

SECTION B (CONTINUED)

THE APPLICANT

TOWN/CITY

COUNTY

POSTCODE

COUNTRY

11 Can we telephone the applicant during the day to discuss the application? (please indicate with an "x")

Yes No ➞ go to Section C – Special Urgency.

12 If Yes, what is the applicant's daytime telephone number?

SECTION C

SPECIAL URGENCY

i If you have not carried out any special urgency work before sending us this application and are not making a special urgency application in this CIV/SOL/FAMILY form ➞ go to Section E – Declarations and mandates.

You only need to give us one notification of work done under regulation 18 (1) (a) to cover all work done under this part of the regulation throughout the lifetime of this case.

If you have done work under regulation 18 (1) (a), please put a cross in the appropriate box(es).

<input type="checkbox"/>	a	Such steps as may be appropriate to intimate an intention to oppose proceedings.	<input type="checkbox"/>	n	Moving for or opposing a motion for variation of an order relating to parental responsibilities or parental rights under section 11 of the 1995 Act.
<input type="checkbox"/>	b	Such steps as may be appropriate to state the basis upon which proceedings are opposed.	<input type="checkbox"/>	o	Opposing a freeing order for adoption or an application by a local authority for a parental responsibilities order under section 86 of the 1995 Act.
<input type="checkbox"/>	c	Such steps as may be appropriate to reponer or otherwise recall a decree in absence.	<input type="checkbox"/>	p	Obtaining reports on residence orders or contact orders within the meaning of section 11 (2)(c) and (d) of the 1995 Act when the court so orders.
<input type="checkbox"/>	d	Moving to sist further procedure or opposing the recall of a sist.	<input type="checkbox"/>	q	Appearing at a Child Welfare Hearing which has been fixed under rule 33.22A of the Ordinary Cause Rules 1993.
<input type="checkbox"/>	e	Moving to prorogate the time for compliance with any order or rule.	<input type="checkbox"/>	r	Obtaining warrant for inhibition on the dependence or arrestment on the dependence, including (where not already done) initiating proceedings containing an application for such warrant, and taking steps to have the warrant executed.
<input type="checkbox"/>	f	Moving or opposing a motion for discharge of any diet.	<input type="checkbox"/>	s	Initiating proceedings for suspension or suspension and interdict.
<input type="checkbox"/>	g	Moving for or opposing decree by default.	<input type="checkbox"/>	t	Initiating or opposing appellate proceedings other than such proceedings in the House of Lords or the Judicial Committee of the Privy Council.
<input type="checkbox"/>	h	Moving for or opposing a motion for summary decree.	<input type="checkbox"/>	v	Initiating an application to the Court of Session which is certified by the Scottish Ministers to be a Convention application as defined in regulation 45.
<input type="checkbox"/>	i	Initiating proceedings to avoid time-bar.	<input type="checkbox"/>	Other – please specify – refer to Board guidance.	
<input type="checkbox"/>	j	Moving for interim orders for residence or interdict or interim orders under section 11 of the 1995 Act, including (where not already done) initiating or entering proceedings in which such orders may be sought.			
<input type="checkbox"/>	k	Opposing interim orders of any kind.			
<input type="checkbox"/>	l	Moving for or opposing an exclusion order.			
<input type="checkbox"/>	m	Moving for or opposing a power of arrest.			

2 When did the special urgency work start?

DAY MONTH YEAR

SECTION C (CONTINUED)

SPECIAL URGENCY

3 Where you are asking for approval to do work under regulation 18 (1) (b) give details of the work and the reason for the urgency.

Answer continued at Section I, More Information. *(please indicate with an "x")*

4 Is this the first special urgency submission for your client in relation to this application? *(please indicate with an "x")*

Yes ➞ go to Section D – Special Urgency Mandate. No ➞ go to Section E – Equality.

SECTION D

SPECIAL URGENCY MANDATE

ⓘ Only complete this section where this is the FIRST special urgency submission for the application.

ⓘ Use the current Keycard to state the correct allowances – also available on our website www.slab.org.uk

ⓘ For ease of calculation, round figures up or down to nearest pound in Questions 3-6.

1 Does the applicant directly or indirectly receive income support, income-based jobseeker’s allowance or income-based employment support allowance? *(please indicate with an "x")*

Yes ➞ go to Section E – Equality. No

2 Does the applicant have a partner? *(please indicate with an "x")*

ⓘ By partner, we mean someone the applicant normally lives with as a couple, whether or not they are married and of the same or different sex.

Yes No

If Yes, the partner’s resources should also be taken into account unless they have a contrary interest in the case for which legal aid is sought or the applicant and partner are separated.

