

APPLICATION FOR ARMED FORCES CRIMINAL LEGAL AID**PRIVACY NOTICE – ACCESS TO PERSONAL DATA**

Armed Forces Criminal Legal Aid Authority (AFCLAA) takes active decisions in the processing of personal data and is bound by MOD Policy and Data Protection Legislation (DPA 18). In processing personal data, AFCLAA is acting on behalf of the Data Controller, the MOD. AFCLAA has put policy and processes in place to ensure processing is conducted appropriately, safely and by trained administrators in accordance with the 6 Data Protection Principles.

In order for AFCLAA to fulfil its obligations the information provided by you in this application form is solely used for the purposes of:

- determining eligibility for legal aid,
- calculating contribution liabilities (if appropriate),
- instructing and communicating with your legal representative, and
- communicating with the Military Court Service and Unit HR personnel as required.

The application form is retained on file, archived and then destroyed after 7 years, in accordance with MOD policy; personal and financial documentation provided in support of the application, is destroyed once the case has been concluded, and before the file is archived.

The information required on the form must be correct at the time of application, and any subsequent re-assessment application; once any contributions required have been paid in full, there is no requirement to inform AFCLAA of changes to personal and/or financial circumstances.

You have the right to request details about the personal information we hold about you; If you wish to request a copy of the personal information held, please contact Deputy Head AFCLAA at the address below:

Armed Forces Criminal Legal Aid Authority,
Trenchard Lines, Upavon,
Pewsey, Wiltshire, SN9 6BE

Email: MCS-AFCLAA-Group@mod.gov.uk

Military Tel: 94344 8915 or 8008.

Civilian Tel: 01980 61 8915 or 8008

NOTES FOR APPLICANTS

- a. **Before completing this form, you are advised to seek guidance and assistance from your Unit HR/Disc Pers staff and/or your DAO/AO. Guidance on completing this form can also be found at the back of this application form and in JSP 838, Pt 2, Ch 2.**
- b. This form is to be used to confirm your eligibility for legal aid under the Armed Forces Legal Aid Scheme (AFLAS 11); it provides authority for AFCLAA to provide you with legal aid.
- c. This form should be completed in typescript **by the applicant** wherever possible.
- d. To avoid delay with the processing of your application, this form **MUST** be completed as fully and as carefully as possible. If any parts of any sections do not apply, write None or Not Applicable (N/A) in the appropriate space.
- e. **DO NOT LEAVE BOXES BLANK OR YOUR APPLICATION WILL BE RETURNED AS INCOMPLETE.**
- f. All documentary evidence should be provided at the time of application. **Any documentary evidence not available at initial application MUST be sent in hard copy within 21 days; failure to provide the required documentary evidence within 21 days of submitting the completed application form may result in an increased monthly payment.**
- g. Where legal aid is required for a defendant aged 17 years or under on the date of application, the applicant must complete Sections 1 – 4 and 6 only.
- h. Legal aid is not in place until the applicant has signed and returned the Contribution Order, confirming acceptance of AFCLAA Terms & Conditions, and the legal representative formally engaged. **No liability for legal expenses will be accepted by AFCLAA until the completed form has been received, and the legal representative formally engaged by AFCLAA.**
- i. If you are married or in a civil partnership (as defined by the Civil Partnership Act 2004) you must also provide details of the income and expenditure of your spouse or civil partner, unless they have a contrary interest in the case concerned i.e. they are the alleged victim, a prosecution witness, or a co-accused with a conflict of interest; further advice should be sought from AFCLAA.
- j. If there are any changes to your personal circumstances, or to the financial information provided, during the period you are contributing you will need to inform this Authority. You will be required to provide documentary evidence, as requested.
- k. If you are non-Service personnel applying for Armed Forces Criminal legal aid you should inform this Authority on application to discuss a payment plan.

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i. At no point will you be required to pay more than your contributions as assessed by AFCLAA, or your actual legal aid defence costs, whichever is the lower.

