

Part A - About you

Your relationship status

'Partner' refers to a person you are married to or a person you normally live with as a couple. If you have a partner, you must fill in the details below, and throughout the rest of the form where necessary.

10 Are you married or living with your partner? No Yes

Your benefit status

See Note 2

11 Do you or your partner receive any of the following benefits?	You	Your partner
Income Support	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Income-based Jobseeker's Allowance	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Guarantee State Pension Credit	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>

Your partner's details - if you don't have a partner, go to page 3.

See Note 3

12 Is your partner involved in the case as: a victim, a Prosecution witness or a co-defendant with a conflict (whose interests may conflict with yours)? No Yes Go to page 3

13 Your partner's first name:

14 Your partner's surname:

15 Your partner's date of birth: /...../.....

16 Your partner's NI No: Letters Numbers Letter

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17 Partner's address if different from your own:

See Note 4

18 Your partner's current contact details if they are unable to sign the declaration on this form:

Place and address where they are staying e.g. the name of the hospital and ward:

Please give reasons why your partner is unable to sign:

Part A - About you

Further information.

See Note 5

See Note 6

You do not have to fill in this section. This will be treated in the strictest confidence and will be used purely for statistical monitoring and research.

Are you male or female?

Male

Female

Disability Monitoring

The Disability Discrimination Act defines disability as 'a physical or mental impairment with a substantial and long-term adverse effect on a person's ability to carry out day-to-day activities'.

Do you consider yourself to have a disability?

No

Yes

Equal Opportunities Monitoring

Tick all the boxes which apply.

Ethnic Monitoring

White		Mixed		Asian or Asian British		Black or Black British		Chinese		Other Ethnic Group	
British	<input type="checkbox"/>	White and Black Caribbean	<input type="checkbox"/>	Indian	<input type="checkbox"/>	Black Caribbean	<input type="checkbox"/>	Chinese	<input type="checkbox"/>	Other	<input type="checkbox"/>
Irish	<input type="checkbox"/>	White and Black African	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>	Black African	<input type="checkbox"/>				
White other	<input type="checkbox"/>	White & Asian	<input type="checkbox"/>	Bangladeshi	<input type="checkbox"/>	Black other	<input type="checkbox"/>				
		Mixed other	<input type="checkbox"/>	Asian other	<input type="checkbox"/>						

Part B - Interests of Justice

I apply for the right to representation for the purposes of criminal proceedings under the Access to Justice Act 1999 and the Criminal Defence Service (General) (No. 2) Regulations 2001 (as amended).

1 Case details

See Note 7

1a What charges have been brought against you? Describe briefly what you have been accused of. E.g. theft of £1000 from your employer or assault on a neighbour.

1b Are there any co-defendants in this matter? No. Go to question 2 Yes

If 'yes', please give their names.

1c Give reasons why you and your co-defendants cannot be represented by the same solicitor.

2 The court proceedings

2a I am due to appear before the _____ court
On / / at

Or

2b I appeared before the _____ court
On / / at

And (tick whichever applies)

- My case has been sent to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998.
- My case has been transferred to the Crown Court for trial.
- I was committed for trial to the Crown Court because I elected Crown Court trial.
- I was committed for trial to the Crown Court because the court of prosecution elected Crown Court trial.
- I was convicted and/or sentenced and I want to appeal against the conviction or sentence.
- I was convicted and committed for sentence to the Crown Court.
- A retrial has been ordered under section 7 of the Criminal Appeal Act 1968.
- Other (please give the nature of the hearing)

Part B - Interests of Justice
3 Outstanding matters

If there are any other outstanding criminal charges or cases against you, give details, including the court where you are due to appear.

4 Reasons for wanting legal aid
See Note 8

4a. Please tick the reason or reasons below which apply to your case.

- (i) It is likely that I will lose my liberty if any matter in the proceedings is decided against me.
- (ii) I have been given a sentence that is suspended or non-custodial. If I break this, the court may be able to deal with me for the original offence.
- (iii) It is likely that I will lose my livelihood.
- (iv) It is likely that I will suffer serious damage to my reputation.
- (v) A substantial question of law may be involved (whether arising from an act, judicial authority or other source of law).
- (vi) I may not be able to understand the court proceedings or present my own case.
- (vii) Witnesses may need to be traced or interviewed on my behalf.
- (viii) The proceedings may involve expert cross-examination of a prosecution witness (whether an expert or not).
- (ix) It is in the interests of another person (such as the person making a complaint or other witness) that I am represented.
- (x) Any other reasons.