3 Income

The following must be included under income:

	Applicant	Partner
a) Net annual wage/salary ¹ , or net drawing or profits from own business ²	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
b) Maintenance payments – either from an individual or through the CSA	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
c) Child benefit	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
d) Other state benefits or tax credits <small>(state which)</small>		
<input style="width: 100%;" type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<input style="width: 100%;" type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
e) Any other sources of income (such as pension, house-keeping, maintenance, student grants etc – state what the income is from and for how much).		
<input style="width: 100%;" type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<input style="width: 100%;" type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	£ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

f) Totals £ £

g) Total income (Total (A)) £

Notes

- ¹ Calculate the NET annual wage(s) from a payslip or bank statement. (Check if employment is seasonal, or subject to "laying off" annually, for example, for school holidays).
- ² Take into account the net profit earned from the latest set of accounts. In the absence of accounts, accept the figure the applicant says he/she draws from the business weekly/monthly. (See notes for guidance for more detail).

4 Deductions from Income

The following deductions from income can be made:

Applicant

Partner

a) Annual rent or mortgage for main or only dwelling £ £

- This amount should be net of any housing benefit received. An annual mortgage figure should include premiums payable for any related life assurance policies.

b) Council tax, water charges £ £

- Allow the annual figure for council tax payable, subject to any reductions or council tax benefit applicable.

c) Dependant's allowance for partner living with applicant £ £

- If the applicant is living with a partner whose resources have been included in this assessment, a statutory allowance is made to cover their dependency on the applicant. (See current Keycard for this allowance).

d) Dependents' allowance for children living with applicant £ £

- An allowance can be made for children resident with the applicant on a full-time basis, whether his/her own, his/her partner's or any other children wholly dependent on the applicant/partner. (See current Keycard for this allowance). If the applicant has care of a child on a part-time basis, work out the allowance pro-rata.

e) Maintenance payments for separated partner, or children living apart £ £

- An allowance can be made for sums actually being paid to a separated partner or children, whether under a court order, through the CSA or voluntarily.

f) Work expenses £ £

- Allowance can be made for work expenses such as the annual cost of home to work travel and childcare.

g) Other expenses £ £

- Allow for expenses such as legal fees already incurred and fines.

h) Totals £ £

i) Total deduction from income (Total (B)) £

5 Capital

- Exclude any capital which could be described as forming part of the subject matter of dispute.

All resources of a capital nature held must be taken into account, including:

Applicant

Partner

a) Money in the bank, building society, national savings certificates, etc £ £

- The balance in any bank account held by the applicant at the date of application should be taken into account. Care should be exercised if taking figures from a bank statement to exclude any payment of income which may be inflating the credit balance. If income is included, take the balance as at the date before the last credit of income was added.

SECTION D (CONTINUED)

SPECIAL URGENCY MANDATE

House (other than main dwelling)

b) Market value £ £

c) Less mortgage £ £

Include the capital value of any property or land owned (but not occupied as a main residence) less any borrowings secured on it.

d) Items of value (approximate value) £ £

The regulations require that the value of any asset of a capital nature held by the applicant at the date of application should be taken into account, such as shares, the value of any life assurance policies held etc. (See guidance notes for more examples).

e) Totals £ £

f) Total disposable capital (Total) £

6 Calculation of financial eligibility (for solicitor's use only)

Income

a) Total income (Total) £

b) LESS Total deduction from income (Total) £

c) Total disposable income (Total) £

Capital

d) Total disposable capital (Total) £

If these figures exceed the current upper limits, it is unlikely your client will qualify financially. If you have any doubts about the assessment you have carried out, consider discussing it with a member of our staff. If you carry out work under regulation 18, you run the risk that the Board will not be able to make payment to you for that work. An application for civil legal aid can still be made. If these figures are lower than the current upper limits you need to tell your client what their total probable contribution will be.

SECTION E

EQUALITY

Your solicitor will give you the Equality Card and ask you to write in your answers.

The Scottish Legal Aid Board has to collect information to monitor equality of access of people applying for legal aid. Your answers help to do this. Your answers are not used to decide if you qualify for legal aid.

1 If you, the applicant, do not wish to answer any questions in this section, please put a cross in this box and return the form to your solicitor.

2 How would you describe your ethnic origin? If other:

3 Do you consider yourself to have a disability? (please indicate with an "x")

Yes No Do not wish to answer

SECTION F

DECLARATIONS AND MANDATES

APPLICANT'S OR REPRESENTATIVE'S DECLARATION

If you knowingly make a false statement you may be prosecuted.