Referral to DSP or Trial

If you are acquitted, or the matter is discontinued at any point before trial, AFCLAA will automatically refund contributions paid, plus interest (2%).

If convicted, and the total cost of your legal representation is less than the amount you have contributed, AFCLAA will automatically refund the balance to you, without interest.

If you fail to make the full income contribution and/or contribution from capital/equity if applicable, as assessed by AFCLAA, this Authority will seek to recoup the outstanding balance directly from your salary through JPA and, if applicable, from any monies payable on discharge which may include pay, gratuities etc.

If you fail to make the full income contribution and /or contribution from capital/equity if applicable, this Authority will seek to recoup the outstanding balance owed from your savings or capital by way of a civil debt arising from this agreement.

Appeals to the SAC & Elections for trial

Applicants are not required to make any contributions in advance of proceedings, but may be required to make a post-proceedings contribution, depending upon the outcome.

If the Reviewing Authority raises an appeal to the SAC on your behalf you are not required to make a contribution towards your legal aid costs.

If you fail to make the full post-proceedings contribution, as required by AFCLAA, this Authority will seek to recoup the outstanding balance owed from your salary through JPA and, if applicable, from any monies payable on discharge which may include pay, gratuities etc.

Applicants whose income exceeds the means test threshold will be required to make a post-proceedings fixed contribution as follows:

- Unsuccessful appeal against finding - £500
- Unsuccessful appeal against finding but sentence amended - £250
- Unsuccessful appeal against sentence - £250
- Election resulting in conviction - £1000. If convicted, and the total cost of your legal representation is less than this fixed contribution AFCLAA will reimburse the balance to you.

The completed form, together with supporting evidence as available, is to be faxed to AFCLAA in the first instance: **94344 5691 or 01980 615691, or scanned and emailed to MCS-AFCLAA-Group@mod.gov.uk.**

The original document MUST then be posted to:

**AFCLAA
Trenchard Lines
Upavon
Pewsey
Wiltshire
SN9 6BE**

Section 1 – Personal details: *Applicant to complete* Please refer to *Guidance Notes*.

Service/Status		Service No		Rank/Rate	
Surname		First Name(s)			
Unit Title, Address & Postcode					
Are there any co-accused?	No	Yes If yes, give details below Use separate sheet if necessary			
Service/Status		Service No		Rank/Rate	

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Surname		First Name(s)	
Unit Title, Address & Postcode <i>if different from above(if more than one co accused use separate sheet)</i>			
NATURE OF CHARGE	Outline the charge(s) and/or the nature of any appeal – use a separate sheet if necessary. If available, you should include a copy of the charge sheet or indictment.		
Investigation Reference Number <i>If applicable</i>			
ONLY to be completed by applicants who are minors at the time of application. Please refer to Guidance Notes.			
		For Applicants aged 17 or under – I confirm I am aged 17 or under at present. I confirm my date of birth is (dd/mm/yyyy)	<i>As no costs will be incurred you do not need to complete section 5. Section 6 must be completed in full.</i>
Section 2 – Legal Representation: Applicant to complete Please tick one of the following boxes Please refer to Guidance Notes.			
	2a	I already have legal aid, but need to re-apply due to a change in personal circumstances. Case Reference: AFCLAA/ / /T	You must complete ALL parts of this form, except the legal representative's details, as these will remain the same.
	2b	I do not wish to apply for legal aid at present but understand that I can elect for legal representation at any time up to the trial date.	<i>As no costs will be incurred you do not need to complete Section 5 Section 6 must be completed in full.</i>
	2c	I wish my defence to be conducted by a Service lawyer. Option only available to RN personnel & personnel overseas (CM and SAC proceedings only)	It is your responsibility to check with the appropriate Service lawyer's office & inform AFCLAA of their details.
	2d	I wish AFCLAA to appoint a civilian legal representative on my behalf.	LA contribution may be required
	2e	I wish to nominate my own legal representative, whose name and contact details are shown below. I accept that AFCLAA can only instruct this person if they are available and accept the legal aid fees offered.	LA contribution may be required
If you have selected 2e above you must give your nominated legal representative's details here	Legal Representative's Title & Name		
	Name of Firm or Chambers		
	Full Postal Address, including Postcode		
	Telephone & fax number		

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Section 3 - Entitlement to Apply for Legal Aid *Please refer to Guidance Notes.*

The information provided will determine your entitlement to legal aid. If you require help completing this part, you may wish to seek advice from your Assisting Officer (DAO/AAO) or your HR Disc Pers, who may seek advice from AFCLAA on your behalf.

