



# Application for Exceptional Case Funding

Urgent application? Yes  No

If yes, tell us why on page 5.

## Important notes

### Extra forms

You must also complete either:

- a [merits form](#) and a [means form](#)
- a [controlled work application form](#)

See checklist on page 11.

### How to complete this form

#### Direct applicants

If you are applying without the support of the solicitor you want to represent you, you only need to complete **Part A** (pages 2 to 9).

#### Solicitors

If you are a provider you need to complete **Parts A and B**.

Use this form if you are applying for controlled work or you do not have a legal aid contract and you are applying for a certificate. Use this form only if the case is outside the scope of LASPO 2012.

Providers with a legal aid contract applying for a certificate must submit via CCMS.

### What to think about before completing the form

You should refer to the [Lord Chancellor's Exceptional Funding Guidance](#)

The overall question is whether you would be able to present your case effectively, and without obvious unfairness if legal aid is withheld.

### How to submit your application

Email the forms to: [ContactECC@justice.gov.uk](mailto:ContactECC@justice.gov.uk)

# PART A – Applicant and case details

## Your details

► Please complete in BLOCK LETTERS.

Title: \_\_\_\_\_

Surname: \_\_\_\_\_

First name: \_\_\_\_\_

Surname at birth (if different): \_\_\_\_\_

Date of birth: \_\_/\_\_/\_\_\_\_

Address: \_\_\_\_\_

Town: \_\_\_\_\_

County: \_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

## Extra information

▶ Please provide the following information only if you have not already included it in the other forms or documents that you are supplying.

**1. Tell us briefly about the case, how complex it is (and if you know it, the area of law it relates to).**

**2. Why are the issues in the case important for you?**

## Extra information continued

### 3. How capable are you of representing your case without a solicitor?

#### **! Guidance**

Tell us what you must do to present the case.

You may also include information about your education or relevant skills/experience and any relevant disability or capacity issues (attaching a copy of any incapacity certificate **where available**).

### 4. Tell us any extra information you think is relevant

## Urgent case details

- Please complete this section if there is urgency in the case.

### **! Guidance**

We will use this section to prioritise. We will tell you the timescale for the decision.

#### **1. Is there an imminent date for any of the of the following?**

- a) an injunction or other emergency proceedings
- b) a hearing in existing proceedings
- c) a limitation period that is about to expire

**If yes, enter relevant date \_\_/\_\_/\_\_\_\_ and provide details.**

#### **2. Would a delay cause increased risk to the safety, freedom or housing of you or your family, or cause unreasonable hardship or irretrievable problems in handling the case?**

Yes

No

- Please provide any further relevant information as to how the urgent situation has arisen that is not evident from the other information provided and why you consider that exceptional funding is necessary to deal with the urgent work.

### **! Guidance**

**Now read the privacy notice below, then sign and date the declaration and use the forms checklist on page 11.**

# LEGAL AID AGENCY

## PRIVACY NOTICE

### Purpose

Were the Legal Aid Agency unable to collect this personal information, we would not be able to conduct the activities above, which would prevent us from providing legal aid.

We collect 'special categories of personal data'. This data is collected where necessary for the purposes set out above. The condition under which we process this data is Article 9(g) of UK GDPR – Reasons of substantial public interest. Our associated Schedule 1 condition is Statutory and Government purposes. We also collect this data for the purposes of monitoring equality, this is a legal requirement for public authorities under the Equality Act 2010. Special categories of personal data will be treated with the strictest confidence and any information published under the Equality Act will not identify you or anyone else associated with your legal aid application.

We collect 'personal data relating to criminal convictions and offences or related security measures'. This data is collected where relevant for the purposes set out above. The Legal Aid Agency is an Executive Agency of the MoJ, an Official Authority for the purposes of Article 10 of UK GDPR.

### Who the information may be shared with

We sometimes need to share the personal information we process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws.

