Criminal Appeal

Legal Aid Online Declaration
(where legal aid not granted at court of first instance)

September 2022
LAO/APP/2

Use this form where you are making a criminal appeal application using Legal Aid Online, where legal aid was not granted at first instance, or where Criminal ABWOR was granted. Where legal aid was granted at first instance, form LAO/APP/1 should be used. Remember that you are responsible for completing this form and should ensure all information required is provided, the declaration sections are signed, and that you hold a copy of the fully completed Declaration form on your file.

A. The Applicant

Forename:

Surname:

Date of birth (dd/mm/yyyy):

Contact telephone number:

Contact email address:

Contact by email? ☐

National Insurance number:

If no NI number, are they: ☐ a child ☐ an asylum seeker ☐ other

If 'Other' please explain why they do not have a NI number:

Home address:

Correspondence address:

Postcode:

Postcode:

Does your client have any communication support needs?

Telling us about your client's communication needs will help us to communicate with them in the right format. When writing and/or speaking to your client we will consider all reasonable adjustments and requests for communication support.

Please tick all services required from the list below:

- ☐ none/no support needed
- ☐ spoken language translation or interpreter
- ☐ British Sign Language (BSL)
- ☐ other—provide details below
- ☐ audio
- ☐ large print
- ☐ braille

In the freetext box below please also provide further information. For example, tell us:

- if your client's support need(s) are needed when communicating in writing and/or when speaking with us
- if your client needs other communication support not listed
- the language needed or font size required

Applicant/client equality information

Please ask your client to complete the equality information. We collect this information to monitor equality of access. It is important you complete the equality questions because the answers:

- give us the data we need to make important decisions about the legal aid system
- help us design and deliver our services to people who apply for legal aid.

What is your client's sex?

- ☐ Female
- ☐ Male
- ☐ Prefer not to say

Disabilities

Does your client have any of the following which have lasted, or are expected to last, at least 12 months?

The Equality Act defines disability as: *"a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out day-to-day activities."*

Select all that apply:

- ☐ **Deafness or partial hearing loss**
- ☐ **Blindness or partial sight loss**
- ☐ **Full or partial loss of voice or difficulty speaking:** a condition that requires your client to use equipment to speak
- ☐ **Learning disability:** a condition that your client has had since childhood that affects the way you learn, understand information and communicate
- ☐ **Learning difficulty:** a specific learning condition that affects the way your client learns and processes information
- ☐ **Development disorder:** a condition that your client has had since childhood which affects motor, cognitive, social and emotional skills, and speech language
- ☐ **Physical disability:** a condition that substantially limits one or more basic physical activities such as walking, climbing stairs, lifting or carrying
- ☐ **Mental health condition:** a condition that affects your client's emotional, physical and mental wellbeing
- ☐ **Long-term illness, disease or condition:** a condition, not listed above, that your client may have for life, which may be managed with treatment or medication
- ☐ **Other condition:** please write in below:

  ☐

- ☐ **No known conditions**
- ☐ **Prefer not to say**

National identity

What does your client feel is their national identity? Select all that apply:

- ☐ **Scottish**
- ☐ **English**
- ☐ **Northern Irish**
- ☐ **Welsh**
- ☐ **British**
- ☐ **Other:** Please write in:

  ☐

- ☐ **Prefer not to say**

Ethnic group

What is your client's ethnic group?

White

- ☐ White Scottish
- ☐ White Other British
- ☐ White Irish
- ☐ White Polish
- ☐ White Gypsy/Traveller
- ☐ White Roma
- ☐ White Showman/Showwoman
- ☐ Other white ethnic group: please write in

Mixed or multiple ethnic groups

- ☐ Any mixed or multiple ethnic groups, please write in:

Asian, Scottish Asian or British

- ☐ Pakistani, Scottish Pakistani or British Pakistani
- ☐ Indian, Scottish Indian or British Indian
- ☐ Bangladeshi, Scottish Bangladeshi or British Bangladeshi
- ☐ Chinese, Scottish Chinese or British Chinese
- ☐ Other: please write in:

African, Scottish African or British African

- ☐ Please write in: (for example, Nigerian, Somali)

Caribbean or Black

- ☐ Please write in: (for example, Scottish Caribbean, Black Scottish)

Other ethnic group

- ☐ Arab, Scottish Arab or British Arab
- ☐ Other: please write in (for example, Sikh, Jewish)

☐ **Prefer not to say**

Care Experience

Is your client currently, or has your client ever been, 'looked after' by a Local Authority, including continuing care to age 21? By 'looked after' we mean any of: subject to a supervision order with no condition of residence; with foster carers, in a residential care home, in a residential school or a secure unit.

