

# **News story: Civil news: backdating powers now available for civil cases**

Regulations giving the Director of Legal Aid Casework (DLAC) the discretion to backdate the effect of certain legal aid determinations are now in force.

We have also closed the 'out of hours' service. This service can no longer be used to obtain urgent determinations from caseworkers on emergency representation.

## **When can the backdating power be used?**

The new backdating power gives the LAA a discretion to backdate an:

It will only be possible to use backdating powers where applications are made as soon as reasonably practicable and we are satisfied that:

- it was in the interests of justice for the services to be carried out before the date of the determination
- the services could not have been carried out as controlled work

For determinations made on review or following an appeal DLAC can also consider whether it is appropriate to backdate having regard to all the circumstances. This includes information available to the provider when the application for services or a review was made.

## **How do I request a backdated determination?**

When applying for legal aid that you want backdated you should include this request in the merits report on CCMS. You should provide the following information:

- date you want the determination to take effect from
- brief justification on why it is appropriate to backdate, with reference to the requirements in the regulations

You can also ask for the effect of a determination to be backdated at any point by submitting a case enquiry. This should include the information set out above.

## **Are there any transitional provisions?**

Yes, the new power is only available for applications for a determination

submitted on or after 20 February 2019 i.e. after midnight on 19 February 2019.

This includes applications for an amendment made on or after this date, even if the original certificate was issued earlier.

### **Are you issuing guidance about this power?**

We have updated relevant Client and Cost Management System user guides to reflect the new process.

### **When will the 'out of hours' service close?**

The last day of operation for this service was 19 February 2019. Providers are no longer able to contact caseworkers to obtain a determination using this service.

### **Further information**

[Civil Legal Aid \(Procedure\) \(Amendment\) Regulations 2019 \(SI 2019/130\)](#) – the regulation making these changes

[CCMS website: managing live cases](#) – to download 'Backdating Powers' guidance

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## **[Statement to parliament: Drones: national campaign and extended 'no fly' zone around airports](#)**

Today I am setting out the government's [recent action on drones](#), including legislative amendments to the Air Navigation Order 2016 that will be laid before Parliament today (20 February 2019).

Last year, the government legislated to make flying drones above 400ft or within 1km of an airport boundary illegal. This 1km restriction measure was a first step in protecting our airports and aircraft whilst the department gathered further evidence and engaged with stakeholders through our recent consultation.

The highly irresponsible and dangerous disruption caused by drones to flights at Gatwick and Heathrow airports recently highlighted the risks. While the use of drones at Gatwick and Heathrow was already illegal, it is extremely important that regulation provides protection which reduces, as much as possible, the airspace where drones and manned aircraft can come into close proximity with each other. Therefore, the government has decided to extend the restriction zone around airports, [as announced to Parliament in January](#).

The amendment laid today will put into law the extension of the restriction zone around protected aerodromes where drones cannot be flown without permission. The new restriction zone will include an airport's aerodrome traffic zone (ATZ) as well as 5km by 1km extensions from the end of runways to protect take-off and landing paths. All drones will be restricted from flying within this zone unless appropriate permission is granted.

The extended restriction zone will come into force on 13 March this year.

In addition to legislation, it is crucial that the public are aware of the rules on the use of drones, so today we are expanding our national campaign, in partnership with the Civil Aviation Authority, to boost public awareness.

The Department for Transport has today written to airports and local authorities asking them to publicise the new rules and to help to educate passengers and the public about responsible drone use. To help with this, the department is providing a digital tool kit to explain the rules simply and clearly and to promote the Civil Aviation Authority's [Drone Safe campaign](#) and [Drone Code guidance](#). This includes maps detailing the new restriction zones at each individual airport.

The government is preparing a new Drones Bill, which will give police powers to clamp down on those misusing drones and other small unmanned aircraft, including a power to access electronic data stored on drones with a warrant. In addition, the Home Office is also today announcing new stop and search powers for drones around aerodromes, which will also be included in the bill.