An entitlement to legal aid exists because (tick one of the following)

3a	Notification has been submitted for an Appeal to the Summary Appeal Court (SAC). <i>Contribution is by way of a post-proceedings fixed fee, costs will be determined upon outcome; refer to Notes for Applicants.</i>	You do not need to complete section 5e - Capital, Savings & Investments
3b	Application is being made to the SAC for an extension to the summary appeal period. <i>Contribution is by way of a post-proceedings fixed fee, costs will be determined upon outcome; refer to Notes for Applicants.</i>	You do not need to complete section 5e - Capital, Savings & Investments
3c	Application is being made for leave to appeal out of time to the SAC. <i>Contribution is by way of a post-proceedings fixed fee, costs will be determined upon outcome; refer to Notes for Applicants.</i>	You do not need to complete section 5e - Capital, Savings & Investments
3d	The applicant has elected for trial at the Court Martial. <i>Contribution is by way of a post-proceedings fixed fee, costs will be determined upon outcome; refer to Notes for Applicants</i>	You do not need to complete section 5e - Capital, Savings & Investments
3e	The applicant is in Custody After Charge.	
3f	The case is being referred to the Service Prosecuting Authority (SPA) with a view to trial at the Court Martial.	
3g	The SPA has directed the case to be tried at the Court Martial.	
3h	The applicant is a civilian being tried by the Service Civilian Court.	
3i	The applicant is being tried by a civilian criminal court outside the UK. <i>*Please enclose INDICTMENT</i>	
3j	Application is being made for leave to appeal to the Court Martial Appeal Court (CMAC) by an alternative legal representative, or because legal aid was not in place at trial.	
3k	Discrete area of legal aid – refer to JSP 838.	Please give details:

INTERESTS OF JUSTICE (IOJ) TEST – Only to be completed where the case is to be heard in the Service Civilian Court, or an overseas civilian criminal court. Please refer to the Guidance Notes.

It may be necessary to clarify why your case meets the IOJ. You should therefore indicate below which criteria are applicable to your case. If you require help completing this part, you may wish to seek advice from your DAO/Lawyer/HR Disc Pers, who may seek advice from AFCLAA on your behalf.

	Reason(s) for wanting representation	Details
	If convicted, it is likely that I will lose my liberty and/or my livelihood.	
	If convicted, it is likely that I will suffer serious damage to my reputation.	
	A substantial question of law may be involved.	
	I may be unable to fully understand the proceedings, and/or may be unable to present my own case	
	Witnesses have to be traced and/or interviewed on my behalf (<i>state circumstances</i>).	
	The case involves expert cross examination of a prosecution witness (<i>give brief details</i>),	

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Section 4 - Service Points of Contact: To be completed by Divisional Officer (RN)/HR Discipline Personnel as shown.

Please refer to Guidance Notes.

SERVICE POINTS OF CONTACT – details of persons who can act as initial contacts for the legal representative (excluding Unit Chain of Command). Divisional Officer (RN)/HR Discipline Personnel to complete.

