

Mr Elliott
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data.access@justice.gsi.gov.uk

31st January 2017

Dear Mr Elliott

Freedom of Information Act (FOIA) Request – 109434

Thank you for your request dated 4th January 2017 in which asked for the following information from the Ministry of Justice (MoJ):

- 1. Status of Berry and Lamberts Solicitors Legal Aid Licence position. What capacity to they hold a licence to practice Legal Aid.**
- 2. Status of that licence and if revoked, to provide an explanation as to why.**
- 3. Number of Ex-Parte Non Molestation /Protective injunctions sought from Q1 2013 to Q3 2016 by Berry and Lamberts.**
- 4. Number of Legal Aid Applications made after withdrawals of ex-parte protection applications with the courts, specific to Berry and Lamberts Solicitors**
- 5. Number of ex-parte emergency injunctions made by Berry and Lamberts without a DVPN or DVPO's.**
- 6. Number of Legal Aid Substantive certificates awarded for Children's Act, Ancillary Relief, Divorce and Occupation Orders to all claimants when the Domestic Violence Gateway was NOT active. I.e., The Ex-parte, protective injunction application which under LASPO 2012 was the gateway to all other applications otherwise excluded.**

Date period to all questions - From Q4 2012 - October 2016.

7. Provide a list of Judges from the Maidstone County Courts who have approved Ex-parte protection injunctions on behalf of Berry and Lamberts solicitors of Kent.

8. Total number of legally aided protective injunctions/non-mols withdrawn from the UK courts, before legal aid substantive certificates awarded. Between Nov 2011 - Nov 2016 for all courts in the UK

9. Total number of legally aided ex-parte, emergency protective injunctions awarded in the Maidstone Courts, (Sorted by Solicitors Firms).between Nov 2012 - Nov 2016.

Your request has been handled under the FOIA.

Where more than one request is received for the same or similar information, section 5(2) of the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public authorities to aggregate requests and respond to them together. I have therefore aggregated your requests.

I can confirm the MoJ holds some of the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

Where section 12 applies to one part of a request we refuse all of the request under the cost limit as per Regulation 5 (1) The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

We have made a reasonable estimate that the costs of gathering the data requested at question 8 alone will exceed £600.

Between November 2011 and September 2016 there were 63,564 Emergency Non-Molestation Certificates Issued for Legal Aid Funding.

Of these, a subsequent Substantive certificate was issued in 49,390 cases.

To find out If and when a court application for Non-molestation order, funded by an Emergency Funding Certificate, was withdrawn prematurely, The Legal Aid Agency would need to manually identify from each of these 63,564 Certificates the HMCTS case reference number used for any application made. With the HMCTS case reference number, HMCTS would need to search their database in each instance to identify if and when an applications was withdrawn. We would then need to check if this was before a substantive legal aid was granted.

Consequently, we are not obliged to comply with your request.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, if you have identified that some parts of the request could be answered in costs, or by specifying a narrower period of time. Please note however, that any request which asks for data held in parts by both the LAA and HMCTS will require manual checks which have the potential to significantly contribute to the FOIA cost limit.

Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply.

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information

http://www.legislation.gov.uk/uksi/2004/3244/pdfs/ukxi_20043244_en.pdf

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Information Governance, Legal Aid Agency