

Application for a review of legal aid in criminal proceedings on the grounds of hardship

Form
CRM16



Legal Aid
Agency

MAAT Reference
(for official use)

! Use the Guidance

If you are not sure whether you should use this form

or how to complete it

or what to do when you have completed it

see the guidance at: www.justice.gov.uk/forms/legal-aid-agency/criminal-forms/applications

About you

1

Mr Mrs Miss Ms Other title

Your forenames or other names (in BLOCK LETTERS)

Your surname or family name (in BLOCK LETTERS)

Your date of birth

The date when you sent CRM14 to court

The MAAT reference of your application, if you know it

! GUIDANCE

This application for review relates to:

Magistrates'
Court

Crown Court where income
contribution assessed

Crown Court where
legal aid refused

! GUIDANCE

The grounds of your application (why you are applying for a review)

2

If you or your partner have not received during the past 12 months, income that you included on form CRM14, CRM15 or CRM15C, give details of the income you have not received (we call this 'denial of income').

! GUIDANCE

If you have been denied income from two or more sources, use another sheet of paper.

In which form did you give us details about the income?

The question number

The date this income stopped

The amount of income that you no longer receive

Who received the income?

CRM14 CRM15 CRM15C

£

You

Your Partner

Why was the income stopped?

! EVIDENCE

The evidence which you have provided

3

! GUIDANCE

Cost of Living Allowance

Outgoings covered by the Allowance cannot be taken into account. The Allowance covers the cost of food, clothing, insurance and utilities such as gas and water.

! EVIDENCE

The evidence you will need to provide includes loan agreements and credit card statements. Bank statements alone are insufficient evidence of such debts.

Before you send your application, check the guidance for this form for a full list of evidence requirements.

If you want to give more details, use another sheet of paper.

If you or your partner have any outgoings which you have not already told us about on the form CRM15, that are not covered by the Cost of Living Allowance, give details.

Outgoing	Amount payable	Defer or reduce payment?	Evidence provided?
Before you answer, read the notes opposite and the guidance for this form.	After 'every' put either: week, 2 weeks, 4 weeks, month, or year, to show when you usually make your payments.	Not for cases heard by the Crown Court	
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="text"/>	£ <input type="text"/> every <input type="text"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

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Additional information

! GUIDANCE

If you require more space for your answers, use another sheet of paper.

! EVIDENCE

If you have given additional information, are you providing evidence for what you have said?

No Yes

Declaration by your partner

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! GUIDANCE

I declare that the information on this form, with the information on form CRM14 and on forms CRM15 and CRM15C (if I used them), is a true statement of all my financial circumstances to the best of my knowledge and belief.

I understand that all the terms of the declaration which I signed on form CRM14 apply to this form.

Signed

Date

Full name (in BLOCK LETTERS)

Declaration by you

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I apply for a review of my application for legal aid and of any contribution towards the cost of my defence that I am required to pay, on the grounds that payment will cause me to suffer financial hardship.

I declare that the information on this form, with the information on form CRM14 and on forms CRM15 and CRM15C (if I used them), is a true statement of all my financial circumstances and those of my partner to the best of my knowledge and belief.

I understand that all the terms of the declaration which I signed on form CRM14 apply to this form. Please also rereview the Privacy Notice at the back of this form.

Signed

Date

Full name (in BLOCK LETTERS)

If your partner has not signed the declaration at 5, please explain:

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Now give this form to your solicitor who must complete question 8; and additionally, if your case is in a magistrates' court, an appeal or a committal for sentence, or you have been refused legal aid for a Crown Court trial, your solicitor must complete question 9.

Your solicitor must also sign and date the declaration at question 10.

For completion by the solicitor who acts for you

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Details of the instructed solicitor

Mr Mrs Miss Ms Other title

Solicitor's initials, surname or family name (in BLOCK LETTERS)

Name of the solicitor's firm

Reference for correspondence

Provider's LAA Account Number

Telephone (land line)

Mobile phone

Document Exchange (DX)

Fax

email address

Costs

9

! GUIDANCE

9.1: Grade of fee earner

This will allow your private hourly rate to be benchmarked against historical DCA rates. If your hourly rate is significantly higher than the corresponding DCA rate, please tell us why the case justifies such a high rate. Give the reason(s) at 9.4 (Explanation of costs).

