



Legal Aid
Agency

Application for amendment or prior authority in civil cases

For Official Use Only

Tag No: _____ / _____ / _____

Urgent? Yes No If yes, please explain why on page 4.
Granted under delegated functions? Yes No

Is this case funded under an Exceptional Case Funding determination? Yes No
Are the circumstances under which exceptional case funding was originally granted for this matter still relevant to the application for amendment? Yes No

Please note - if you are making an ECF application you do not have delegated functions.

Your client's details

Our reference number: _____
Title: _____ Initials: _____ Surname: _____
Surname at birth: _____ Date of birth: _____ / _____ / _____
(if different)
Current address: _____
Postcode: _____

Provider details

Account number: Roll number:
Name of organisation: _____
Phone: _____ Fax: _____
E Mail: _____
Name of solicitor or Fellow of the Institute of Legal Executives instructed: _____
4 The solicitor or Fellow instructed must have a valid practising certificate. The LAA will not pay for any work done during the period in which the acting solicitor does not have a practising certificate.
Your case ref: _____ Contact name for enquiries: _____

Type of application(s)

- A change to the proceeding(s) A change to the other party's details
 A change to the scope limitation Prior authority to incur expenditure
 A change to the costs limitation Authority to instruct counsel
 A change of solicitor

Form of Civil Legal Service:

- Change from family help (higher) to legal representation (family only)
 Change from investigative representation to full representation (civil non-family)

Type of case

4 Please tick the contract category relevant to this case and see our website for where to send your application.

- | | | |
|--|---|---|
| <input type="checkbox"/> Clinical Negligence | <input type="checkbox"/> Community Care | <input type="checkbox"/> Housing |
| <input type="checkbox"/> Debt | <input type="checkbox"/> Other Public Law | <input type="checkbox"/> Immigration and Asylum |
| <input type="checkbox"/> Education | <input type="checkbox"/> Actions against the police etc | <input type="checkbox"/> Mental Health |
| <input type="checkbox"/> Discrimination | <input type="checkbox"/> Welfare Benefits | <input type="checkbox"/> Family (including public law children) |
| <input type="checkbox"/> Crime/Civil (judicial review or habeas corpus arising out of a criminal matter or proceedings under the Proceeds of Crime Act 2002). Note that London Office deals with all Proceeds of Crime Act applications. Please see our website for the address. | | |
| <input type="checkbox"/> Other proceedings (please state) _____
_____ | | |

The case is of a type which is not listed in Schedule 1 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 and is therefore outside of the scope of the normal legal aid scheme.

- I have completed, including specifying type of case, and signed an exceptional case funding form (ECF1) which accompanies this application.

Please state why the application falls under the Connected Matters rule (pursuant to paragraph 46 of Part 1 of Schedule 1.

Primary proceedings

If this certificate was originally granted for proceedings for which specific criteria or procedural requirements must be satisfied and evidenced, including where the current amendment is to change the form of service from Family Help Higher to Legal Representation, please confirm that those criteria or requirements continue to be satisfied.

Yes No

Current situation report and reasons for request:

Amendment/authority requested:

- 4 For a change of solicitor, give detailed reasons and (where the amendment is applied for because of client dissatisfaction) confirm that a complaint has been made using the firm's complaints procedure. Copy documents/correspondence regarding the complaint and its outcome must be attached. Please indicate why the client remains dissatisfied.

Please provide a summary of the work completed.

- 4 If an increase in costs is being requested, please advise how existing limit has been reached and how much more is required.

Reasons for request:

- 4 You must demonstrate how the criteria in the Civil Legal Aid (Merits Criteria) Regulations 2012 or Funding Code (as appropriate) are met.
- 4 Please note that information is also required regarding attempts at settlement and the need for a contested final hearing where the application is to increase scope beyond family help (higher). If an increase in costs is being requested, please provide a breakdown of how future costs have been calculated.

Please attach CAF/CASS report/counsel's Opinion/expert's report where applicable.

Current situation report and reasons for request continued

Have proceedings commenced?

Yes

No

If yes, give date of issue: / /

Has the case been allocated to a track under the Civil Procedure Rules?

Fast

Multi

Small claims

Not applicable

Please attach a copy of the allocation questionnaire.

Please state at what stage you believe the case will be concluded. If you consider the case will settle or otherwise be disposed of before trial, please state why.

Family Proceedings which require evidence of Child Abuse or Domestic Violence

4 If you are seeking to add a proceeding(s) to the certificate which requires evidence of Child Abuse or Domestic Violence in order to satisfy the eligibility requirements, please complete the relevant section(s) below.