Divisional Officer/HR Discipline Personnel – Details

Surname		Initials	
Rank / Rate			
Unit Address & Postcode			
Email Address			
Service Telephone Number		Service Fax Number	
Civilian Telephone Number		Civilian Fax Number	

Defendant's/Appellant's Assisting Officer – Details

Surname		Initials	
Rank / Rate			
Unit Address & Postcode			
Email Address			
Service Telephone Number		Service Fax Number	
Civilian Telephone Number		Mobile / Alternative Telephone Number	

Section 5 - FINANCIAL STATEMENT FOR ARMED FORCES LEGAL AID SCHEME - AFLAS 11 *Please refer to Guidance Notes.*

Your contribution is based upon a Means Test which takes into account a living allowance, which is adjusted according to family composition. The living allowance includes food & non alcoholic drinks, clothing & footwear, fuel & power, household goods & services, health, transport, communication (including mobile phones and internet access), education (excluding school fees) and miscellaneous goods & services.

5a	PERSONAL DETAILS						
Please tick one box	Single Married/civil partner Divorced Widowed Separated by formal agreement						
Children living with you <i>Please annotate ages</i>							

5b SPOUSE/CIVIL PARTNER: Please refer to Guidance Notes.

Is your spouse/civil partner a victim or prosecution witness in the case for which you require legal aid?

No	Yes, tick one of the box:	Victim	Prosecution Witness
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5c DESCRIPTION OF INCOME <i>Please refer to Guidance Notes.</i>		YOU	SPOUSE/CIVIL PARTNER
Please annotate if income is weekly / monthly / annually		£	£
Gross salary including increments, bonuses, overtime, commissions and additional pay but not LOA or other allowances.	<i>You must provide documentary evidence to support this i.e. 3 most recent pay statements.</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Gross income from part-time job/gainful occupation, including increments, bonuses, overtime and commissions.	<i>You must provide documentary evidence to support this i.e. 3 most recent pay statements.</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Any other income (i.e. trust interest; house let/rental income)	<i>You must provide details and documentary evidence of the income received during the past 3 months.</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Income from State Benefits e.g. Child Benefit (including Kindergeld in Germany), or any other form of Allowance or Benefit.	<i>You must provide documentary evidence to support this.</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Income from Child Tax Credit, Working Tax Credit or Universal Credit.	<i>You must provide documentary evidence to support this.</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Housing benefit	<i>You must provide documentary evidence to support this</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Do you or your partner receive maintenance payments for anyone in your household; including child(ren) maintenance payments received?	<i>You must provide documentary evidence to support this</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
5d DESCRIPTION OF OUTGOINGS <i>Please refer to Guidance Notes.</i>		YOU	SPOUSE/CIVIL PARTNER
Quartering/Accommodation/Private Rent Charges	<i>If living in your own or privately rented accommodation, you must provide documentary evidence of these payments</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Mortgage Payment		Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Council Tax/CILOCT		Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Income Tax	<i>If 3 most recent pay statements have been provided no further documentary evidence is required.</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every

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National Insurance	<i>If 3 most recent pay statements have been provided no further documentary evidence is required.</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
Childcare costs (Registered childcare provider)	<i>You must provide documentary evidence to support this if the cost is over £500 per month</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every
If you pay maintenance to any dependants who do not live with you, please give details.	<i>You must provide documentary evidence to support this and define the relationship</i>	Weekly / Monthly / Annually £ every	Weekly / Monthly / Annually £ every

5e DESCRIPTION OF CAPITAL, SAVINGS AND INVESTMENTS – if you are electing for trial or appealing to the SAC you do not need to complete this section.		YOU	SPOUSE/CIVIL PARTNER
Do you or your spouse/civil partner own a property?		Yes No	Yes No
The current value of property (approximate selling price).	<i>Please provide documentary evidence, if available.</i>	£	£
Amount of outstanding mortgage.	<i>You must provide documentary evidence</i>	£	£
What share do you own in this property?		%	%
With whom do you share this property?			
Do you or your spouse/civil partner own, or are currently purchasing, property/properties apart from your only/main dwelling?		Yes No	Yes No
The current value of property (approximate selling price).	<i>Please provide documentary evidence, if available.</i>	£	£
Amount of outstanding mortgage.	<i>You must provide documentary evidence</i>	£	£
What share do you own in this property?		%	%
With whom do you share this property?			