These enforcement powers will complement legislation introduced last year which will require the mandatory registration of operators and the online competency testing of remote pilots for drones over 250g. These requirements will become a legal obligation in November this year and work with the new police powers to increase accountability and clamp down on irresponsible and dangerous behaviour.

The Home Office is further reviewing the UK's response to the malicious use of drones, and will consider how best to protect the full range of the UK's critical national infrastructure, as well as testing and evaluating technology to counter drones.

The government will continue to work closely with industry and other partners on regulation, anticipating future innovations wherever possible in order to keep our airports secure and our airspace safe.

These actions will help to combat the misuse of drones, so that small unmanned aircraft can be used safely and securely, and continue to support the development and growth of this rapidly expanding new industry.

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# Press release: UK Minister Lord Tariq Ahmad visits Pakistan

Lord Ahmad held meetings with the Foreign Minister Shah Mehmood Qureshi, Federal Minister for Human Rights Shireen Mazari, the Minister of State for the Interior Shehryar Afridi and Senator Sherry Rehman. The Minister of State also took part in wreath-laying ceremony at the Commonwealth War Graves Cemetery in Rawalpindi. He met with a range of civil society and human rights champions at a reception held at the British High Commission.

He also took part in a panel discussion held at the Fatimah Jinnah Women University on British Council's Active Citizens Programme. The British Council is working with the Higher Education Commission across all universities and degree awarding institutions in Pakistan to help young students take action in their local communities, and at a regional and national level. This programme will provide mandatory training on inclusion and tolerance to every undergraduate in Pakistan.

Lord Ahmad also welcomed back 2017-18 Chevening and Commonwealth scholars at a reception at the British High Commissioner's residence in Islamabad. Lord Tariq Ahmad and British High Commissioner Thomas Drew met with a number of the recently returned scholars on the completion of their fully-funded Chevening one year masters' degree and Commonwealth Masters and PhD programmes in the UK.

Congratulating the Chevening and Commonwealth Scholars, Lord Tariq Ahmad said:

I am delighted to be back in Pakistan to see and hear about the strength of the UK-Pakistan partnership. Meeting with ministers, students and alumni, I heard about the depth of our connections, the impact of the UK support and the progress Pakistan is making to support education, development and dialogue.

I was also pleased to welcome back to Chevening and Commonwealth scholars back to Pakistan, and congratulate them on completing their masters' degrees and PhD programmes in the UK. Pakistan remains one of the top priority countries for the Commonwealth and for Chevening, and these scholars are a testament to the education links between the UK and Pakistan.

## **More Information**

For updates on the British High Commission and the Chevening Programme, please follow our social media channels:

Contact

## Speech: Britain and Germany: an alliance of values

### **Introduction**

I'm delighted to have this opportunity to speak here at the Konrad Adenauer Stiftung. There are moments in history that remind us that we are all part of something greater than ourselves.

As I landed at Tegel Airport this morning, I thought of one such moment.

Seventy years ago, the people of this city were engaged in a daily struggle to keep West Berlin alive through Stalin's blockade.

The skies above Berlin were filled with British and American aircraft laden with fuel, food and medicine, landing or taking off every 45 seconds, day and night.

For 11 months, pilots who had previously dropped bombs on Berlin mounted the greatest humanitarian airlift in history, delivering 2.3 million tons of supplies.

At first, Berlin did not have enough runways to receive the inflow.

So the people of Berlin built Tegel Airport with their own hands, taking only 90 days to construct what was then the longest runway in Europe.

Our countries were just a few years away from a devastating war.

And yet we were united.

United by shared values.

And united in opposition to those who sought to destroy them.

The people of Berlin overcame their ordeal, transforming this city into what President Kennedy later called a "defended island of freedom".

Then, thirty years ago this year, Berlin ceased to be an island when the Wall came down. As the crowds surged through Brandenburg Gate in 1989, Berlin and its people reminded us never to take liberty for granted.

Those events show that some values transcend individuals, nations or groups

of nations.

And indeed transcend Brexit too – however absorbing or challenging that may seem.