! GUIDANCE

9.2: Advocate costs

If your estimate of advocate costs is based on instructing more than one advocate or King's Counsel or both, please set out the costs for the other advocate(s) at 9.4 (Explanation of costs); and explain why the case requires this level of representation.

9.3: Total costs

The total estimate of the costs will be compared to average historical Defence Costs Orders for the relevant type of case. And see the panel notes for 9.4 on page 6.

9.1 Solicitors' costs: complete for magistrates' court hardships, and Crown Court eligibility reviews, only.

The offence, or if more than one, the most serious offence

The court where the case will be heard

Initial plea, if known **Grade of fee earner.** See the side panel.

	Hourly rate	Hours	Total cost	VAT
Preparation and Attendance	£ <input type="text"/>	x <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Hearings	£ <input type="text"/>	x <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Disbursements (if the case is in a magistrates' court, is an appeal or a committal for sentence, include counsel's fees)			£ <input type="text"/>	£ <input type="text"/>
Final costs (Preparation and Attendance + Hearings + Disbursements)			£ <input type="text"/>	£ <input type="text"/>

9.2 Advocate costs: complete for Crown Court eligibility reviews, only. See the side panel.

Level of advocate

	Hourly rate	Hours	Total cost	VAT
Brief Fee (preparation, conferences and first day of trial)	£ <input type="text"/>	x <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Refreshers (attendance at second and subsequent days of trial)	£ <input type="text"/>	x <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Disbursements			£ <input type="text"/>	£ <input type="text"/>
Final costs (Brief Fee + Refreshers + Disbursements)			£ <input type="text"/>	£ <input type="text"/>
9.3 Total costs (Solicitors' costs + Advocate costs, including final costs for any additional advocates described in 9.4)			£ <input type="text"/>	£ <input type="text"/>

9.4 Please explain the costs of the case: See the side panel on page 6.

If you require more space, continue on page 6 and then, if necessary, a sheet of paper →

9.4: Explanation of costs

If your total estimate of the costs at 9.3 considerably exceeds the average Defence Cost Order for the type of case, please ensure that a clear explanation is given here.

Please include a breakdown of disbursements which you judge will be incurred, actually and reasonably.

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Certificate by solicitor

I certify that I have provided as accurately as possible all the information which this form requests me to provide.

Signed

Date

Full name (in BLOCK LETTERS)

Official use

Note all issues that you considered in conducting the assessment (and note information given orally)

Magistrates' Court Hardship Review

Passed Refused

Crown Court Hardship Review: Revised Contribⁿ?

No Yes. Contribution is £

Crown Court Eligibility Review: Eligible?

No Yes. Contribution is £

Signed

Date

Case Number

/ /

Name of the appropriate officer

Representation Order Number

LEGAL AID AGENCY

PRIVACY NOTICE

Purpose

This privacy notice sets out the standards that you can expect from the Legal Aid Agency when we request or hold personal information ('personal data') about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

The Legal Aid Agency is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information we hold. The Legal Aid Agency collects and processes personal data for the exercise of its own and associated public functions. Our public function is to provide legal aid.

About personal information

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include the information that you have provided in a legal aid application such as your financial circumstances and information relating to any current or previous legal proceedings concerning you.

We know how important it is to protect customers' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

Types of personal data we process

We only process personal data that is relevant for the services we are providing to you. The personal data which you have provided in your legal aid application will only be used for the purposes set out below.

Purpose of processing and the lawful basis for the process

The purpose of the Legal Aid Agency collecting and processing the personal data which you have provided in a legal aid application is for the purposes of providing legal aid. Our lawful basis is 'the performance of a task carried out in the public interest or in the exercise of official authority' as set out in Article 6(1)(e) of UK GDPR. The tasks are those set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Specifically, we will use this personal data in the following ways:

- In deciding whether you are eligible for legal aid, whether you are required to make a contribution towards the costs of this legal aid and to assist the Legal Aid Agency in collecting those contributions, if appropriate.
- In assessing claims from your legal aid Provider(s) for payment from the legal aid fund for the work that they have conducted on your behalf.
- In conducting periodic assurance audits on legal aid files to ensure that decisions have been made correctly and accurately.
- In producing statistics and information on our processes to enable us to improve our processes and to assist us in carrying out our functions.

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

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

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