		YOU	SPOUSE/CIVIL PARTNER
Give details of any savings, including the amounts. Include money in Bank and Building Society accounts, including ISAs, PEPs, National Savings, Stocks and Shares etc.	Bank or Building Society	£	£
	ISA/PEPs	£	£
	Other	£	£

Section 6 - DECLARATION

6a. Your declaration. Please refer to Guidance Notes.

X	I certify that all the information set out in this application is a true statement of my personal circumstances, income, savings and capital and that of my spouse/civil partner as it stands this day
X	I understand that if I knowingly make a false statement, or withhold information, I may be prosecuted and may be liable for the full cost of any defence carried out by my legal representative
X	I understand that the Armed Forces Criminal Legal Aid Authority will undertake a means test and confirm that I will make a contribution towards legal aid if my annual disposable income exceeds the threshold relevant to the type of application.

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X	For DSP Referral or trial. I understand I am agreeing to contribute 90% of my monthly disposable income x 5 months, or 6 months if I default on this or any other payment plan with AFCLAA. I further understand that if I do not supply the necessary financial evidence within 21 days of legal aid being granted this may increase to 100% of my monthly disposable income or £900 per month (whichever is the higher)
X	For Elections and Appeals to SAC (including applications for leave to appeal to the CMAC). I understand that I may be required to make a post-proceedings fixed fee contribution as follows: Unsuccessful appeal against conviction - £500 Unsuccessful appeal against conviction but sentence amended - £250 Unsuccessful appeal against sentence - £250 Election resulting in conviction - £1000
X	I agree that any legal aid contribution I am required to pay may be deducted direct from my salary and, if applicable, from any monies payable on discharge which may include pay, gratuities etc. I understand that if I fail to make the full income contributions and /or contribution from capital/equity if applicable AFCLAA may seek to recoup the outstanding balance owed from any savings or capital by way of a civil debt arising from this agreement
X	I understand that if I am acquitted or my case does not proceed to trial after referral to the DSP I will be refunded the paid contribution plus interest (2%)
X	For DSP Referral, direction for trial or election for trial. I understand that any payments made to AFCLAA in excess of the final legal aid costs will be refunded after final settlement of defence bills.

Signature		Name	
Date			

6b. Unit declaration

To be completed by the Certifying Officer, not below the rank of PO/Sgt

	I certify that the personal details provided in Sections 1 - 3 are accurate to the best of my belief, and		
	The financial information provided in Section 5 is accurate as far as can be certified from the applicant's pay records, on the day of signing		
Signature		Name	
Date		Rank/Rate	

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GUIDANCE NOTES

MOD Form 2263 – Tri-Service Legal Aid Application Form – Guidance for Completion

The information required: The information requested on the legal aid application forms will be used by AFCLAA to confirm eligibility for legal aid under the Armed Forces Legal Aid Scheme, and thereafter provides the requisite authority for AFCLAA to provide the applicant with legal aid funding.

Accuracy of information: The information provided by you will be used to determine what, if any, contributions you will be required to make towards your legal aid costs. It is therefore imperative that the form is completed as fully, honestly and accurately as possible, to ensure the contributions are a true reflection of your ability to pay, based upon your own particular personal and financial circumstances.

Notes for Applicants: You must read the Notes for Applicants at the start of the application form, as your signature at the end of the form will be accepted as proof that you have read, understood and accepted the conditions under which legal aid is granted.