Part B - Interests of Justice

.....question 4 continued

See Note 8

4b Please give the details of the reason or reasons you selected in question 4a.

5 Legal Representation

a If you do not choose a solicitor, the court will choose one for you

b You must tell the solicitor that you have named him or her

c If you have been charged with another person or people, the court may appoint a solicitor other than the solicitor of your choice

The solicitor I want to act for me is:

Give the firm's name and address if known:

Part C - Declaration

You must complete declarations which apply to your application.

See Note 9

Authority by your partner

If you have a partner whose details have been completed on this form, they must sign the authority below, unless your partner is abroad, in hospital or otherwise unable to sign.

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 and HM Courts Service 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 we may request.

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

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

Your declaration

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

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 taken to court; or
- b the Legal Services Commission may take away my legal aid so I have to pay all my legal fees.

I understand that if I have made a statement which is false; or I knowingly withhold information, I may be prosecuted, which may result in a prison sentence or a fine.

I agree to the Legal Services Commission and HM Courts Service 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 we may request.

I agree to the Legal Services Commission contacting my partner to check the information I have given about their means.

I will:

- a provide more evidence if the Legal Services Commission or HM Courts Service ask; and
- b tell the Legal Services Commission or HM Courts Service if anything I have said here changes.

I understand that if my case goes to the Crown Court or any higher court, the court may order that I pay some or all of the costs of the proceedings through a Recovery of Defence Costs Order. I understand the information given in this form will be provided to that court so that it can consider whether a Recovery of Defence Costs Order should be made and I may be required to give details of my means to the court or LSC.

I understand that if my case goes to the Crown Court or any higher court, I will have to tell the Legal Services Commission or HM Courts Service (or both) details of my financial circumstances.

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

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

Declaration to be completed by the legal representative

I,....., representing the applicant, confirm that I am authorised to provide representation under a contract issued by the Legal Services Commission (e.g. a general criminal contract or an individual case contract).

I understand that only firms with a contract issued by the Commission (e.g. a general criminal contract or an individual case contract) may provide representation in the Magistrates' Court.

Or

I,....., representing the applicant, confirm that I have been instructed to provide representation by either:

- a firm who holds a contract issued by the Legal Services Commission (e.g. a general criminal contract or individual case contract), or;
- a solicitor employed by the Legal Services Commission in a Public Defender Office who is authorised to provide representation.

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

Legal Service Provider LSC account number

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Data Protection Act - Access to personal information

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 keep it in line with the principles of the Data Protection Act 1998 and any relevant confidentiality arrangements.

The Legal Services Commission is the data controller. If necessary, we may check or share the information you provide with other organisations, such as:

- the Department for Work and Pensions;
- HM Revenue & Customs;
- the Land Registry;
- Companies House;
- credit reference agencies

We will only share the information if it is necessary to protect the public funds or where we have to do so by law.

We or HM Courts Service 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 the Interests of Justice Test Passed Refused

I have considered all the available details of all the charges and against the Interests of Justice criteria. I give the following reasons.

Decision on financial eligibility:

Signature..... Name of appropriate officer

Date...../...../.....

Case number:

Representation order number:

To be completed where right to representation extends to Crown Court:

Statement of means Form B given to defendant on ____/____/____

Indicate type of case:

- Sent case under S51 Crime and Disorder Act 1988
- Transferred for trial
- Committal for trial/sentence
- Retrial under S7 of the Criminal Appeal Act 1988
- Other (specify) _____

First date of hearing at Crown Court ____/____/____

Notes on how to fill in the form

CDS14: Application for Legal Aid in Criminal Proceedings

General

You must answer all questions on the form and provide evidence where necessary. If you do not, it may delay your legal aid and you may not receive free legal help from your solicitor.

We can only grant legal aid if you pass both the Interests of Justice and financial eligibility tests.

You must fill in the form in BLOCK CAPITALS and black or blue ink. If we can't read your application, we will return it. You should ask a solicitor for advice if you are not sure how to answer any questions on the form.

If your case will be heard in the Crown Court, you must fill in this form and court Form B only.

More detailed guidance can be found in 'Criminal Legal Aid Application Guide' at www.hmccourts-service.gov.uk

Part A - About you

Note 1 Do I need to provide my National Insurance number (in question 4 on page 1)?

The question is only compulsory if you receive a benefit named in question 11. If you or your partner cannot provide your National Insurance number and you receive a benefit in question 11 you must provide recent evidence instead, which must not be more than 3 months old e.g. a benefit book or notice of entitlement or a letter from Job Centre Plus setting out the benefits you receive.

Note 2 Why do you need to know my age (question 9) and benefit status (question 11)?

