



Legal Aid
Agency

EMERGENCY APPLICATION

To be sent by email only.

Total Number of Pages
(including this page) _____

Do not use this form if you have already granted emergency funding using delegated authority. The use of delegated functions should be reported on CIVAPP1 and CIVAPP3. **This form should only be used where there is no time to make a full application by post or DX. Do not use this form in connection to Exceptional Case Applications.**

| | |
|--|--|
| <h2 style="margin: 0;">Your client's details</h2> <p>Title: _____ Initials: _____</p> <p>Surname: _____</p> <p>First Name: _____</p> <p>Surname at Birth: _____ (if different)</p> <p>Date of Birth: / /</p> <p>Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Prefer not to say</p> <p>National Insurance number: _____</p> <p>Marital Status: _____</p> <p>Address: _____</p> <p>_____ Postcode: _____</p> <p>Correspondence Address if different:</p> <p>_____ Postcode: _____</p> <p>Has your client applied for Legal Aid before? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If known, give our reference numbers and brief description of the proceedings:</p> | <h2 style="margin: 0;">Provider details</h2> <p>Account number: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Roll number: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Name of organisation: _____</p> <p>Name of solicitor or Fellow of the Institute of Legal Executives: _____</p> <p>Solicitor's reference: _____</p> <p>Phone: _____</p> <p>Fax: _____</p> <p>4 The solicitor or Fellow instructed must have a valid practicing certificate. The Legal Aid Agency (LAA) will not pay for any work done during any period in which the solicitor does not have a practicing certificate.</p> |
| <h2 style="margin: 0;">Application summary</h2> <p>Details on following statement of case.</p> <p>Cost estimate: £ _____ for urgent work only, at LAA rates, including disbursements & counsel, (excl VAT)</p> <p>Proceedings (specify e.g. family injunction, possession etc).</p> <p>Opponent's name(s):</p> <p>Urgency (including hearing date and court, if applicable).</p> | <h2 style="margin: 0;">Financial eligibility summary</h2> <p>1. Is the client a child?</p> <p><input type="checkbox"/> Yes Go directly to statement of case on page 2.</p> <p><input type="checkbox"/> No Go to question 2.</p> <p>2. Is the client in receipt of Income Support, Income-based Job Seeker's Allowance, Income-based Employment and Support Allowance, Guarantee Credit or Universal Credit?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Please complete financial eligibility section on page 6.</p> |
| <h2 style="margin: 0;">Certification</h2> <p>I certify that:</p> <p>i) I have explained to the client the importance of co-operating in full with any means assessment required and the acceptance of any offer of a full certificate.</p> <p>ii) I understand, and have explained to the client, that any grant will be made on condition that fully completed means and application forms (emergency and substantive) appropriate to the case are received in the regional office within 5 working days of the date of the grant, and that the information contained in them confirms in all material respects the information provided on this form.</p> <p>iii) I have explained to the client the operation of the statutory charge where relevant.</p> <p>iv) I confirm that I have considered all the relevant merits criteria under the Civil Legal Aid (Merits Criteria) Regulations 2013 including the requirement to consider whether it is reasonable for the individual to be provided with legal aid, having regard to any other potential sources of funding for the individual (including conditional fee agreements) other than under Part 1 of the Act. I consider these to be satisfied on the information available. My office's Standard Civil Contract 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).</p> <p>Signed: _____ Date: _____</p> <p>Name: _____ (A Solicitor or Fellow of the Institute of Legal Executives).</p> | |

Statement of case (Please see separate sheet for applications for judicial review)

- 4 Failure to provide all of the following details will result in this application being rejected.
What is the main purpose of this application?

Estimate of costs

Estimate your likely costs for all legal aid work to be done in this case (not just urgent work), including other forms of civil legal service, including disbursements and counsel fees excluding VAT. Where known, legal aid costs incurred by a previous provider for the same client and case should also be included in the estimate).

If your estimate of likely costs meets the requirements of the Civil Legal Aid (Procedure) Regulations for special case work (over £25,000) please attach a copy of an up to date case plan and submit this application to the Special Cases Unit direct.

Benefits to be obtainedQuantifiable claims :

If this is a quantifiable claim please estimate the likely value:

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 the client?