I certify:

for applicants:

- a) the information given in this application is to the best of my belief and knowledge correct. I understand that if I give false information I may be prosecuted.

for a representative acting on behalf of the applicant, for example mother or guardian:

- a) I declare that as far as I know, the information I have given is true, based on reasonable enquiries I could make, exercising due care and diligence.


for applicants and representatives:


- b) I consent to the Scottish Legal Aid Board making enquiries of any person or bodies including my solicitor as it may consider necessary. I authorise these persons or bodies including my solicitor to provide the information required by the Board.
- c) I understand that I must inform the Board immediately if any information given in this application changes.
- d) I have been given a copy of the booklet "Civil legal aid – information for applicants".
- e) I consent to the disclosure of this application, associated documentation and my case file held by my solicitor for quality assurance purposes including peer review and stage reporting, at any stage during or after the proceedings.
- f) Where I have asked my solicitor to do specially urgent work for me, I understand that the Scottish Legal Aid Board may ask me to pay a contribution towards the cost of that work. I will pay the Board that sum. I agree to give the Board any further information to allow it to work out the correct contribution.

 Signature of applicant/representative

Date signed

DAY	MONTH	YEAR
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

 Remember to also sign and date the statutory statement (memorandum)

 Your solicitor will complete other questions on this form. You should also:

- sign the statutory statement, in which your solicitor gives information about your case.
- complete Financial Eligibility Form 1 or Form 2.
- read "Civil legal aid – information for applicants".

Data Protection Act 1998 – Access to Personal Data

The personal information provided by you or on your behalf will be used in accordance with the Data Protection Act 1998 and for the purpose of the Board's functions under the Legal Aid (Scotland) Act 1986. You have the right to make a formal request in writing to see the personal information we hold about you, to inspect it and to have it corrected if it is wrong. The Board may receive information about you from certain third parties (for example, some government departments and agencies), or give information to them. However, we will not pass on information about you unless the law allows us to do so.

SECTION G

APPLICATION DETAILS

- 1 Please describe the nature of the case for which the applicant is seeking legal aid by putting a cross in the box of any appropriate category code(s). You should give ONE primary category code (P) by putting a cross in one box in the primary column, and then indicate any other ancillary codes (A) that apply. If you are defending an action, please do not select any boxes for categories that your client is not defending in the action – for example, if not defending a divorce case, do not select the category box.

P	A	CODE	DESCRIPTION
FAMILY/MATRIMONIAL/INTERDICT			
<input type="checkbox"/>	<input type="checkbox"/>	ADO	Adoption
<input type="checkbox"/>	<input type="checkbox"/>	ALI	Aliment
<input type="checkbox"/>	<input type="checkbox"/>	APSPF	Appeal Sheriff Principal – family
<input type="checkbox"/>	<input type="checkbox"/>	APINF	Appeal Inner House – family
<input type="checkbox"/>	<input type="checkbox"/>	APHLF	Appeal House of Lords – family
<input type="checkbox"/>	<input type="checkbox"/>	BOIF	Breach of interdict – family
<input type="checkbox"/>	<input type="checkbox"/>	CAPSM	Capital sum
<input type="checkbox"/>	<input type="checkbox"/>	CHAG	Hague Convention application
<input type="checkbox"/>	<input type="checkbox"/>	CONV	Other Convention application
<input type="checkbox"/>	<input type="checkbox"/>	CONT	Contact
<input type="checkbox"/>	<input type="checkbox"/>	CSEO	Child Support Agency enforcement orders
<input type="checkbox"/>	<input type="checkbox"/>	DECMA	Declarator of marriage
<input type="checkbox"/>	<input type="checkbox"/>	DECNP	Declarator of non-parentage
<input type="checkbox"/>	<input type="checkbox"/>	DECNU	Declarator of nullity (marriage)
<input type="checkbox"/>	<input type="checkbox"/>	DECPR	Declarator of parentage/paternity
<input type="checkbox"/>	<input type="checkbox"/>	DEL	Delivery
<input type="checkbox"/>	<input type="checkbox"/>	DISCP	Dissolution of civil partnership
<input type="checkbox"/>	<input type="checkbox"/>	DIVAD	Divorce – adultery
<input type="checkbox"/>	<input type="checkbox"/>	DIVON	Divorce – one year separation
<input type="checkbox"/>	<input type="checkbox"/>	DIVTW	Divorce – two year separation
<input type="checkbox"/>	<input type="checkbox"/>	DIVUN	Divorce – unreasonable behaviour

