

Following on from the positive response to the feedback newsletter in May of this year, this edition of the newsletter focuses on reducing the amount of returned legal aid applications, specifically those applications that are subject to Crown Court Means Testing (CCMT) provisions.

Under the CCMT scheme, if a form is rejected as being incomplete, any subsequent representation order will be dated from the date a completed form is received. Crown Court representations orders are not backdated.

Incomplete forms

The definition of what constitutes an incomplete form in Crown Court can be different to the requirements for magistrates' court cases. The Criminal Legal Aid Manual covers this in detail, but this newsletter aims to highlight the most common areas of the form that are either incomplete or filled in incorrectly. The different examples show what information is needed in each key area to make it a completed form.

CDS14

Part A question 5

The NINO is mandatory for Crown Court trials, retrials and voluntary bills (excluding youths). Where the NINO is missing from the form but can be ascertained from the income evidence, the application need not be returned.

	Letters	Numbers	Letter
5 National Insurance No			

For applications from Foreign Nationals we would expect their ARC Number. Illegal immigrants may have a limited amount of information that they can give but we would still expect they provide as much detail in relation to their name, address and financial position as possible.

CDS14

Part A question 8

8a Home phone number _____ Mobile phone number _____
Work phone number _____
Email address _____
Usual home address _____
Post code _____

8b Is the address: Owned by you You are a tenant Temporary address Owned by your parents
Use my solicitor's address as my correspondence address **See Note 2**

8c Postal address (if different from home address) _____
Post code _____

All applicants must fill in this question for the form to be considered as complete. If the applicant has declared that they own a property on the CDS14 then this should also be declared on the CDS15

If the applicant is currently of no fixed abode then the solicitor address can be used as the correspondence address. It can also be used where the applicant is living away from their normal residential address due to remand status or bail conditions.

1 Case details Save Note 9

1a. Arrest Summons Number (ASN) (if available)

If you are charged with multiple offences, please indicate the most serious:

Class A: Homicide and related grave offences

Class B: Offences involving serious violence or damage, and serious drugs offences

Class C: Lesser offences involving violence or damage, and less serious drugs offences

Class D: Sexual offences and offences against children

Class E: Burglary etc

Class F: Other offences of dishonesty (specified offences and offences where the value is £30,000 or less)

Class G: Other offences of dishonesty (specified offences and offences where the value involved exceeds £30,000 but does not exceed £100,000)

Class H: Miscellaneous other offences

Class I: Offences against public justice and similar offences

Class J: Serious sexual offences

Class K: Other offences of dishonesty (high value) (if the value involved exceeds £100,000)

What charges have been brought against you?
Describe briefly what you have been accused of. E.g. theft of £1,000 from your employer or assault on a neighbour.

Date of offence: / /

The Arrest Summons number should be completed if known, however the form can still be accepted without it.

The class of offence is mandatory for all either way and indictable offences. This information is vital to ensuring the client's contribution is correctly calculated.

If an applicant is employed this section must be fully completed before the form can be accepted. This should include the name and address of their employer. A form will not be considered complete if, for example, an employer's first name is all that is provided. If the applicant cannot provide the level of detail required please contact the legal aid department who will be able to provide further advice.

1c. Employment details	You	Your Partner
Employer / place of work:		
Address of employer:		
Job title / description:		
Salary or wage: (Please indicate if this is before or after tax is deducted)	£ every Before tax <input type="checkbox"/> After tax <input type="checkbox"/>	£ every Before tax <input type="checkbox"/> After tax <input type="checkbox"/>
Please give details of deductions:	National Insurance £ Tax £ Other £ Please specify:	National Insurance £ Tax £ Other £ Please specify:

The applicant must also provide details of how much they earn and the regularity with which this is earned for the form to be considered completed. They can provide either their gross or net figure for the form to be considered complete.

If the applicant has a partner and they are employed they must also complete this section. The only circumstance when this should not be completed is where the partner has a contrary interest.

Part B - Self-employment, partnerships and directorships See Notes 20 & 21

Are you or your partner self-employed, in a partnership, a company director or shareholder in a private company?
 No Go to Part C on page 6. Yes Go to question 1.

	You	Your partner
1. Are you or your partner self-employed, in a company partnership, a company director and/or a shareholder in a private company?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Have you ever filed in a self-assessment tax return for HM Revenue & Customs for your self-employment, partnership, directorship or shareholding?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Have you received a self-assessment tax calculation sheet from HM Revenue & Customs telling you about your tax liability? If yes, please say how much: (you must provide a copy with your tax return)	Yes <input type="checkbox"/> £ <input type="text"/> No <input type="checkbox"/> every <input type="text"/>	Yes <input type="checkbox"/> £ <input type="text"/> No <input type="checkbox"/> every <input type="text"/>
4. How many forms of self employment, company partnerships, directorships or shareholdings do you have?		
5. A breakdown of your/your partner's income, based on the last 12 months:	You	Your partner
Total turnover		
Total drawings (personal income)		
Total profit		
Percentage share of profit	% <input type="text"/>	% <input type="text"/>
Total dividends from shares		
Total income from share sales		
Total interest from savings		
Income from pension		
Income from trust		
Other income (please give details or complete a separate sheet)		
6. What are the trading names of your/your partner's businesses, company partnerships or directorships: a) b)		
7. For the above, what are the trading/registered addresses: (Complete an additional sheet if necessary) a) b) What are the names of the people you are in business with?		
8. What is the nature of your business?		
9. How many people work for you?		

If the applicant and/or partner is self-employed, in a partnership, a company director or shareholder in a private company then this section must be completed with details of earnings and any other questions that apply to the applicant and/or partner filled in before the court can accept as a completed application.

If the applicant holds either a national savings certificate or premium bonds for the form to be considered complete they should confirm the type of investment and provide a reasonable estimate of the value.

When completing Part C of the form, applicants need to tell us about all of their bank and building society accounts, including any current accounts and/or accounts that are empty or overdrawn. Post Office accounts should be shown as National Savings Accounts.

Where the sort code and account number are not known, the branch name must be provided as an alternative.

3. Do you/your partner have any UK or overseas:

a) Bank Accounts	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b) Building Society Accounts	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c) Cash ISAs	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d) Premium Bonds	Yes <input type="checkbox"/>	No <input type="checkbox"/>
e) National Savings Accounts	Yes <input type="checkbox"/>	No <input type="checkbox"/>
f) National Savings Certificates	Yes <input type="checkbox"/>	No <input type="checkbox"/>
g) Any other cash investments	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Please give details of the savings and investments that this is based on below and continue on another sheet if necessary.

Bank or building society	Account number	Type of account
Name of account holder	Sort code	Current balance
		£ <input type="text"/>
Bank or building society	Account number	Type of account
Name of account holder	Sort code	Current balance
		£ <input type="text"/>
National Savings Certificate	Type of investment	Cash savings value
		£ <input type="text"/>
Premium Bond holder's number		Cash savings value
		£ <input type="text"/>

You must provide evidence of the above.