Section 1: Personal Details

Box	Explanation
Service/Status	RN, Army, RAF, RM, UK-Based Civilian staff (UKBC) or dependants. This will ensure the correct departments are informed as necessary.
Service No & Rank/Rate	For dependants, include their spouse/civil partner/parent's Service number, annotated as appropriate i.e. Dependent of
Unit title, address, postcode	Full postal details are required to ensure documentation is delivered without delay.
Are there any co-accused?	It is vital that the existence of any/all co-accused is notified to AFCLAA asp, to ensure that appropriate action can be taken. It is especially important if there are co-accused in different units, so Case Officers can deal directly with all units, preventing unnecessary delay to the process. It will also ensure that all interested parties are kept informed of relevant details e.g. co-accused's legal representative's details.
Is there any reason why you and your co-defendants cannot be represented by the same solicitor?	Please provide details of any reasons why you cannot share legal representation with co-accused. Sharing legal representation, where appropriate, is likely to reduce your legal aid cost liability following conviction.
Nature of Charge	This will help determine the appropriate level of legal aid required, should you request legal aid at the DSP referral stage. It may also affect the contribution payable, as contributions may be capped according to the type of offence charged. It may also assist the Case Officer, should you wish AFCLAA to nominate a legal representative on your behalf.
Investigation Reference Number (if applicable)	If known – this will identify separate cases (i.e. if you have more than one case on-going), and all case-related documentation; including that of any co-accused not previously known or identified on the application form(s).
Applicants aged 17 or under	If you are aged 17 or under at the point of application you must provide your date of birth, to confirm eligibility to receive free legal aid; when signing the unit declaration at Section 6b, the Certifying Officer is confirming this information. As no costs will be incurred you are not required to complete Section 5, but must complete all other Sections.

Section 2: Legal representation

Box	Explanation
The information provided here will clarify your choice of legal representation and therefore the public funds committed on your behalf. You may seek advice from your DAO/AAO, an independent legal advisor or unit admin staff (who may, in turn, seek advice from AFCLAA), but the final decision on legal aid and representation MUST remain solely with you. Care should be taken to ensure that you are aware of this right, and the potential costs and implications.	
2a	To be ticked where you already have legal aid in place for the case(s) concerned, but need to re-apply because of changes in personal circumstances. You should also include the AFCLAA Case Reference number (as shown on AFCLAA documentation) in the boxes provided.
2b-2e:	You MUST tick ONE box ONLY, to ensure your choice of legal representation is taken into account from the outset.

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Box	Explanation
2b	Ticking this box will not prevent you from applying for legal aid at any time up to the date of trial, however, you should be aware that a late application may result in additional delay to the trial process, and may incur additional costs, for which you may be liable. Furthermore, an application submitted after you have pleaded guilty but before sentence, may be rejected.
2c	If you tick this box, it is <u>your</u> responsibility to ensure that a Service lawyer is contacted and accepts the case. A tick here will not prevent you from applying for legal aid at any time up to the date of trial. NOTE: Service lawyers can only represent you in CM or SAC proceedings.
2d	If this box is ticked, AFCLAA will appoint a legal representative on your behalf, taking into account your requirements, and the circumstances of your case.
2e	If you tick this box, you must also provide full contact details of the legal representative you wish to nominate. It is not sufficient to simply put a name and location. It is not necessary to nominate a legal representative who is already known to AFCLAA, so long as the nominated legal representative is suitably qualified and is willing to accept the terms and conditions of the Armed Forces Legal Aid Scheme.
2d & 2e	Ticking either of these boxes will authorise AFCLAA to enter into a formal agreement with the legal representative, to provide legal representation for, and on behalf of, you.