If you tick 'yes' to either question 9 or question 11, you are automatically financially eligible for legal aid. But if you tick 'no', you must also fill in form CDS15 and submit it with this form.

Note 3 What happens if I tick 'yes' to question 12 about my partner's involvement in the case?

If you tick 'yes', you do not need to fill in any partner details throughout the form.

Note 4 What should I do if my partner is unable to sign the declaration?

If your partner is abroad or in hospital or otherwise unable to sign, for your application to be accepted you must set out the reasons why they are unable to sign and their current contact details in question 18 in Part A.

Note 5 What is the Further Information section for?

You may give us any additional information in support of your claim.

Note 6 What is the Disability and Equal Opportunities Monitoring part for?

You may fill in this part, but it isn't compulsory. Your personal information will be held confidentially and would help us with our statistical monitoring and research

Part B - Interests of Justice

Note 7 How do I fill in this section?

If you can, you should get help from a solicitor to fill in PART B. This is because they can provide you with the proper legal reasons why you should be granted legal aid.

Your solicitor may wish to consult the guidance by the Justices' Clerks' Society on the interests of justice test, which is available at www.legalservices.gov.uk.

Note 8 I don't understand the reasons for wanting representation given in question 4a.

i) It is likely that I will lose my liberty if any matter in the proceedings is decided against me:

Loss of liberty does not include non-custodial sentences but does include remands in custody and prison sentences (including hospital orders). If the entry point for this offence in the Magistrates' guidelines is not custody, please explain why you think custody is likely in this case (for example, relevant previous convictions). Please give dates of relevant convictions, if known.

ii) I have been given a sentence that is suspended or non-custodial. If I break this, the court may be able to deal with me for the original offence:

You should give details of your sentence and its conditions.

iii) It is likely that I will lose my livelihood:

The loss of livelihood should be a direct result of the conviction or sentence - please provide supporting evidence where possible. This would normally refer to your current livelihood, although it can apply if someone is genuinely unemployed for a short period between jobs. If you plan to plead guilty, please explain how legal representation might help you avoid losing your livelihood.

iv) It is likely that I will suffer serious damage to my reputation:

Reputation refers to good character, including honesty and trustworthiness, and is not related to social class or position. 'Serious' damage is judged to happen in cases where the disgrace of a conviction is more than the direct effect of the penalty. If you plan to plead guilty, please explain how legal representation might help you avoid serious damage to your reputation.

v) A substantial question of law may be involved (whether arising from an act, judicial authority or other source of law):

This applies where any matter in relation to the proceedings raises a point of law which you cannot be expected to deal with unaided. Please explain why the question of law is relevant to the case. Questions of fact alone are not relevant. Where possible, please list the cases or laws which give rise to the question of law.

vi) I may not be able to understand the court proceedings or present my own case:

There may be a number of reasons why you may not be able to understand court proceedings or to present your own case. These may include (but are not limited to) mental or physical disability, poor knowledge of English, age or vulnerability. The ability to understand proceedings or to present your own case is also likely to depend on how complicated the case is.

vii) Witnesses may need to be traced or interviewed on my behalf:

You may need witnesses to be traced or interviewed to see whether they can support your case if pleading not guilty or to help with a plea of mitigation (an explanation for the offence given on behalf of a guilty party in order to excuse or partly excuse the offence committed in an attempt to minimise the sentence) if pleading guilty. You should explain why you need legal representation to trace or interview witnesses.

viii) The proceedings may involve expert cross-examination of a prosecution witness (whether an expert or not):

Expert cross-examination is likely to be needed where you are pleading not guilty and you expect the prosecution to call witnesses whose evidence you want to challenge. You are likely to need a lawyer to carry out expert cross-examination on your behalf if the evidence to be given by the prosecution witness is complicated or technical.

ix) It is in the interests of another person (such as the person making a complaint or other witness) that I am represented:

If you are charged with a sexual or violent offence, or where the person making a complaint is a child, it would not be appropriate for you to cross-examine in person. This criterion should not be used to argue that legal representation is in the general interests of your family or of the court.

x) Any other reasons

Please provide full details of any other reasons (which you have not mentioned elsewhere on the form) why you think it would be in the interests of justice that you are represented. For example, legal representation might be justified if you are likely to receive a demanding community sentence if convicted or if defence witnesses need skilful examination.

Part C - Declaration

Note 9 My partner is unable to sign the declaration.

If your partner is unable to sign, please refer to note 4 and question 18 in Part A, please also note, by signing your declaration on this form you are giving the Legal Services Commission your consent to approach and check the information where your partner is contactable.