## **Alliance of Values**

For whatever treaties or organisations our two countries may join or leave, our friendship is based on something infinitely more important and durable.

Britain and Germany cherish the same freedoms, defend the same values, respect the same fundamental laws and face the same dangers.

We are bound together not simply by institutions, but by the beliefs that inspired the creation of those institutions: democracy, openness and equality before the law regardless of race, class, gender or sexuality.

Karl Popper, the Austrian-born philosopher, defined the distinctive quality of an open society in these words:

“We ought to be proud that we do not have one idea but many ideas, good ones and bad ones; that we do not have a single belief: not one religion but many, good ones and bad ones....It is not the unity of an idea but the diversity of our many ideas, of which the West may be proud: the pluralism of its ideas.”

More than anything else, Britain and Germany believe in pluralism as the best way of releasing the nobility of the human spirit.

There is nothing new about this.

We shared these ideals in 1972 before Britain joined the European Economic Community.

And we will continue to share them in 2019 when we leave the European Union.

Because as I said in my response to the wonderful letter written to The Times last month by Annegret Kramp-Karrenbauer, Prof. Dr Norbert Lammert and other distinguished Germans, Britain is not going anywhere.

We are not relocating our island to the far side of the world.

Our two countries may no longer be bound by the structures of the European Union, but we will remain part of a wider alliance, an alliance of values.

Nations united not solely by institutions but by beliefs: in freedom, the rule of law and human rights.

An alliance that doesn't just believe in those ideals but is willing to defend them, as demonstrated by my predecessor, Ernest Bevin, when he helped to establish NATO.

## **Success of the rules-based system**

He was part of the generation of humane and far-sighted leaders, including Konrad Adenauer, who built an assembly of rules and institutions – including the United Nations, the World Bank and what became the World Trade Organisation – to create an era defined not by bloodshed but by peace and prosperity. The goals of the world order that emerged after 1945 were summarised by the former Mayor of Berlin and Chancellor of Germany, Willy Brandt, who said:

“I re-emphasise my faith in the universal principles of general international law...They found binding expression in the principles of the United Nations Charter: sovereignty, territorial integrity, non-violence, the right of self-determination.”

By any objective measure, that international order has been remarkably successful.

Despite the bloodshed in Syria and elsewhere, the number of conflict-related deaths as a proportion of the global population fell by an astonishing 80 percent between 1984 and 2016.

Relative peace has allowed millions to raise themselves from destitution.

When I was born, half of humanity lived in absolute poverty; today, it is less than 10%.

Life expectancy has shot up and since 2000 alone 1.1 billion people have been connected to electricity for the first time.

The rules-based system is not some cynical construct designed solely to protect the interests of the West. Nor will the biggest losers be in the West if it is allowed to crumble.

So when people ask what will Britain's role in the world be after Brexit, I say this:

We will put to work the remarkable array of connections across the globe that history has given the United Kingdom.

Whether through our European friends, our Atlantic allies or the Commonwealth family, we will seek to bind the democracies of the world together.

Only if we are joined together by an invisible chain or thread of shared values will we be strong enough to withstand the challenges we face.

And strong enough to uphold an international order that has served humanity so well.

## **Threats to rules-based system**

Right now it would be an enormous mistake if Europe were to allow Brexit and other internal challenges to make us introspective.

Because when we look inwards, our adversaries sense an opportunity.

Russia has broken the prohibition on acquiring territory by force by redrawing a European frontier and annexing 10,000 square miles of Ukraine.

Having taken Crimea, Russia then deployed troops and tanks in eastern Ukraine, igniting a conflict that has claimed nearly 11,000 lives and driven 2.3 million people from their homes.

At the same time the global ban on the use of chemical weapons, dating back almost a century to 1925, has been violated time and again in Syria – and even on the soil of my own country.

Meanwhile the onward march of democracy that followed the fall of the Berlin Wall has come to a halt and started to go into reverse.

