at court charged with an offence, **YOU ARE NOT CONVICTED** until the court finds you guilty or you plead guilty.

Terms and Acronyms

Adj – adjournment

Pbv- plea before venue (ie the court)

Mot – mode of trial ie which court the magistrates or the crown court.

Ptr- pretrial review

Gp- guilty plea

Ngp – not guilty plea

Trc – trial ready certificate

Psr – presentence report / probation report

Credit – discount on any sentence the sooner in the case you plead the more discount in sentence is available.

Concurrent – if more than 1 offence is sentenced you will only serve the highest portion of the 1 offence.

Consecutive – if you are sentenced for more than one offence the sentence you will serve is added to each consecutive sentence.

Victim surcharge – government order made to pay the charge to the court if found guilty or plead guilty.

Committal – transferring your case from the magistrate’s court to the crown court.

Culpable neglect – the court finds you could pay but you chose not to pay.

Suspended committal – court adjourns your matter so you can pay what you owe if you then don’t then possible transfer to prison.

Acquitted – the court finds you not guilty.

Guilty in absence – you did not attend at court do the court found you guilty in your absence.

Ptph – a hearing in the crown court for you to enter a plea to the charge, usually the first hearing in the crown court pretrial preparation hearing.

Newton hearing – where you admit something but not as the prosecution put it, a trial without a jury on the issue in dispute.

JC This is a mechanism by which we can appeal a bail decision if not granted, Judge in Chambers.

Duty Solicitor – This is an experienced solicitor who is on a rota, much like a call out doctor. He or She will be present in court as per the rota and will provide a free advice and representation service both at the police station and court (subject to conditions) our advice is that in the first instance, if possible, get this advice from the duty solicitor.

Pro Bono _ This means that a portion of our work is undertaken for no cost to the client, we will do the work for free but that will be agreed by the principal solicitor, we apply this type of approach once considering a number of issues and the principle of the firm will discuss it with you if it applies.

RUI – This legislation is something that we are not happy with, this simply means that if you are arrested at the station and then released without charge, the police can release you under investigation. however, this can mean that whilst there is no obligation on you to comply with any police conditions the matter is effectively hanging over your head until a time comes to close the matter.

In some instances, this can take years, but we will discuss that with you if it applies.

CTL – custody time limits, this applies to people who are remanded in custody, there are differing regimes for crown court cases and magistrates' cases.

LPP – Legal Professional Privilege, this is the principle that all matters subject to professional legal advice remain between you and your lawyer, in most circumstances this cannot be waived by the lawyer but is subject to the criteria on the law society website.

SGC – a majority of sentences are now to some extent a mathematical equation, all clients are advised to look at the sentencing guidelines council website which will tell you the guidelines for where you stand to be sentenced, ie the offence, category , culpability, credit etc.

Bail- the obligation put on you legally by the police or the court and if breached a criminal sentence (subject to advice)

Counsel – an alternative name for a barrister.

HCA – Higher Court Advocate, a solicitor who has attained the same qualification as a barrister.

Indictment This is the charge in the crown court

Admissable This is evidence which either the court allows or is agreed with the prosecution and defence.

Please feel free to ask of any other matters which you need information on as we are always happy to help.

Finally, the burden in nearly all cases rests upon the prosecution to prove beyond reasonable doubt that you did something they allege you did BUT remember this is qualified by various provisions that we can explain to you.

We thank you for reading this somewhat lengthy terms booklet, it is here to help you and we know that despite providing this information you will still have questions.

We will always signpost you if we are unable to help you with your query, we will also provide you with a copy of the terms in a language which you prefer.

We will always address you in the manner which you request

We will above all happily provide you where we can free initial advice at no cost to ensure you are able to resolve your query without recourse to spending funds where possible.

Always try and seek independent advice from alternative sources which can be free,

The citizens advice bureau

The local law centre.

The duty solicitor

But above and beyond please call us for an informal chat, it should make things clearer.

Thank You.