Conditional Fee Agreements (CFAs)

Complete this section unless the application is for work in a type of case to which regulation 39(b) of the Civil Legal Aid (Merits Criteria) Regulations 2012 does not apply.

Do you believe this case is unsuitable for a CFA? Yes No

If yes, please give your reasons.

Have you attempted to secure after-the-event insurance? Yes No

If yes, what was the response?

If no, why not?

Merits

Which of the following best describes the prospects of achieving the outcome your client wants?:

- A** Very good (80% or more) **B** Good (60-80%) **C** Moderate (50-60%)
 D Marginal 45 - 50% **E** Borderline **F** Unclear
 G Poor

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

Opponent's details

4 including name, whether receiving legal aid, and if so our case reference if known, ability to pay damages, if appropriate.

Other people's details

4 directly or indirectly involved and/or standing to gain from this action, whether able to supply alternative funding

Relevant key dates

e.g. agreements, knowledge, incidents, judgements, decisions etc.

Proceedings

4 If proceedings have commenced and the case has been allocated to a track, please specify whether fast, small claims or multi-track.

All other relevant information

4 details of events/circumstances of the case, having regard to the relevant merits criteria in the Civil Legal Aid (Merits Criteria) Regulations 2013.

Date client became aware of proceedings _____

Why is the case urgent?

Applications for Judicial Review

Act, Omission or Other Matter

4 Please identify and state the date of the act, omission or other matter to be challenged, and explain the basis of the proposed challenge.

Alternatives to litigation

4 Please specify any complaints or ombudsman scheme or other alternatives to litigation available.

4 If the client has not exhausted all alternatives please explain why.

Applications for Investigative Representation

Notification of Proposed Claim

4 Has the opponent been notified of the proposed claim and been given a reasonable time to respond? Please enclose a copy of any relevant correspondence or explain why notification of the proposed claim would be impracticable, having regard to the Lord Chancellor's Guidance.

Applications for Full Representation

Pre-Action Protocol

4 Has the judicial review pre-action protocol been followed in full? Please enclose all relevant correspondence or explain why it was impracticable to follow the protocol having regard to the Lord Chancellor's Guidance.

Alternative Proceedings

4 Are there any alternative proceedings or administrative appeals available to challenge the act, omission or other matter? If so please explain why these proceedings would not be effective in providing the remedy your client requires.

Financial Eligibility Tick box if the client is a child under 18. Go directly to certification on page 1.

1. The client has a partner whose means are to be aggregated:
 - Yes Please provide details of both client's and partner's means.
 - No Please provide details of client's means only.
2. Case category e.g.family: _____
3. The case is about ownership or possession of assets and / or financial provision:
 - Yes Go to question 4.
 - No Go directly to Part B Capital.
4. The client's assets (held in sole name or jointly held) have been claimed by the opponent:
 - Yes Please complete Part A Capital - Subject matter of dispute.
 - No Go directly to Part B Capital.

The subject matter of dispute disregard only applies to assets that are specifically claimed by the opponent. All assets that have not been specifically claimed by the opponent must be included in Part B Capital.

Part A: Capital - Subject matter of dispute (SMOD)

4 Please list any property, assets or possessions that the opponent has made a claim to in this case:

| | Main home | Other property |
|---|------------------------------|------------------------------|
| 1. Property: | | |
| Current market value | £ _____ | _____ |
| Outstanding Mortgage/secured loan | £ _____ | _____ |
| 2. Is property held in joint names with the opponent? | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes |
| 4 If property is held in joint names with the opponent, equal shares will normally be assumed for assessment purposes. | <input type="checkbox"/> No | <input type="checkbox"/> No |
| 3. Client's share of property for assessment? | | |
| 4 Enter 50% when property is jointly owned with opponent. Select 100% when property is solely owned by client or jointly with partner. Enter an appropriate % if another party has an interest. | _____ % | _____ % |
| 4. Total Net Equity (i.e. current market value minus mortgage disregard): | | |
| 4 The maximum disregard allowable is capped at £100,000 for all outstanding mortgages/loans covering all property held. | | |
| 4 you must carry out the calculation of total net equity on 'other property' before 'main home' (i.e. use the mortgage disregard on other property first). | | |
| 4 If the client also has an interest in other property that is not SMOD, you will need to return to this question after you have captured property details in Part B Capital. | | |
| | £ _____ | _____ |