In the 2 decades after 1989, there were 29 new democracies. This century it has been different: last week Freedom House reported that 2018 was the 13th successive year of decline for political rights and civil liberties around the world.

We must never assume that the arc of history will automatically bend towards democracy and liberalism.

Wise decisions made by a generation of leaders in the last century shaped the world as we know it. The question is whether this generation of leaders will do the same?

## **Anglo-German co-operation**

Hence the overriding importance of Britain and Germany working side-by-side.

There is much to celebrate.

Together we are preserving the Iran nuclear agreement, keeping Iran free of nuclear weapons and the world safer as a result;

together we are resisting the evil of chemical weapons, from Salisbury to Syria, ensuring the price is always too high for countries to use these terrible weapons;

together we are upholding the Paris Climate Change Treaty, ensuring future generations will not pay the price of our prosperity today;

together we are working for lasting peace in the Western Balkans; indeed on my first day as Foreign Secretary I met Chancellor Merkel at a summit in London to discuss that very issue. Chancellor Merkel approached me and said, "Congratulations, if that's the right word".

At the same time, our security services and police are cooperating silently and tirelessly to guard our citizens and our European friends from terrorism and organised crime.



Our diplomats are training side-by-side; only last week, 76 British and German diplomats were attending joint classes in the Foreign Office in London.

Our soldiers are serving together in Afghanistan, where yours are the second biggest contribution to the NATO mission.

Our soldiers are also protecting NATO's Eastern borders, where UK troops comprise the single largest component of the "enhanced forward presence" in Poland and the Baltic states.

Some in Germany have seen our decision to leave the EU as a retreat: a retreat from the global stage and from common European security interests.

Nothing could be further from the truth.

Britain remains the only European nation to meet the UN and NATO targets of spending 0.7 percent of national income on aid, 2 percent of GDP on defence and 20 percent of our defence budget on capital.

The Prime Minister has restated that Britain's commitment to the defence of Europe is immovable and unconditional.

And I'm delighted that Germany has been elected to serve on the Security Council; later today, Heiko Maas and I will discuss how our missions in New York can best cooperate on areas of common interest, including Libya and Darfur.

## **The UK-EU partnership**

So at a time when the global balance of wealth and power is changing with remarkable speed – perhaps faster than ever before – we must not allow Brexit to be all-consuming.

That means an orderly departure from the EU is of paramount importance.

Of course when you leave a club you cannot enjoy all its benefits.

And nor will we: after Brexit, the UK will no longer be part of the councils of the EU. We will no longer have a say or vote in European directives or laws.

But nor – if we are to stand together against common threats – can Britain ever be just another "third country".

The future partnership that Britain seeks to build with the EU starts with the belief that our security is indivisible.

The Political Declaration sets out a vision of the closest relationship in foreign policy the EU has ever had with another country, something that Chancellor Merkel herself has emphasised.

It states that where and when our interests converge – as they often will –

Britain and the EU will “combine efforts” to the “greatest effect, including in times of crisis”.

We must also maintain the closest economic partnership, consistent with the spirit of the British referendum and the integrity of the single market.

The flow of trade between Britain and the EU amounts to one of the biggest economic relationships in the world.

In 2017, total trade between the UK and the other 27 members of the EU came to £615 billion [Euros 695 billion].

This is a colossal figure, about 8% bigger than the EU’s trade with China and 12 percent higher than trade between China and the United States.

Millions of jobs on both sides of the Channel depend on this flow of commerce so everyone has an interest in ensuring that it continues to flourish.

There are those who say that strategic and security partnerships can continue unaffected by economic relationships. We must remember the lesson of history: trading relations have always been the first link between countries, and they act as the foundation of all other relations.

So none of us should have any doubt that failing to secure a ratified Withdrawal Agreement between Britain and the EU would be deeply damaging, politically as well as economically.

In the vital weeks ahead, standing back and hoping that Brexit solves itself will not be enough.

The stakes are just too high: we must all do what we can to ensure such a deal is reached.

Last Saturday, Chancellor Merkel delivered a powerful defence of what she called the “classic” world order.