Domestic Violence

4 Legal aid is only available under paragraph 12 of Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 if the domestic violence evidence requirements set out in regulation 33 of the Civil Legal Aid (Procedure) Regulations 2012 are satisfied.

Please state what evidence has been secured and is attached:

Actions involving children

4 For most private law applications legal aid will only be available if evidence is provided of domestic violence (see above) or if the child is at risk of abuse as set out in the Regulations 33 and 34 of the Civil Legal Aid (Procedure) Regulations.

4 For certain cases concerning the unlawful removal of children there are no prescribed evidential requirements but full details of the case must have been provided in the Reasons for Request section on page 3.

If the child is at risk of abuse as set out in the Regulation 34 of the Civil Legal Aid (Procedure) Regulations, please state what evidence has been secured and is attached:

Exercise of Delegated Functions.

Tell us the date you amended the certificate: ___ / ___ / ___

If the amendment is to a certificate about emergency representation, tell us the date you sent the APP1/APP3 to us: ___ / ___ / ___

Tell us the wording code(s) you used and provide a brief description of the amendment, and if applicable, tell us the revised costs limitation:

Explain why an amendment to the emergency certificate was required:

Please attach CAFCASS report/counsel's opinion/expert's report where applicable.

Merits

4 There is no need to complete this section in Special Children Act 1989 cases or cases where prospects of success are not considered under the Merits Regulations

Which of the following best describes the prospects of achieving a satisfactory outcome:

- | | | |
|---|---|---|
| <input type="checkbox"/> A Very good (80% or more) | <input type="checkbox"/> B Good (60 - 80%) | <input type="checkbox"/> C Moderate (50-60%) |
| <input type="checkbox"/> D Marginal 45 - 50% | <input type="checkbox"/> E Borderline | <input type="checkbox"/> F Unclear |
| <input type="checkbox"/> G Poor | | |

4 If you have ticked box D, E or F please say what factors led you to make this assessment and why further legal aid should be granted.

Estimate of costs

- 4 Estimate your likely costs for all work done in this case with legal aid (including other levels of help, but excluding private costs) at Legal Aid Agency (LAA) rates, excluding VAT, including disbursements and counsel's fees. Where known, legal aid costs incurred by a previous solicitor for the same client for this case should also be included in the estimate.
- 4 If your costs in a public law children matter are likely to fall within a standard fee then your estimate of costs should be based on this fee, not on your hourly rates to date.

Profit costs to date : £ _____

Experts costs to date: £ _____

Other disbursements to date: £ _____

Counsel's fees to date: £ _____

Total costs to date: £ _____

Estimated future costs between now and settlement/disposal:

Future profit costs: £ _____

Future experts costs: £ _____

Future disbursements (Other): £ _____

Future counsel's fees: £ _____

Total future costs: £ _____

Estimated total costs to trial:

Assuming the case proceeds to a contested final hearing please estimate the total costs of the case, including costs to date, up to and including that hearing (or to the next appeal stage if you are seeking legal aid for a final appeal).

Profit costs to trial : £ _____

Experts costs to trial : £ _____

Other disbursements to trial: £ _____

Counsel's fees to trial: £ _____

Total costs up to and including trial: £ _____

- 4 If your estimate of likely costs/disbursements meets the requirements set out in the Civil Legal Aid (Procedure) Regulations 2012 for special case work, please attach a copy of the up to date case plan and submit this application to the Special Cases Unit (or for family cases, to the South Tyneside Office) direct.

4 There is no need to complete this page in Special Children Act 1989 cases

Benefit to Client

Quantifiable claims:

Please tell us the ratio of the value of the claim to the costs to disposal:

Value of claim: Costs to disposal: Ratio: :

Unquantifiable claims:

What benefit is your client hoping to obtain and why is this important to your client?

Settlement Offers

Has the other side made any offer to settle the case? Yes No

If Yes, set out the terms of the offer and explain why legal aid should continue.

Alternatives to litigation

4 Please complete this section if you are applying to extend the scope of the certificate or to change to a new form of service.

a) Has your client tried to resolve the dispute by the following or other methods?

i) negotiation Yes No

ii) mediation or other alternative dispute resolution Yes No

If yes, please provide details including outcome:

4 please provide copy correspondence where relevant

If no, please state why not:

The other party

4 There is no need to complete this section in Special Children Act 1989 cases

Title: _____ Initials: _____ Surname: _____

First Name: _____

If the other party has been given legal aid what is our reference number?