P	A	CODE	DESCRIPTION
FAMILY/MATRIMONIAL/INTERDICT (CONTINUED)			
<input type="checkbox"/>	<input type="checkbox"/>	DIVGR	Divorce – interim gender recognition certificate
<input type="checkbox"/>	<input type="checkbox"/>	DPPAR	Deprivation of parental rights and responsibilities
<input type="checkbox"/>	<input type="checkbox"/>	DSAL	Division and sale
<input type="checkbox"/>	<input type="checkbox"/>	EJEC	Summary ejection
<input type="checkbox"/>	<input type="checkbox"/>	EXCL	Exclusion order
<input type="checkbox"/>	<input type="checkbox"/>	FAOB	Minute for failure to obtemper
<input type="checkbox"/>	<input type="checkbox"/>	FLA	Orders under Family Law (Scotland) Act
<input type="checkbox"/>	<input type="checkbox"/>	FREA	Freeing for adoption
<input type="checkbox"/>	<input type="checkbox"/>	INTAL	Interim aliment
<input type="checkbox"/>	<input type="checkbox"/>	INTAR	Interdict against removal of child/children
<input type="checkbox"/>	<input type="checkbox"/>	INTDA	Interdict against disposal of assets
<input type="checkbox"/>	<input type="checkbox"/>	INTNM	Interdict non-molestation
<input type="checkbox"/>	<input type="checkbox"/>	INTRF	Interdict against removal of furnishings and plenishings
<input type="checkbox"/>	<input type="checkbox"/>	INTF	Interdict – family other
<input type="checkbox"/>	<input type="checkbox"/>	MHA	Orders under Matrimonial Homes (Scotland) Act
<input type="checkbox"/>	<input type="checkbox"/>	NHOF	Non harassment order family
<input type="checkbox"/>	<input type="checkbox"/>	PARRR	Parental rights and responsibilities order – section 11 Children (Scotland) Act 1995
<input type="checkbox"/>	<input type="checkbox"/>	PASA	Protection from Abuse (Scotland) Act 2001
<input type="checkbox"/>	<input type="checkbox"/>	PENSS	Pension splitting order

SECTION G (CONTINUED)

APPLICATION DETAILS

P	A	CODE	DESCRIPTION
FAMILY/MATRIMONIAL/INTERDICT (CONTINUED)			
<input type="checkbox"/>	<input type="checkbox"/>	PERAL	Periodical allowance
<input type="checkbox"/>	<input type="checkbox"/>	POA	Power of arrest
<input type="checkbox"/>	<input type="checkbox"/>	PRO	Parental responsibilities order – section 86 Children (Scotland) Act 1995
<input type="checkbox"/>	<input type="checkbox"/>	RENF	Reciprocal enforcement
<input type="checkbox"/>	<input type="checkbox"/>	RES	Residence
<input type="checkbox"/>	<input type="checkbox"/>	SEP	Separation
<input type="checkbox"/>	<input type="checkbox"/>	SETMA	Setting aside minute of agreement
<input type="checkbox"/>	<input type="checkbox"/>	SPEIO	Specific issue order
<input type="checkbox"/>	<input type="checkbox"/>	SUSIT	Suspension and Interdict

P	A	CODE	DESCRIPTION
FAMILY/MATRIMONIAL/INTERDICT (CONTINUED)			
<input type="checkbox"/>	<input type="checkbox"/>	TRAPM	Transfer of property – matrimonial home
<input type="checkbox"/>	<input type="checkbox"/>	TRAPO	Transfer of property – other
<input type="checkbox"/>	<input type="checkbox"/>	TRATN	Transfer of tenancy
<input type="checkbox"/>	<input type="checkbox"/>	VAR	Variation

APPEALS

<input type="checkbox"/>	<input type="checkbox"/>	COMCS	Appeals to the Child Support Commissioner
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OTHER – PLEASE SPECIFY – REFER TO BOARD GUIDANCE

<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		

2 What is the applicant's interest in the proceedings? (please indicate with an "x")

- Pursuer
 Defender
 Petitioner
 Respondent
 Appellant
 Minuter
 Third party
 Other – please specify below:

3 Is the applicant concerned in the proceedings in a representative, fiduciary, official or other capacity? (please indicate with an "x")

- Yes
 No (⇒) go to Question 5.

4 If Yes, what is the capacity? (please indicate with an "x")

- Representative
 Fiduciary
 Official
 Other – please specify:

5 What is the court in which proceedings have been, or are to be, brought? (please indicate with an "x")

- Sheriff court (first instance)
 Sheriff court (Sheriff Principal)
 at
 Court of Session (Outer House)
 Court of Session (Inner House)
 House of Lords
 Other – please specify:

SECTION G (CONTINUED)

APPLICATION DETAILS

6 Have the proceedings already been raised: (please indicate with an "x")

by the applicant? Yes No


by another party? Yes No

7 How many opponents and other interested parties are involved in the action?

Please give details of opponents and/or other interested parties in the action.

