

Legal Aid in Criminal Proceedings: Application for Review on the Grounds of Hardship

You must complete all questions and provide evidence where required. If you do not, it may cause delay to your hardship application being processed. For an application relating to a magistrates' court case this means that you may not receive free legal help from your solicitor. For an application relating to a Crown Court case, this means you may be required to continue to make monthly contributions at the assessed level.

You should ask a solicitor for advice if you are not sure how to answer any questions on this form.

Guidance on how to complete each section and evidence required is contained in the 'Hardship Review: Guidance' document and can be downloaded from

www.legalservices.gov.uk/criminal/getting_legal_aid/guidance.asp

Part A - Applicant details

This section is to be completed by the Applicant.

1. Your first name(s)	2. Your surname
3. Other name(s)	4. Date of birth / /
5. MAAT Number (if known)	6. Date application for legal aid filed at court / /

Part B - Reasons for review on the grounds of hardship

Please indicate why you are requesting a review on the grounds of hardship by completing the relevant section(s) below that apply to your case

Denied access to income.

This section is to be completed by the Applicant for both magistrates' and Crown court cases.

You should complete this section if you have been denied access to a source of income that was included in your original application for legal aid (Form CDS15)

1a. Please give details of income you have been denied access to.			
1b. State how much and how often payments would have been received.	£	every	
1c. Please give the date from which you were denied this income.	Day	Month	Year
Please provide evidence.			

Please note that this form is also available in Welsh.

Extra Expenditure.

This section is to be completed by the Applicant and applies to both magistrates' and Crown court cases.

You should complete this section if you have extra expenditure other than that accounted for in your original application for legal aid (Form CDS15).

2a. Please give details of extra expenditure and how often you make payments

Type of Expenditure	Amount
1. _____	£ _____ every _____
2. _____	£ _____ every _____
3. _____	£ _____ every _____
4. _____	£ _____ every _____
5. _____	£ _____ every _____
6. _____	£ _____ every _____
7. _____	£ _____ every _____
8. _____	£ _____ every _____
9. _____	£ _____ every _____
10. _____	£ _____ every _____
11. _____	£ _____ every _____
12. _____	£ _____ every _____
13. _____	£ _____ every _____
14. _____	£ _____ every _____
15. _____	£ _____ every _____

You must provide evidence of each declared item of expenditure.

Additional information.

This section is to be completed by the Applicant and applies to both magistrates' and Crown court cases.

You should use the section below to inform the LSC of any additional circumstances that are not taken into account elsewhere on this form, which will affect your ability to pay for the cost of your defence. Please attach additional sheets if necessary.

Part C - Solicitor's details

Firm details

This section is to be completed by the instructed solicitor.

1. LSC Legal Service Provider account number						
2. Solicitor name	3. Firm name					
4. Work telephone number	5. Fax number					
6. Mobile telephone number	7. Email address					
8. Solicitor's reference to be used in correspondence						

Solicitor's Costs

This section is to be completed by the instructed solicitor and applies to **magistrates' court cases only**.

9a. Type of offence:	<input type="text"/>		
9b. Initial plea (if known)	<input type="text"/>		
9c. Fee Earner Grade:	<input type="text"/> Grade:		
9d. Applicable hourly rate:	<input type="text"/> £	Please see guidance for applicable hourly rate.	
9e. Estimated number of hours that will be spent on this case:	<input type="text"/> hours		
9f. Total (hourly rate x hours spent):	<input type="text"/> £	<input type="text"/> VAT £	
9g. Estimated cost of disbursements (including counsel) plus VAT. Please also provide details of disbursements.	<input type="text"/> £ VAT £ <input type="text"/> <input type="text"/> <input type="text"/>		
9h. Total Costs and Disbursements including VAT	<input type="text"/> £		

Cost Details

This section is to be completed by the solicitor and applies to magistrates' court cases only.

The instructed solicitor must write a statement stating the court in which the case will be heard and explaining why the case requires the estimated hours, disbursements and fee earner grade.

Declaration by Instructed Solicitor

I certify that: I have explained to the client the meaning of their declaration.
I have provided as accurately as possible all the information requested of me on this form.

Signature..... Date...../...../.....

Full name (in BLOCK CAPITALS).....

Part D - Declaration

You must complete declarations which apply to your application.

Authority by your partner

If you have a partner whose details have been completed on this form, they must sign the authority below.

