



# Solicitor's application where payments will be delayed or difficult

AA/HARDSHIP/2

ISSUED 05/04

APPLICATION UNDER REGULATION 16(3)(b) – 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.

**SECTION A**

**APPLICANT'S DETAILS**

**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

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 Applicant's date of birth

DAY MONTH YEAR

7 Limit of authorised expenditure

£

FOR INTERNAL USE ONLY

DATE RECEIVED



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

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

	£																			
	£																			
	£																			
	£																			
	£																			

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


4 Who holds the property?


5 If your client does not hold the property, please explain.


**REMEMBER**

**SECTION C (CONTINUED)**

**PROPERTY**

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

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

**SECTION D**

**ACCOUNT**

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

a) Fees £

b) Outlays £

c) VAT £

d) Total £

**2 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 1(d).

**Contribution**

£

**Expenses**

£

**Property recovered or preserved**

£

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

£

**SECTION E**

**STEPS TAKEN TO OBTAIN PAYMENT AND NATURE OF UNREASONABLE DIFFICULTY OR DELAY**

**i** Under Regulation 16(3)(b) payment of the solicitor's fees should be made out of the property recovered or preserved unless the solicitor can show that (i) the solicitor has taken all reasonable steps to obtain payment out of the property to which the requirement would otherwise apply; and (ii) payment to the solicitor out of that property could only be effected with unreasonable difficulty or after unreasonable delay.

**i** Please continue any answer at Section G, More Information or on a separate sheet if necessary.

**1** Please give details of all steps taken to obtain payment.

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

2 What was the outcome of these steps?

Multiple horizontal lines for text entry.

3 If no steps have been taken to obtain payment, please explain.

Multiple horizontal lines for text entry.

4 What is the nature of the difficulty or delay in obtaining payment?

Multiple horizontal lines for text entry.

5 Why can you not await payment until the property is available?

Multiple horizontal lines for text entry.

SECTION F

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

Text box for signature.

Date

Grid for date: DAY, MONTH, YEAR.

