



Applicant hardship or distress

AA/HARDSHIP/1

ISSUED 05/04

APPLICATION UNDER REGULATION 16(3)(a) – PAYMENT OF FEES AND OUTLAYS FROM PROPERTY RECOVERED OR PRESERVED

REMEMBER

Use our guidance to help you complete this form – available on our website.

All questions must be completed for your form to be processed. If there are any questions in this form that are not applicable, please write 'N/A' in the box provided or 'NOT KNOWN' if you do not have the answer.

KEY TO SYMBOLS



indicates the next question you should answer



further information or examples on a specific question are provided



you should sign the form here

SECTION A

APPLICANT'S DETAILS

1 a) Advice and assistance reference number

A A

b) Civil legal aid reference number

C I

2 Applicant's forename

3 Applicant's middle name(s)

4 Applicant's surname

5 Other name by which the applicant is known

6 Can we telephone the applicant during the day to discuss this application?

Yes No go to Question 8

7 If Yes, what is their daytime telephone number?

8 Applicant's date of birth

DAY MONTH YEAR

FOR INTERNAL USE ONLY

DATE RECEIVED

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you should sign the form here

1 Has there been an agreement or order of expenses?

Yes No ➔ go to Section C

2 If Yes, what is the value of expenses?

£

3 If Yes, have the expenses been paid?

Yes, in full Yes, in part No

4 If Yes, what is the amount paid?

£

5 Please provide details of the total fees and outlays claimed (including VAT).

a) Fees £

b) Outlays £

c) VAT £

d) Total £

6 If unpaid, have steps been taken to recover expenses? If not, please explain why.

1 Describe the property recovered or preserved and provide details of its value.

£

£

£

£

£

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you should sign the form here

2 Is any of the property exempt in full, or in part, by virtue of Regulation 16(2), and to what extent?

3 Who holds the property?

4 If your applicant does not hold the property, please explain why not?

5 What reasonable steps have been taken to implement any agreement or order? If none have been taken, please explain.

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1 Limit of authorised expenditure

£ [] [] [] [] [] [] . [] [] []

2 Please provide details of the total fees and outlays claimed (including VAT).

a) Fees £ [] [] [] [] [] [] . [] [] []

b) Outlays £ [] [] [] [] [] [] . [] [] []

c) VAT £ [] [] [] [] [] [] . [] [] []

d) Total £ [] [] [] [] [] [] . [] [] []

3 a) With reference to Section 12(3) of the Legal Aid (Scotland) Act, please provide details of the amounts the solicitor has deducted from the total at 2(d).

Contribution

£ [] [] [] [] [] [] . [] [] []

Expenses

£ [] [] [] [] [] [] . [] [] []

Property recovered or preserved

£ [] [] [] [] [] [] . [] [] []

b) Please give details of the amount to be claimed from the Fund.

£ [] [] [] [] [] [] . [] [] []

i Under Regulation 16(3)(a) payment of the solicitor's fees should be made out of the property recovered or preserved unless payment out of the property would cause grave hardship or grave distress to the applicant.

1 If some or all of the solicitor's fee was paid out of the property recovered or preserved, how would the applicant suffer grave hardship or distress?

[]
[]
[]
[]
[]

2 How much of the payment will cause grave hardship or grave distress?

i For example, a proportion of the cost or loss of a particular item.


[]
[]
[]
[]
[]

REMEMBER

SECTION F

FINANCIAL CIRCUMSTANCES

All questions must be completed for your form to be processed. If there are any questions in this form that are not applicable, please write 'N/A' in the box provided or 'NOT KNOWN' if you do not have the answer.

-  Please continue any answer on a separate sheet, if necessary.
- 1 Have there been any changes in the applicant's financial circumstances during the conduct of the case?
If yes, please give full details.

- 2 Please give details of the applicant's outstanding debts in relation to essential living costs – for example, rent, council tax, utility company arrears.

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SECTION G

DECLARATIONS

Applicant's Declaration

I apply to the Board for authority not to make me pay my solicitor's fees and outlays out of the money or property I have won or kept. The reasons for this request are explained on this form, and it shows whether my request relates to the whole of my solicitor's fees and outlays or only part of them. I certify that the information given in this application is to the best of my belief and knowledge true and correct.


 Signature of applicant

Date

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

Solicitor's Declaration

For the stated reasons, I now apply to the Board for authority not to enforce, to the extent set out in this form, payment of my fees or outlays out of the money or property recovered or preserved for my client. I certify that to the best of my knowledge and belief that the information is correct.

 Signature of solicitor

Date

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

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.

SECTION H

MORE INFORMATION

Please provide any further information required here. Where you are continuing an answer, please state the question number and provide any further information.

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SECTION QUESTION INFORMATION

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SECTION I

FOR USE BY THE SCOTTISH LEGAL AID BOARD ONLY

1 Is the application:
 Granted Refused

2 State the reasons for decision

3 Signature of Board decision maker

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Date

DAY	MONTH	YEAR
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