Part A: Capital - Subject matter of dispute (SMOD) continued

5. Client's share of Total Net Equity:

4 Multiply answer to question 4 by answer to question 3.

£ _____

6. Final assessed amount of Client's equity:

4 Calculated by applying the SMOD disregard; followed by the equity disregard of £100,000 to the main home.

£ _____

4 The maximum SMOD disregard is £100,000.

4 The SMOD disregard must be applied to the main home first (i.e. deducted from the client's share of total net equity shown as answer to question 5); any remainder (i.e. only if client's share of total net equity in main dwelling is less than £100,000) should then be applied to other property.

4 **You must not reverse the order of the disregards**

7. Other assets and possessions claimed by the opponent:

Client and Partner

Savings (bank, building society, etc)

£ _____

Investments (shares, insurance policies, etc)

£ _____

Valuable items (boat, caravan, jewellery, etc)

£ _____

Other capital (including money due to the client)

£ _____

Total capital Part A

£ _____

4 This is the total capital amount after applying the SMOD disregard of £100,000 to the assets in this section.

4 If there are no SMOD property assets, apply the full £100,000 SMOD disregard to the assets set out in question 7 above.

Part B: Capital

4 Please list all client's and partner's property, assets or possessions not included in Part A.

4 Capital excludes household furniture and effects (unless exceptional value), clothes and tools of trade.

1. Property:

Current market value:

Outstanding Mortgage/secured loan:

Main home **Other property**

£ _____

£ _____

2. Is property held in joint names with the opponent?

Yes

Yes

No

No

4 If property is held in joint names with the opponent, equal shares will normally be assumed for assessment purposes.

3. Client's share of property for assessment:

4 Enter 50% when property is jointly owned with opponent. Select 100% when property is solely owned by client or jointly with partner. Enter an appropriate % if another party has an interest.

_____ % _____ %

4. Total Net Equity (i.e. current market value minus mortgage disregard):

4 The maximum disregard allowable is capped at £100,000 for all outstanding mortgages/loans covering all property held.

4 you must carry out the calculation of total net equity on 'other property' before 'main home' (i.e. use the mortgage disregard on other property first).

£ _____

5. Client's share of Total Net Equity:

4 Multiply answer to question 4 by answer to question 3.

£ _____

6. Final assessed amount of Client's equity:

4 After applying equity disregard of £100,000 to client's share of total net equity in main home (shown as answer to question 5).

£ _____

7. Other assets and possessions:

Savings (bank, building society, etc)

Investments (shares, insurance policies etc)

Valuable items (boat, caravan, jewellery, etc)

Other capital (including money due to the client)

Client

Partner

£ _____

£ _____

£ _____

£ _____

Total capital Part B

£ _____

Total of all capital assets (Part A and Part B)

£ _____

Part C Income

The client is directly or indirectly in receipt of Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Guarantee Credit or Universal Credit (Pathfinder):

Yes Go directly to certification on page 1.

No Continue with income details.

- 4 Use monthly figures
(if paid weekly, multiply by 52 & divide by 12)
(if paid four weekly, multiply by 13 & divide by 12)

Income includes:

- 4 Gross monthly earnings
- 4 Other income
(including child benefit, pensions, maintenance, dividends, tax credits, benefits in kind, etc)

Total gross income

Total gross income (Client and Partner)

Less monthly allowances:

- 4 Housing costs, including:
Mortgage instalment* (capped if client has no dependents)
Rent* (capped if client has no dependents)
* amounts should be net of housing benefit

- 4 Dependents' allowances:

| | |
|------------|-------------------|
| | Partner |
| Dependents | Aged 15 and under |
| | Aged 16 or over |

- 4 Tax and National Insurance
- 4 Standard allowance for employment expenses
- 4 Maintenance payments actually being made
(e.g. for children and/or a former/separated spouse)
- 4 Childcare costs because of work/self employment
- 4 Payment of income contribution order (criminal legal aid)

Total allowances

Total monthly disposable income

**Total monthly disposable income
(Client and Partner)**

| | Client | Partner |
|---------|---------------|----------------|
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| | £ _____ | |
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| £ _____ | £ _____ | £ _____ |
| | £ _____ | |

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