This is a true statement of my financial circumstances, *as supported by the information detailed on the CDS15 (*delete if not applicable).

I agree to the Legal Services Commission, HM Courts and Tribunals Service or my partner's solicitor checking these facts with others such as the Department for Work and Pensions and HM Revenue & Customs. I authorise those people or organisations to provide the information that they may request.

Signature..... Date...../...../.....

Full name (in BLOCK CAPITALS).....

Your declaration

This is a true statement of my/my partner's financial circumstances.

I understand that if I tell you anything untrue on this form or the documents I send with it or leave anything out:

- a) I may be prosecuted for Fraud, which may result in a prison sentence or a fine
- b) My legal aid may be stopped and I may be asked to repay my costs in full to the Legal Services Commission (LSC)
- c) If my case is in the Crown Court, the LSC may amend the level of contribution payable

I also agree to:

- d) Provide more evidence of my/my partner's finances if the LSC or their agents or HM Courts and Tribunals Service (HMCTS) ask for it
- e) Tell the LSC or HMCTS if there are any changes to my/my partner's income or capital position. This includes the sale of property, change of address, change in employment and change in my capital position.

I understand that I am required to tell my solicitor and write to the Court if I no longer want public representation and I understand that if I decline representation, I may still be liable for costs incurred to that date.

I understand that, in Crown Court proceedings, the information given in this form will be used to determine my liability to contribute to the costs of my defence under an Income Contribution Order (during the case) and/or a Final Contribution Order (at the end of my case, if convicted).

I understand that I may be required to provide further details of my finances to the LSC, their agents or HMCTS to help them decide whether an Order should be made and the terms of any Order.

I understand that, if my case goes to the Crown Court, if I fail to pay one or more monthly payments in accordance with my Income Contribution Order, interest may be charged and/or enforcement proceedings may be brought against me and I may have to pay the cost of those enforcement proceedings, in addition to the payments required under the Contribution Order.

I authorise such enquiries as are considered necessary to enable HMCTS or the LSC or their agents or my solicitor to ascertain my/my partner's income and capital position. This includes my consent for parties such as my bank, building society, the Department for Work and Pensions or HM Revenue and Customs in providing information to assist HMCTS or the LSC or their agents with their enquiries.

I consent to the LSC or my solicitor contacting my partner for information and/or evidence regarding their means, including where they are unable to sign or fill in this form. I understand that if the information they provide is incorrect or if they refuse to provide information my legal aid may be withdrawn (if my case is in the magistrates' court) or I may be liable to pay sanctions (if my case is in the Crown Court).

Additionally if I am convicted and I am ordered to pay a Final Contribution Order, if I do not pay that amount then interest may be charged and/or enforcement proceedings may be brought against me in the County Court or High Court, which could result in a charge being placed on my home. I will also be liable for the cost of those enforcement proceedings.

I also understand that this application must be fully completed before my Hardship Review can be considered.

Signature..... Date...../...../.....

Full name (in BLOCK CAPITALS).....

Data Protection Act - Privacy Notice

We will use the information you provide in this form, and any other information we may receive, to process your application for legal aid. We will process it in line with the principles of the Data Protection Act 1998 and any relevant confidentiality provisions.

If false or inaccurate information is provided and fraud is identified, details will be passed to fraud prevention agencies to prevent fraud and money laundering. Further details explaining how the information held by fraud prevention agencies may be used can be found on the Legal Service Commission website:
<http://www.legalservices.gov.uk/civil/forms.asp>

The LSC is the data controller. If necessary, we may check information we may already hold about you if you have applied for Civil or Criminal legal aid funding before and share the information you provide with organisations, such as: the Department for Work and Pensions, HM Revenue and Customs, Land Registry, Companies House and on occasion Credit Reference Agencies.

We will only share the information if it is necessary to protect public funds or where we are lawfully required to do so.

We or HMCTS on our behalf may also process your information to produce management or research information. The results of our research will only be published in a statistical or anonymous form.

We will keep information for as long as is necessary to fulfil our duties under the Access to Justice Act 1999. You have the right to look at the personal information held about you, to inspect it, and have it corrected if it is wrong.

FOR OFFICIAL USE ONLY

List any other factors considered when deciding the application, including any information given orally.

Decision on financial eligibility:

Magistrates' court

Passed

Refused

Crown Court

No income contribution

Contribution due

Signature.....

Name of appropriate officer

Date / /

Case number

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Representation Order number

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