The organisations we may share your personal information include:

- Your instructed legal aid Provider(s), including any advocate instructed by a legal aid solicitor;
- Public authorities such as: HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP), Home Office and HM Land Registry;
- Non-public authorities such as: Credit reference agencies Equifax and TransUnion and our debt collection partners Marston Holdings
- If false or inaccurate information is provided or fraud identified, the Legal Aid Agency can lawfully share your personal information with fraud prevention agencies to detect and to prevent fraud and money laundering. We may specifically share data with HMRC and DWP for fraud prevention, investigation and prosecution purposes; and
- Where a debt is owed to the Legal Aid Agency, we may share your data with public authorities such as HMRC and DWP and with debt collection partners such as Marston Holdings for the purposes of tracing, debt collection and enforcement.

You can contact our Data Protection Officer for further information on the organisations we may share your personal information with.

## **Data Processors**

We may contract with third party data processors to provide email, system administration, document management and IT storage services. Any personal data shared with a data processor for this purpose will be governed by model contract clauses under data protection law.

We contract with Marston Holdings as a data processor for the collection and enforcement of criminal legal aid contributions. Any personal data shared with the data processor for this purpose is governed by model contract clauses under data protection law.

## **Automated decision making**

We do not use solely automated decision making within the definition of Article 22(1) of UK GDPR. The overall decision on an application for legal aid or a claim for costs in a legal aid case will always be made by a human decision maker. This could be a member of our staff, or a staff member of a legal aid Provider acting under delegated authority from the Legal Aid Agency.

## **Details of transfers to third country and safeguards**

Personal data may be transferred to locations in the European Economic Area (EEA) where required by our data processors for hosting, storage and secure backup of our IT services. Such transfers are made on the basis of Adequacy decisions between the UK and EEA in accordance with Article 45 of UK GDPR.

In limited and exceptional circumstances, where required for the provision of technical support, personal data stored in our call centre software may be accessed by support staff located in USA, Romania, Philippines, Singapore or Australia. Where transfers for this purpose are made to locations without Adequacy decisions the transfer is made on the basis of exceptions under Article 49 of UK GDPR and is required for the legitimate interests of the Ministry of Justice. The software provider maintains the same standards of IT and personnel security for its services overseas as it does for services in the UK.

## **Retention period for information collected**

Your personal information will not be retained for any longer than is necessary for the lawful purposes for which it has been collected and processed. This is to ensure that your personal information does not become inaccurate, out of date or irrelevant. The Legal Aid Agency have set retention periods for the personal information that we collect, this can be accessed via our website:

<https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

You can also contact our Data Protection Officer for a copy of our retention policies.

While we retain your personal data, we will ensure that it is kept securely and protected from loss, misuse or unauthorised access and disclosure. Once the retention period has been reached, your personal data will be permanently and securely deleted and destroyed.

## **Access to personal information**

You can find out if we hold any personal data about you by making a 'subject access request'. If you wish to make a subject access request please contact:

Disclosure Team - Post point 10.25  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

[Data.access@justice.gov.uk](mailto:Data.access@justice.gov.uk)

## **When we ask you for personal data**

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive.

When we collect your personal data, we have responsibilities, and you have rights, these include:

- That you can withdraw consent at any time, where relevant;
- That you can lodge a complaint with the supervisory authority;
- That we will protect and ensure that no unauthorised person has access to it;
- That your personal data is shared with other organisations only for legitimate purposes;
- That we don't keep it longer than is necessary;
- That we will not make your personal data available for commercial use without your consent; and
- That we will consider your request to correct, stop processing or erase your personal data.

## **You can get more details on:**

- Agreements we have with other organisations for sharing information;
- Circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics;
- Our instructions to staff on how to collect, use or delete your personal information;
- How we check that the information we hold is accurate and up-to-date; and
- How to make a complaint.

For more information about the above issues, please contact the;

The Data Protection Officer  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

[dataprotection@justice.gov.uk](mailto:dataprotection@justice.gov.uk)



## Complaints

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113  
[www.ico.org.uk](http://www.ico.org.uk)

## Declaration to be signed by the applicant

**Please sign all application forms except CIVAPP1 or CIVAPP3 (if applicable to your case).**

To the best of my information, knowledge or belief, all the information I have given is true and I have not withheld any relevant information.