Section 3: Entitlement to apply for legal aid

Box	Explanation
	The correct details here will ensure the Case Officer takes the appropriate internal admin actions, according to type and stage of the proceedings, and will ensure the representative is properly advised from the outset.
3a-c generally	If your summary appeal has been lodged by the Reviewing Authority, you will not be required to make any contribution, regardless of the outcome; therefore you do not have to complete any part of Section 5. You should, however, ensure you annotate your application to show the Reviewing Authority lodged their appeal.
3d	This box should be completed if you have elected for trial at the Court Martial.
3e	<u>For personnel detained in custody after charge only.</u> Personnel in custody without charge should have access to legal advice and assistance under the Duty Solicitor Scheme, accessed via the Service Police station.
3f	This box should only be ticked if the case has been referred to SPA for a decision on whether to proceed to trial.
3g	This box should only be ticked if the SPA has directed the case to be tried at the Court Martial.
3h	This box should only be ticked by civilians being tried by the Service Civilian Court.
3i	A copy of the indictment (charge sheet) should be enclosed wherever possible. NOTE: there is no entitlement to legal aid through AFCLAA unless you are (or were) subject to Service law or discipline, and the alleged incident occurred while you were in the country concerned on permanent or detached duty, at the time of the incident.
3j	This box should only be ticked where you pleaded or were found guilty at trial, but wish to appeal your case to the Court Martial Appeal Court (CMAC), either where there was no legal aid in place for the trial, or because you wish to use a different legal representative; legal aid will not be transferred if the original legal representative confirms there are no grounds upon which to appeal. There is no need to apply for legal aid if the original legal representative is preparing the application for leave to appeal, as this is automatically included as part of the legal aid.
3k	This box should only be ticked where you require non-legal aid public funding i.e. Child Assessment or Protection hearings; Adjudication hearings; some appeals to the CMAC; incidents arising during the course of duty.
Interests of Justice (IOJ) test	<u>You should only complete this Section if you are a civilian being prosecuted through the Service Civilian Court, or are being prosecuted through a civilian criminal court outside the UK.</u> Only in these instances may it be necessary to clarify the reasons why a case may meet the IOJ test.

Section 4: Service Point of Contact

Box	Explanation/comment
POC details: Div Officer, HR Disc, DAO, AAO	It is essential that ALL the requested information is provided, including Service and civilian access dialling codes and internal and external email addresses, as this will be used by AFCLAA for case administration and will be passed to the civilian legal representatives and their support staff, to enable and maintain contact throughout the process. Alternative contact numbers, especially mobile phone numbers, will be held on file by AFCLAA, and will only be provided to the legal representative as necessary.

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Section 5: Financial Statement

You should only contact AFCLAA directly in the absence of either HR Disc staff or the DAO/AO, where an urgent response is required. In all other instances, you are to access advice via your unit representative.

If, at any stage during the completion of the form, there is any doubt about what information or documentary evidence is required, your HR Disc Admin staff or the DAO/AO are to contact AFCLAA immediately.

This information is not required if you are aged 17 or under at the time of application, as you will not be required to make any contribution towards costs. Nor is it required where you have ticked either box 2b or 2c, as neither option incurs publicly funded legal aid costs. If you later change your mind and re-submit an application requesting legal aid and/or civilian legal representation instead of a Service lawyer, Section 5 must be completed in full.

5a – Marital status and children. Income contributions are determined by a means test which includes a Basic Living Allowance (BLA), adjusted according to the family composition. To ensure your BLA is calculated correctly, it is essential that your marital status, and ages of each child is annotated on the form; we do not need any other details, such as names or gender.

5b – In cases where your spouse/civil partner is either the victim or a witness for the prosecution their financial details will not be included in the means test; it is therefore essential you tick one of the boxes to indicate your spouse/civil partner's status in relation to this application.

5c-d - Descriptions of income and outgoings. You MUST complete all boxes. If you are married, or in a civil partnership, you MUST also complete all boxes in respect of your spouse/civil partner, so that all relevant information is taken into account when assessing what, if any, income and/or capital/equity contributions are payable. Where information requested is not pertinent to you, and/or your spouse/civil partner, 'none' or 'N/A' should be added.