Which of the following apply to your client?

- ☐ **Currently 'looked after' by Local Authority**
- ☐ **Have previously been 'looked after' by Local Authority**
- ☐ **Never been 'looked after' by Local Authority**
- ☐ **Prefer not to say**

B. The Case

Reg 15 grant for this appeal? ☐ Yes ☐ No

If 'Yes', date granted: _____ LARN: _____

PF reference: _____

Date of final disposal: _____

Date of hearing: _____

Nature and extent of appeal:

☐ Appeal against conviction

☐ Appeal against sentence

☐ Appeal against acquittal

☐ Petition to Nobile Officium

☐ Reference by SCRRC to appeal court

☐ Appeal against conviction and sentence

☐ Appeal against other disposal *(give details)*:

_____

☐ Application to the Supreme Court
Ref No: _____

Method of appeal:

☐ Note of Appeal

☐ Bill of Suspension

☐ Bill of Advocation

☐ Stated case

☐ Petition of Nobile Officium

☐ SCCRC

☐ Other (give details): _____

Court of first instance:

☐ Justice of the Peace

☐ Sheriff Appeal Court

☐ Stipendiary

☐ Sheriff summary

☐ Sheriff solemn

☐ High Court

☐ Tick to confirm legal aid not granted (summary or solemn) for this case in the court of first instance

****** If granted, please fill out LAO/APP/1 form which does not ask for financial details ******

C. Applicant s circumstances

Is the applicant currently remanded in prison or serving a custodial sentence? ☐ Yes ☐ No

Is the applicant living with a spouse or partner? ☐ Yes ☐ No

If 'Yes', do they have a contrary interest in the case? ☐ Yes ☐ No

If contrary interest, the partner is: ☐ Complainer ☐ Co-accused ☐ Other Crown witness

If partner/spouse has a contrary interest you do not need to fill out the rest of Section C

Does the spouse/partner have a net income (earnings and benefits) in excess of £222 per week? ☐ Yes ☐ No

Spouse/Partner Forename:		Spouse/Partner surname:	
DOB:		NI number:	
How many dependants, currently living with the applicant (excluding any spouse/partner), does the applicant have?			
How many dependants, not currently living with the applicant, does the applicant have?			

D. All bank accounts held by the applicant (including savings account)

Bank/building society name	Name of account holder	Account number (last four digits only)	Type of account (current, deposit, ISA)	Current balance
				£
				£
				£
				£

E. Capital/assets held by the applicant

For detailed information and correct allowances, use the Keycard for sections E-H

Does the applicant have any capital? ☐ Yes ☐ No *If 'Yes', give details below.*

Cash (coins, banknotes, cheques)	£
Money in banks or building societies (post office/credit union)	£
Value of property owned (other than main house)	£
Address(es) of other property:	
Outstanding value of mortgage/loan secured over other property/land	£
Investments (shares, bonds, ISAs etc)	£
Names of the companies where shares/ bonds are held including share reference etc:	
All other capital assets (e.g boat, caravan, second car, jewellery (not wedding or engagement ring), antiques, money due from will/ trust fund/redundancy, cryptocurrency)	

F. Income details (weekly amounts)

Does the applicant have any income? ☐ Yes ☐ No

If none, how are they supported?