**I understand that if I give false information or withhold any relevant information the services provided to me may be cancelled at which point I will become liable to pay all the costs that have been incurred from the effective date of the funding and I may be prosecuted.**

If I am assessed as eligible for funding with a condition that I make a financial contribution towards the cost of my case I will be required to make payment of the contribution within 14 days or there is a risk that the certificate will be cancelled and I will become liable to pay all the costs that have been incurred from the date of funding. I will ask my solicitor to explain this to me again before they start work.

Signed: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

This declaration must be signed by the applicant

### **For Information**

Note: If legal aid is granted, please ask your solicitor to explain the legal aid statutory charge and whether there is a risk that at the end of the case you may have to accept an interest bearing charge on your home and ask them to give you the leaflet PAYING FOR YOUR LEGAL AID. You should sign the client certification on the CIVAPP1 or CIVAPP3 (as applicable) at that time before your solicitor contacts us to confirm they are willing to act to confirm that you have received advice.

# Checklist

As well as this form you should submit extra forms as follows:

Submit a merits or controlled work form	If submitting an APP1 or APP3 also submit a means form	If submitting an APP1 or APP3 you may also need to submit extra means forms
<b>APP1</b> Non family certificate	<b>Means 1</b> If not on Income Support or other passporting benefits	<b>L17</b> A statement of your earnings. You employer must fill this in.
<b>APP3</b> Family proceedings certificate	<b>Means 2</b> Income Support or employment benefits	<b>L31</b> Financial information about a business partnership or self-employed work.
<b>CW1</b> Controlled work	<b>Means 3</b> Main home is outside the United Kingdom.	<b>Means 1A</b> Self-employed sole trader
<b>CW2 (IMM)</b> Controlled work - immigration	<b>Means 4</b> Child under 16.	<b>Means 1B</b> Trading in a self-employed partnership
		<b>Means 1C</b> Company director or a shareholder in a limited company
		<b>Means 2A</b> A separate CIV MEANS 2A must be completed for each business, if applicable.

# PART B – Providers only

## Level of service you are applying for:

- Controlled Work
- Legal Representation

## Case type

► Complete this if you have not completed type of case details on page 5 of CIVAPP1 or page 3 of CIVAPP3 or the type of case is not listed on CIVAPP1 or CIVAPP3.

### 1. What category of law/contract category is relevant to the case?

## Categories of Law for which Legal Aid Contracts are tendered.

### 2. Does your office have a contract that allows you to do Legal Aid work in this Category of law at the Form of Service for which you are applying?

Yes                      No

### 3. If you are not a contract holder in the required category of law stated above, please explain why it is necessary for the effective administration of justice for you to conduct the matter pursuant to regulation 31(5) (a)-(d) of the Civil Legal Aid (Procedure) Regulations 2012:

## **Funding to apply for Legal Help to investigate the possibility of a further legal aid application**

- 1. If you are applying for Legal Help to investigate the possibility of a further legal aid application, what legal work do you think you will need to do?**

- 2. Briefly tell us about the main application for exceptional case funding you expect you will make:**

- 3. Why do you think failure to provide legal aid for this work will breach a convention right?**

## Provider details

Name of provider: \_\_\_\_\_

Account number: (if appropriate)

Solicitors Roll number: (where applicable)

Address: \_\_\_\_\_

Town: \_\_\_\_\_

County: \_\_\_\_\_ Postcode: \_\_\_\_\_

DX (with exchange): \_\_\_\_\_

Telephone number: \_\_\_\_\_

Your case reference: \_\_\_\_\_

Contact name for enquiries: \_\_\_\_\_

Email address: \_\_\_\_\_

## Certification

I certify that:

- I have explained to the client their obligations and the meaning of their declaration.
- I have provided as accurately as possible all the information requested on this form.
- I am able to act in this matter under the competence standards set out in my firm's Legal Aid contract; and my firm is currently trading and no Law Society intervention or other sanction prohibits me from acting in this matter. (Applies to Controlled Work services Only).
- I have taken all reasonable steps to ensure my client has completed the Financial Eligibility questions on the accompanying Controlled Work Form fully and accurately. I have applied the Financial Eligibility regulations to the information supplied by my client and assessed my client as being eligible for Legal Aid in this matter. (Applies to Controlled Work services Only).

Signed: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

authorised litigator

Name: \_\_\_\_\_