



Ministry of
JUSTICE

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26 MAR 2009

Blake
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Civil and Family Legal Aid Strategy
Ministry of Justice
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www.justice.gov.uk

Our ref: SW/6(8)(b)/Pac
Your ref: 516130/000001/JCW/GOSPORT/HP

24 March 2009

Dear Mr White,

**Application for Exceptional Funding (& Eligibility Waiver) – Inquest –
Betty Packman and others.**

You recently made an application for exceptional funding to the Legal Services Commission (LSC), on behalf of your clients, Mrs Packman and others, in order that they might be legally represented at the inquest into the death of Mrs Packman's husband Geoffrey, and others. The LSC requested that the matter be considered by the Lord Chancellor. I am writing to let you know the decision that the Parliamentary Under Secretary of State, Lord Bach, has taken on the Lord Chancellor's behalf.

Bearing in mind the nature of the death, and the financial circumstances of your clients, the Minister has accepted the LSC's recommendation of a waiver of the eligibility limits, using the powers under Regulation 5C of the CLS (Financial) Regulations 2000 (as amended). I can inform you that the LSC has been authorised to grant funding of £30,251.50 + VAT, pro rata, based on a 6-8 week inquest in this case. This provisional sum is based on the information provided to date, and matches the amount recommended to us by the LSC, excluding a potential contribution of £2,500. Once you have supplied information with regard to Mrs Sheila Gregory's financial circumstances, a decision as to whether a contribution is payable will be made.

The LSC has been delegated responsibility for future management of the case and you should contact them directly if you have any queries. Your bill will be subject to assessment by the LSC at the end of the case. This grant of funding is backdated to 6 January 2009. We will assume that you accept this offer of funding, unless we hear to the contrary.

As you will know, the Lord Chancellor's guidance sets out requirements for exceptional funding in a case such as this. The client must be financially eligible, or the case must be suitable for a waiver of the financial eligibility limits, and there must be no alternative source of funding. Furthermore the circumstances of the death must appear to be such that funded representation for the family is necessary to enable the coroner to conduct

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an effective investigation as required by Article 2 of the European Convention on Human Rights. Alternatively, there must be a significant wider public interest, as defined by the funding code guidance, in the applicant being represented at the inquest.

The Minister authorised a grant of exceptional funding in this case as he considered that, on the evidence presented, the Article 2 criterion was met.

Given the close connection between the inquest and any subsequent civil action, the statutory charge under section 10(7) of the Access to Justice Act 1999 will apply to the costs of representation at the inquest if, ultimately, civil damages are recovered. As a condition of this grant, and in compliance with regulation 20(1)(a) of the Community Legal Service (Costs) Regulations 2000, you will be required to inform the Commission of any civil damages recovered and implement the statutory charge in the usual way.

The LSC's Special Cases Unit (SCU) will deal with the costs management of this case, and all future correspondence should be addressed to them. There are no standard forms, but final bills should be submitted to the SCU, who will also deal with arrangements for assessment and payment, as well as any requests for an extension of the grant. Further administrative queries should also be addressed to the LSC.

All bills and correspondence regarding payment should be addressed for the personal attention of:

Charles Sweet
Special Cases Unit
Legal Services Commission
11th Floor, Exchange Tower
Harbour Exchange Square
London E14 9GE
DX 100170 Docklands 2

Case management issues may be addressed to Charles Sweet or to the SCU caseworker dealing with your case (Mr Baker).

You should keep this letter for audit purposes, to demonstrate that the Minister has waived the legal aid eligibility limits for your clients.

Yours sincerely

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Selma Waley
Policy Advisor
Civil and Family Legal Aid Strategy

cc. Charles Sweet, John Baker (Special Cases Unit, LSC).