Tick Box	Explanation/comment
Gross salary, and gross income from part-time job/gainful employment	If you are a Service applicant, legible JPA pay statement print-outs are acceptable. If you are a civilian, including ex-Service personnel, or if you have additional income from civilian sources, pay statements covering the most recent 3 months prior to application are required.
Any other income	This includes any money received on a regular basis, and which forms part of the household income e.g. rental income on house/holiday home let; interest earned e.g. trust fund (where this is paid into a current account – interest accrued on savings where this is added to the savings account should be included under 5d).
Income from State benefits e.g. Child Benefit (including Kindergeld), tax credits; housing benefit, Universal credits etc.	Full details of any/all state benefits are required. Some benefits may be considered as 'passports' to automatic free legal aid, but can only be considered if appropriate and current supporting documentation is provided i.e. documentation issued by the Dept for Works and Pensions (DWP) or a local Council, detailing type, payee and level of benefit entitlement.
Maintenance payments received by you or your spouse/civil partner	Details of the amount and frequency of payments is to be provided, along with supporting evidence e.g. statement from the CSA/CMEA, detailing payment schedule, or bank statement with payment clearly identified (see footnotes ¹) for limitations on the use of bank statements.
Childcare costs (registered childcare provider)	Childcare costs can only be included where the care is provided by a fully registered childcare provider. You MUST provide documentary evidence in all instances where childcare costs exceed £500 per calendar month; if documentary evidence is not provided this will be limited to £500. Where costs are below £500 per calendar month, documentary evidence is not routinely required, however, in some instances AFCLAA may request documentary evidence and a failure to provide evidence when requested will cause this item to be excluded.
Maintenance payments to a 3rd party	You must provide documentary evidence to show the amount and frequency of payments, and define the nature of the payments i.e. Court Order or CSA/CMEA payment schedule. Where there is no formal agreement, you will be required to

¹ Bank statements will only be accepted in the short-term, particularly where the applicant is unable to obtain more appropriate documentation due to Service or Operational requirements only. In all other circumstances, the Income Evidence Sanction will be applied where the applicant fails to provide more appropriate documentation within 21 days of issue of the Contribution Order.

PROTECT – PERSONAL DATA (WHEN COMPLETED)

	obtain a statement from the 3 rd party concerned, confirming the relationship between you and the person you are paying maintenance for.
Savings, Stocks and Shares	Full details of all savings held, including bank and/or building society accounts, ISAs, PEPs, National Savings etc, and of Stocks and/or Shares held, must be provided.

If you have an additional expenditure including loans, credit cards and debt management agreements please complete a MOD Form 2263c – Hardship Review and submit with the MOD Form 2263 – Application for Legal Aid.

Section 6: Declaration

“6a – Your declaration”. Before signing the application form at Section 6, you should take note of the declarations made in the sub-paragraphs set out at Section 6a. By signing the declaration, you are confirming that:

- The information provided is a true statement of your personal and financial circumstances, and that of your spouse/civil partner, at the time of application;
- **You** understand that making a false statement, or withholding information, may lead to a prosecution, and that you may become liable for the full costs of any defence work carried out by your legal representative;
- **You** understand AFCLAA will carry out a means test assessment, which may require you to make a pre-trial, and/or post-proceedings, contribution(s), should your disposable income exceed the relevant thresholds;
- **You** may be subject to additional contribution payments if you default on agreed payments, or fail to produce required documentary evidence within agreed timelines, as set by AFCLAA;
- **You** understand you may be liable for contributions following proceedings for Elections and Summary Appeals.
- **You** will be liable for full legal costs, if it is found after the receipt of additional evidence you are not eligible for legal aid (i.e. exceed the income threshold of £37,500).
- **Your** legal aid contributions will be deducted directly from salary via JPA wherever possible, and, if necessary, from any monies payable on discharge;
- **You** understand that any/all contributions made will be refunded, with 2% interest, following a full acquittal of all charges, or case discontinued at any point before trial.
- **You** understand that, following a conviction on some or all charges, any contributions paid in excess of your legal aid costs liability will be refunded by AFCLAA once all defence bills have been agreed and authorised for payment (refunded overpayments will not attract interest payment).

“6b – Unit declaration”. The Certifying Officer is to sign the application form to verify your identity, to confirm your signature, and to certify the financial information provided, as far as can be proved from either JPA or documentary evidence supplied, to be accurate at the date of signing.

Section 6 must be signed by both you and the Certifying Officer, even if you have ticked boxes to confirm you do not require legal aid, either because you wish to use a Service lawyer or because you do not wish to apply for legal aid at this point. This will provide evidence that you were fully aware of the availability of legal aid and your eligibility to apply.