She urged all countries to “put yourself in the other’s shoes” and “see whether we can get win-win solutions together”.

I would urge our European friends to approach this crucial stage of the Brexit negotiations in that spirit.

Because in the future, we do not want historians to puzzle over our actions and ask themselves how it was that Europe failed to achieve an amicable change in its relationship with Britain – a friend and ally in every possible sense – and thereby inflicted grave and avoidable damage to our continent at exactly the moment when the world order was under threat from other directions.

Now is the hour for the generous and far-sighted leadership of which Chancellor Merkel spoke.

If we are to secure the future of a world order that has allowed our

countries to enjoy the peace and prosperity that eluded our ancestors – if we are to avoid, in Chancellor Merkel’s phrase, falling “apart into pieces of a puzzle” – then achieving a smooth and orderly Brexit is profoundly necessary.

## **Conclusion**

It would not be right to end this speech without an apposite quote from Konrad Adenauer, a towering figure in the history of the Federal Republic and the CDU, in whose honour this Foundation is named. He once said:

“Wenn die anderen glauben, man ist am Ende, so muss man erst richtig anfangen.” (“when others think we’ve reached the end, that’s when we’ve got to really begin”).

The UK’s departure from the EU is the end of one phase of our relationship. But it’s the beginning of another, and we are determined to remain the best of friends.

So let me finish by returning to that letter written by Annegret Kramp-Karrenbauer and other distinguished Germans to the Times.

The signatories were generous to Britain.

So let me say in response, Britain shares the same admiration and warmth for the people of Germany, for your moral courage, your tolerance and magnanimity, and for your towering achievement in building a nation that is, at once, a model democracy and the economic powerhouse of Europe.

When 2.1 million Berliners were blockaded and besieged 70 years ago, they could not be sure they would withstand the ordeal and eventually triumph.

They survived because of their courage and resilience, supported by the resolute action of friends who shared their ideals and were determined not to abandon this city.

Those friends did not come to Berlin’s support because of treaties or formal unions.

They acted because of something more powerful, though less tangible: the values that united them, just as values unite us today.

Those values remain constant whatever else changes. Let us remember that as we do our duty in the critical few weeks ahead.

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**[News story: Police to get more stop](#)**

# and search powers to tackle acid attacks

The move will enable police officers to effectively enforce a new offence of carrying corrosives in a public place, which is passing through Parliament in the Offensive Weapons Bill.

Currently, police can only stop and search people they suspect of carrying acid with intent to cause injury.

The proposal to extend stop and search was widely supported during a public consultation – the results of which are published today. They show 90% of respondents, including senior police officers, back the change.

Home Secretary Sajid Javid said:

Anyone who carries acid to maim and disfigure others is a coward who deserves to face the full force of the law.

That is why we are giving police officers greater powers to help bring them to justice and protect the public from their sickening crimes – which can leave victims' with life-changing injuries.

The police are clear stop and search is one of the most important tools they have in the fight against serious violence – I will continue to give them the support they need to do their vital work.

Deputy Chief Constable, Adrian Hanstock, stop and search lead for the National Police Chiefs' Council, said:

The police service welcomes changes widening officers' ability to stop and search those who would seek to cause serious harm using corrosive substances.

Identifying and disrupting those individuals through the controlled use of stop and search powers is an important way in which we can keep the public safe.

As with the range of stop and search powers currently available to police officers, Chief Constables will be keen to ensure that these powers are used correctly in a legitimate, proportionate and considerate way.

Additionally, police officers will be able to stop and search people suspected of using drones above 400ft or within 5km of an airport, which will help them tackle disruption such as that seen at Gatwick Airport in December.

The government is also working closely with the police to examine whether they have the appropriate powers to respond effectively to other offences involving drones, including around prisons, and will take further legislative action if necessary.

The Home Office will also keep under review the adequacy of existing powers to tackle offences related to the misuse of laser pointers.

Today's announcement supports the government's action plan to tackle the use of acid and other corrosive substances in violent attacks.