If applicable, are you still satisfied that the other party has the means to pay and if so, why?

Other clients

If you are acting for any other clients in respect of the same matter, please give our reference numbers and their full names, and explain how their position has been considered in relation to the current request(s):

Ancillary Relief - Private Funding

4 Please complete this section only if legal aid was provided under a certificate following an application made on or before 31 March 2013 and relates to financial provision in family proceedings and if you are applying to:

- (i) Extend the certificate from general family help or family help (higher) to legal representation; or
- (ii) Extend the scope of a legal representation certificate to cover a contested hearing.

Please give details of any savings or other assets to which the client has access (whether or not in issue in the proceedings). Set out any reasons why these could not be used to fund legal costs.

Is your client paying a contribution under this or any other current certificate?

Yes No

If yes, please specify the amount of the monthly contribution: £ _____

Continued on page 9

Ancillary Relief - Private Funding continued

If there has been any recent change in your client's disposable income, please supply relevant updated means forms. Please tick as appropriate:

- Not applicable; no change in circumstances.
 Forms attached

What attempt has your client made to seek private funding to cover the remaining costs of the case? If such funding is not available or affordable for your client, please give details:

New instructed solicitor's details

4 Complete if change of solicitor requested.

Account number: Roll number:

Name of organisation: _____

Phone: _____ Fax: _____

E Mail: _____

Name of solicitor or Fellow of the Institute of Legal Executives instructed:

4 The solicitor or Fellow instructed must have a valid practicing certificate. The LAA will not pay for any work done during the period in which the acting solicitor does not have a practicing certificate.

4 Ensure that the certification on page 11 is signed where applicable.

Your case reference: _____

Contact name for enquiries: _____

Prior authority request

- 4 Prior authority may be requested whenever the cost proposed is either unusual in nature or unusually large.
- 4 You will need to establish that the steps are necessary for the proper conduct of the proceedings and that the amount to be incurred is reasonable. You must also provide a sufficient breakdown including hourly rates of the costs to be incurred and the work to be done. You will need to identify how the costs are to be shared with other parties. No costs or expenses relating to the residential assessment of a child or costs of treatment, therapy or training will be included in any authority or met from legal aid.

Name of expert: _____

Company name: _____

Address: _____

_____ Postcode: _____

Expert Group: _____

Expert Type: _____

Why is the expenditure necessary/justified? (Please continue on a separate sheet if necessary)

Is this a single expert jointly instructed? Yes No If no, please state why.

Please enclose a copy of the experts estimate giving a breakdown of the fees and the hourly rate.

If these are Children Act proceedings where the permission of court is required, has permission been obtained? Please enclose the relevant order or give full details.

Yes

No

In public law Children Act proceedings explain why the local authority is not bearing the full costs of the expenditure proposed.

Total expenditure: £ _____
(before apportionment, if appropriate)

Maximum authority: £ _____
(after apportionment, if appropriate)

Preparation: £ _____

Preparation - hourly rate: £ _____

Cost of travel time £ _____

Travel - hourly rate: £ _____

Court Attendance rate: £ _____
(if expert to give evidence)

Other expert costs: £ _____

Explain the basis of apportionment or why apportionment is not appropriate

How many alternative quotes have been obtained? _____

What were the amounts quoted? _____

Why have you chosen the quote you have? _____

Prior authority request continued

If these are proceedings involving a dispute about children, are you satisfied that the experts you wish to employ meet the Ministry of Justice standards for experts in England and Wales?

Yes No

If you have answered 'Yes' please enclose a copy of the expert's CV and the expert's signed statement of truth. If the expert does not meet the standards please provide reasons why you wish to instruct them and why an expert who does meet the standards could not be instructed.

Counsel's details

Authority is requested to: instruct brief

Type: leader alone leader plus junior two counsel junior (Magistrates' Court proceedings only)

Enclosures

4 Do not send originals

case plan (if total costs to final hearing are likely to exceed £25K) counsel's opinion witness statements

pleadings allocation questionnaire photographs/plans

other, give details: _____

Certification

I certify that:

4 I have checked the form and any enclosures

4 I have explained to the client their obligations and contents of this application

4 I have provided as accurately as possible all the information requested on this form.

4 My office's Standard Civil Contract, Standard Civil Contract (Welfare Benefits) authorises Licensed Work in the proceedings to which this application relates (or I have a Standard Crime Contract and the application relates to Associated Civil Work).

Signed: _____ Date: ____/____/____
(A Solicitor or a Fellow of the Institute of Legal Executives)

Name: _____