



Application to the Court for Legal Aid Under Sections 23(1)(b) and 30(1) of the Legal Aid (Scotland) Act 1986

Intimation of Automatic Legal Aid for Drug Court, Youth Court, Domestic Abuse Court and under Section 22 of the Legal Aid (Scotland) Act 1986

CRIM/COURTAPP

Last updated: 29 March 2019

SECTION A - ABOUT ANY PREVIOUS APPLICATIONS

Any previous criminal legal aid for this case? [] Summary [] Solemn [] Regulation 15 [] Advice and Assistance [] None Legal Aid Ref (if known)

SECTION B - SOLICITOR ACTING FOR THE APPLICANT

Solicitor's code number Solicitor's name

Firm's code number Firm's name

Branch code (i) If left blank, all correspondence will be sent to the main branch

Your internal reference number Town/city

SECTION C - THE APPLICANT

Applicant's personal identifier (if known) LETTERS/NUMBERS NUMBERS

Applicant's National Insurance number - this MUST be given LETTERS NUMBERS LETTER

If the applicant does not have a National Insurance number, are they:

[] a child [] an asylum seeker (Please provide HOR Number) [] Other (Please explain)

Applicant's full name

[] Mr [] Mrs [] Miss [] Ms [] Other (please specify any other titles)

Applicant's Date of Birth: DAY MONTH YEAR Gender: [] Male [] Female

Address

Town/City Postcode

SECTION D - APPLICANT'S FINANCIAL CIRCUMSTANCES -complete for Sections 23(1)(b) and 30(1) applications to the court only

Does the applicant live with a spouse or partner? [] Yes [] No

If Yes, does the spouse or partner have a contrary interest in this case? [] Yes [] No

If Yes, is it: [] complainer [] co-accused [] Crown witness

Number of dependents (excluding spouse or partner)

What income does the applicant receive? [] Benefits [] None [] Earnings [] Other (please specify) [] None - In custody/on remand

SECTION D (CONTINUED) - APPLICANT'S FINANCIAL CIRCUMSTANCES -complete for Sections 23(1)(b) and 30(1) applications to the court only

If the applicant receives benefits income, which benefit is received? Income Support Income-based job seekers allowance Employment and support allowance Other benefits (please specify at Section F)

If the applicant does not receive any income, how are they supported financially?

If the applicant has earnings income, what is their usual occupation, trade or profession?

If the applicant has earnings income, what is the name and address of the applicant's employer(s)?

Employer name, address and postcode	Employer name, address and postcode

Does the spouse/partner get income (benefits or earnings) of more than £215 per WEEK? Yes No

If Yes, or if the applicant's benefits are claimed in the name of his/her spouse/partner, please provide the following:

Partner's forename

Partner's surname

Partner's date of birth	DAY	MONTH	YEAR

If the applicant's spouse or partner has income from benefits or employment, please provide their details below (if known):

Partner's National Insurance number (if known)	LETTERS	NUMBERS	LETTER

If the applicant's spouse or partner receives benefits income, which benefit is received?

- Income support
- Income related employment and support allowance
- Income-based jobseeker's allowance
- Other benefits - please specify these in Section F - Weekly Income From All Sources

If the applicant's spouse or partner has earnings income, what is the name and address of their employer(s)?

Employer name, address and postcode	Employer name, address and postcode

SECTION E - CAPITAL AND ANY OTHER ASSETS - Only complete for Sections 23(1)(b) and 30(1) applications to the court

Capital: This means all cash held, money in any bank accounts, investments such as shares or bonds etc and all property or land, in your name, etc. Nil Capital

Cash £	Bank £	Shares £	Other £ (please specify)
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Applicant's bank account details (For all accounts) <input type="checkbox"/> no account	Names of bank/building society/Post Office of all accounts, sort code and account number, share references, etc.
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Investments (shares and bonds etc)	Names of company where shares/bonds held including share references, etc.
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Property/land address (other than main dwelling house)	Value of property	£	Outstanding value of mortgage/loan over property	£
Town/city				
Postcode				

SECTION F - WEEKLY INCOME FROM ALL SOURCES - Only complete for Sections 23(1)(b) and 30(1) applications to the court