If you stated the applicant has an income, give details:

Passport benefits (verifiable by SLAB) - please tick if applicable

Income Support	☐
Income-based Jobseeker's Allowance	☐
Income-related Employment and Support Allowance	☐
Universal Credit	☐

If in receipt of any of the above passport benefits go to Section H

Non-passport benefits & other benefits (not verifiable by SLAB) - please tick if applicable

Contribution-based Jobseeker's Allowance	☐
Incapacity	☐
Disability Living Allowance	☐
Personal Independence Payment	☐
Child Tax Credit	☐
Child Benefit	☐
Working Tax Credit	☐

Other income (please specify):

Pay or sick pay (net): £

Employer(s) name and address:

Self employed/ partnership income: ☐ Yes ☐ No If yes, give weekly amount (applicant's latest business account/bank statement must be submitted) £

Business name, nature of business and address:

Private pension: £ Name of pension provider (if applicable):

Student loan/bursary: £ Name of provider (if applicable):

Money from all other sources: £

Details of money from other sources:

G. Payments being made by Applicant (weekly amounts)

Does the applicant make any payments? ☐ Yes ☐ No *If 'Yes', give details below.*

Rent/board and lodgings:	£	Organisation/ person paid to:	
Mortgage (including endowment/life policies linked to mortgage):	£	Organisation paid to:	
Council Tax:	£		
Does the applicant have loans? ☐ Yes ☐ No		Loan provider(s) name and amount:	
Childcare payments:	£	Maintenance paid (for children not living with applicant):	£
Car Insurance:	£		
Hire purchase:	£	Organisation paid to:	
Other (payments due to be paid):	£	Organisation paid to:	
Details of payments due:			

H. Other financial information

Please provide any other information about the applicant's financial situation that you believe we should take into account when applying the financial hardship test.

Applicant s Declaration and Authority

Please read each of the following statements carefully and ask your solicitor to explain anything you do not understand before signing this declaration.

- This is a true statement of my personal and financial circumstances.
- I understand that if I give false information to the Scottish Legal Aid Board ("SLAB"), I may be prosecuted.
- I understand that SLAB can make any enquiries and get any information it needs to deal with this application.
- I agree to SLAB obtaining and/or checking information with others such as my employer, banks, credit reference agencies, the Department for Work and Pensions and HM Revenue and Customs and I authorise those people/organisations to provide the information they are asked for.
- I understand that I must tell you immediately if there are any changes in my or my partner's financial circumstances including a change in benefits. Failure to notify changes may lead to my legal aid being revoked and I may be prosecuted. I may also be liable to pay the costs of my case.
- I agree to the disclosure of the application, associated documentation and my case file held by my solicitor, to SLAB for audit and/or quality assurance.
- SLAB may use the information I or my solicitor have provided on this form, or otherwise provide, for the prevention and detection of fraud.
- SLAB may share this information with other bodies responsible for auditing or administering public funds for these purposes. I consent to SLAB disclosing my personal data to other organisations.
- I agree that all of the above consents and agreements will be effective for a period of not less than five years from the date of signature and any further reasonable period thereafter as SLAB considers appropriate for their requirements.

Important information about your personal data

The Scottish Legal Aid Board (SLAB) is a data controller. The personal information provided by you will be used in accordance with the General Data Protection Regulation 2016 and for our functions under the Legal Aid (Scotland) Act 1986.

SLAB 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 or requires us to do so. We will retain the personal information we hold about you in accordance with the requirements of our retention schedule then destroy or delete it in a secure manner.

Under the General Data Protection Regulation 2016 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. In addition you may also have rights to have your data erased or have your data moved.

You may be able to object to processing if you believe it to be unlawful and subject to lawful restrictions. Where SLAB are responsible for unlawfully processing or disclosing your personal data and it is likely to cause a high risk to your rights and freedoms we will make you aware of this. To request your personal data you should write to SLAB's Data Protection Officer.

If you are unhappy with the response you get from the Data Protection Officer and wish to complain you should write to the Director of Corporate Services and Accounts.

Signature of applicant/representative: **Date:**

Solicitor s Declaration

- I consent to the disclosure of the application, associated documentation and client case file for quality assurance including audit and peer review, at any stage.
- I accept responsibility for any act or omission in relation to the completion and submission of the application on Legal Aid Online ("LAOL") by me or on my behalf and confirm that all information contained within this declaration will be submitted fully and accurately in the online application.
- I will retain this signed, completed document in paper form or electronically (see LAOL Terms and Conditions for more details) and will send it to SLAB upon request.

Signature of solicitor: **Date:**