8 Opponent or interested party 1

Provide details of the first opponent or interested party.

 Where the applicant is a third party minuter, you must provide details of the pursuer and defender.

NAME

HOUSE NUMBER FLAT NUMBER

HOUSE NAME/STREET

TOWN/CITY

COUNTRY POSTCODE

COUNTRY

If the opponent is an organisation, give any file reference or the name of the department.

9 Name and address of interested party/opponent's solicitor.

NAME

ADDRESS

TOWN/CITY

COUNTRY POSTCODE

COUNTRY

LP/DX NUMBER LP/DX EXCHANGE

SOLICITOR'S REFERENCE NUMBER

SECTION H (CONTINUED)

DETERMINATION OF STATUTORY TESTS

8 If Yes, give us details of the offer made, and explain why your client is not prepared to accept it.
If the other party has not made an offer, explain why not and what their current position is on the dispute, if known.

Answer continued at Section I, More Information. *(please indicate with an "x")*

9 What is your assessment of the prospects for achieving a satisfactory outcome for your client? *(please indicate with an "x")*

Excellent Good Fair Poor

10 Please explain your assessment.

Answer continued at Section I, More Information. *(please indicate with an "x")*

11 What is your estimate of the costs of any proceedings, including fees, outlays and counsel's fees? *(please indicate with an "x")*

£0-£1,000 £1,001-£2,000 £2,001-£3,000 £3,001-£6,000

£6,001-£10,000 £10,001-£15,000 £15,001 or more

If £15,001 or more, please give an estimate of the total costs. £

12 If the estimated costs are £3,001 or more, identify the main areas of expenditure – e.g. court report, counsel's fees, experts' involvement.

Answer continued at Section I, More Information. *(please indicate with an "x")*

13 Does the case include a claim for money or property? *(please indicate with an "x")*

Yes No ➞ go to Question 16.

SECTION H (CONTINUED)

DETERMINATION OF STATUTORY TESTS

14 If Yes, what is the value of the property or money claimed? £ [][][][][][][][] . [][]

15 How will any claim for money or property be met?

Empty text box for answer to question 15.

Answer continued at Section I, More Information. (please indicate with an "x")

16 Do you consider that we should disregard any of the applicant's resources in our financial assessment because they form the subject matter of dispute between the parties? (please indicate with an "x")

Yes No (⇒) go to Section I.

17 If Yes, provide details.

Empty text box for answer to question 17.

Answer continued at Section I, More Information (please indicate with an "x")

SECTION I

MORE INFORMATION

Please provide any further information required here, including details of opponents not given at Section G, Questions 8-12. Where you are continuing an answer, please state the question number and provide any further information.

SECTION QUESTION INFORMATION

Table with 3 columns: SECTION, QUESTION, INFORMATION. The table contains multiple empty rows for recording further information.

SECTION K

SOLICITORS DECLARATION

I certify:

- a) to the best of my knowledge and belief the information given is correct.
- b) any opinion expressed above represents my professional opinion as at this date.
- c) I have given the applicant a copy of the booklet "Civil legal aid – information for applicants".
- d) I have retained a copy of this application.
- e) I consent to the disclosure of this application, associated documentation and client case file for quality assurance including peer review and stage reporting purposes, at any stage during or after the proceedings.

 Solicitor's signature

Date signed

DAY			MONTH			YEAR				
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SECTION L

ATTACHMENTS

You must complete this section to describe which documents are attached. These documents are necessary in all cases for us to consider the application fully.

 Which documents are attached? Please enter a cross in the appropriate box to show attached documents.

	Attached
Financial Eligibility Form 1 or Form 2	<input type="checkbox"/>
Statutory statement (memorandum) – if not completed at Section K	<input type="checkbox"/>
This is an application for divorce/separation/civil partnership based on a period of separation where no ancillary craves are sought, any necessary consent and supporting evidence is available, and there are children under 16. I am not therefore giving any additional documentation.	<input type="checkbox"/>
Applicant's statement	<input type="checkbox"/>
Supporting documentation	<input type="checkbox"/>
Copy writ – defending case only	<input type="checkbox"/>
Other – please specify below	<input type="checkbox"/>
None – please specify below	<input type="checkbox"/>

Details of other documentation or reasons why there are no supporting documents.

 When sending us additional information, please send copies of the document and NOT originals.

For help with the form please call: 0131 240 2067 or email: general@slab.org.uk