Weekly income					Weekly payments	
(Applicant)			(Spouse/Partner)			
Income	Details	Amount	Details	Amount	Details	
	Nil <input type="checkbox"/> (Tick box if applicable)		Nil <input type="checkbox"/> (Tick box if applicable)		Nil <input type="checkbox"/> (Tick box if applicable)	
Benefit 1		£		£	Mortgage/rent	£
Benefit 2		£		£	Council tax	£
Benefit 3		£		£	Loan 1 paid to	£
Pay or sick pay		£		£	Loan 2 paid to	£
Self-employed		£		£	Loan 3 paid to	£
Private pension		£		£	Maintenance paid to	£
Student grant		£		£	Other payments	£
Other		£		£	Other payments	£

SECTION G - THE CASE

Please indicate the nature of the case

- Section 23(1)(b) - Summary proceedings, where, following conviction, the court is considering a first custodial sentence for the applicant
Please confirm whether the applicant has previously received a custodial sentence. Yes No
Nature of charges - Case Category
- Section 30(1) - Contempt of court proceedings
 Drug court Youth court Domestic abuse court
- Section 22(1)(da) - in relation to any proceedings under solemn or summary procedures whereby the court determines (whether or not on a plea by the accused person) whether the accused is unfit for trial under section 53F of the Criminal Procedure (Scotland) Act 1995
- Section 22(1)(db) - in relation to an examination of facts held under Section 55 of the Criminal Procedure (Scotland) Act 1995
- Section 22 (1)(dc) - appeal under Section 62 or 63 of the 1995 Act in cases involving insanity
- Section 22 (1)(dd) - following the appointment of a solicitor by the court in the following circumstances:
- Sexual offence under section 288C of the criminal procedure (Scotland) Act 1995;
 - Child witness case under section 288E;
 - Vulnerable witness case under section 288F;
 - Offence under section 1 of the Domestic Abuse (Scotland) Act 2018 (abusive behaviour towards a partner or ex-partner) under section 288DC (1)(a);
 - Offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (abuse of partner or ex-partner) under section 288DC (1)(b);
 - A trial in absence under sections 92(2), (2B)(b) or 2E of the 1995 Act (Solemn).
- Section 22(1)(de) - where a solicitor has been appointed under Section 4(b) or (7) of Section 150A (Proceedings in absence of accused) of the Criminal Procedure (Scotland) Act 1995 to represent the accused's interests

DAY MONTH YEAR			DAY MONTH YEAR		
Date of first appearance or Court appointment			Date of next appearance (if known)		
Court location			Court type: <input type="checkbox"/> JP <input type="checkbox"/> Sheriff <input type="checkbox"/> High		
LETTERS NUMBERS NUMBERS					
PF ref number					

SECTION G (CONTINUED)- THE CASE

Name(s) of any co-accused

Do you have any other rights or facilities that might fund case? Yes No

If yes, please give details below and explain why an application has been made for legal aid.

SECTION H - EQUALITY - COMPLETED BY THE APPLICANT

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. Do not wish to answer

2. Your ethnic origin:

If other:

3. Do you consider yourself to have a disability? Yes No Do not wish to answer

SECTION I - DECLARATION BY APPLICANT

- I declare that the information given in this application is, to the best of my knowledge and belief, correct.
- I understand that if I knowingly provide any false or incomplete information about my financial circumstances, this may lead to separate criminal charges being brought against me.
- I agree to the Scottish Legal Aid Board asking other people or bodies about this application. This could include my solicitor, my employer, my bank, the Department for Work and Pensions or HM Revenue and Customs. I authorise those other people or bodies to provide the information the Board asks for.
- I agree to the disclosure of this application, associated papers and my case file held by my solicitor for quality assurance purposes including peer review, at any stage during or after the case.
- I apply for legal aid and wish the solicitor named in this form to act for me.

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

Date

SECTION J - DECLARATION BY THE SOLICITOR

I certify:

- to the best of my knowledge and belief that the information given is correct
- I have retained a copy of this application
- I consent to the disclosure of this application, associated documentation and client case file for quality assurance including peer review, at any stage during or after the proceedings
- I have agreed to act on behalf of the applicant if legal aid is granted

Signature of solicitor

Date

SECTION K - DECISION/CERTIFICATION BY COURT

Legal aid granted for:

Section 23(1)(b)

Section 30(1)

Legal aid certified for:

Drug court

Section 22(1)(da)

Section 22(1)(dd)

Youth court

Section 22(1)(db)

Section 22(1)(de)

Domestic abuse court

Section 22(1)(dc)

Clerk of court

Date