

## GUIDANCE NOTES

### STATUTORY STATEMENT FORM

We have introduced a form for the statutory statement (or legal aid memorandum), and separated it from the CIV/SOL form. However, you do not have to use this form: we will also accept a typed document, giving information about the nature of the case and the applicant's interest in it. The new form is one page, and will help make it more straightforward for you to prepare the documents essential for us to consider the application.

Both the applicant and the solicitor must sign the statutory statement. This is necessary whether you are using the form or sending us a typed document. If the statutory statement is being signed by the solicitor and not the client – for example, where you have carried out work under regulation 18 and you are unable to contact your client – please ensure that you say why.

In the statement, you must specify the nature of the proceedings for which legal aid is being sought. If you refer to sections or sub-sections of particular Acts, for example, Family Law (Scotland) Act 1985, Section 14(2)(a), please give the reference in full.

We may send the statutory statement to someone who is not legally qualified – for example an opponent. You should, therefore, describe in lay terms what the applicant is seeking by the action – for example, “sale of property”.

There may be some reason why you do not want us to pass on the address of the applicant to others involved in the case – for example, if an interdict is being sought to prevent domestic abuse. If so, **do not** include the applicant's address in the statement as we send this direct to the opponent or the opponent's representatives.

The information in the statement needs to give sufficient notice to the opponent of the proceedings for which legal aid is sought. However, you do not have to set down every aspect of the case in the style of an initial writ. Examples of suitable styles for statutory statements are shown below.

## **EXAMPLES OF SUITABLE STYLES FOR STATEMENTS**

### **REPARATION – PERSONAL INJURIES**

1. The applicant is X
2. The opponent is Y.
3. The applicant seeks legal aid to raise an action for damages in the sheriff court.
4. The court has jurisdiction.
5. On 28 August 2003 the applicant slipped on oil in the opponents' factory. He sustained injury as a result of their negligence and claims damages for his loss.

### **DIVORCE – UNREASONABLE BEHAVIOUR**

1. The applicant is X.
2. The opponent is Y.
3. The parties were married on ..... and separated on .....
4. The applicant seeks legal aid to raise an action for divorce on the grounds of unreasonable behaviour in the sheriff court.
5. The court has jurisdiction.
6. The applicant also seeks legal aid to make the following claims for financial provision:
  - capital sum
  - periodical allowance
  - pension sharing order
  - order for transfer of opponent's title in the matrimonial home.