

## Application for legal aid in Family Proceedings

Family Help (Higher) and Legal Representation in Family Proceedings

•	<b>O</b>			For	Official Use Only
			Tag No:		1
Granted under delegated functions	_	es No			
Has an emergency certificate beer CIVAPP6?	granted on	If	yes, please	give refe	rence:
Is this an application for exception funding?	al case		yes, you mu ase funding f		/ an exceptional F1).
Please note - if you are making a grant legal aid.	ın ECF application	on you do	not have de	elegated	functions to
Your client's details	Completion of	this sectio	n is compu	sory	
Title:		Initial	s:		
Surname:					
First name:					
Surname at birth (If different):					
Address:					
			Postcode: _		
Phone Number:					
Correspondence address: (if different)					
Date of birth: —	/ /	NI Number:			
Sex: Male	Female	e	refer not to	say	
Marital status: Single	Married	d/Civil Partr	ner 🗌 Co	habiting	
Separate	d Divorce	ed/dissolve	d CP W	idowed	
Client is		o a, a.o.o	<b>.</b>		
Client Security Pass	word:				
It will not be possible for the Leg your solicitor unless your identity which will be requested at the st	can be verified.	A passwor	d should be		
Password (in Block Capitals)	Prompt (a	word that v	will help you	rememb	er your password)

Equal Opportunities Monitoring					
Please tick the boxes which your client would describe themselves as being:					
Ethnicity					
White	Mixed Asian or Asian British			British	
☐ (a) British	☐ (a) Whit	e and Black Caribbean	☐ (a) Indian		
☐ (b) Irish	<b>—</b> ` <i>′</i>	e and Black African	(b) Pakistar		
☐ (c) White Other	☐ (c) White and Asian ☐ (c) Bangladeshi				
Black or Black British	☐ (d) Mixed Other ☐ (d) Asian Other				
(a) Black Caribbean	☐ Chinese	•	Other		
☐ (b) Black African	_	e Traveller	☐ Prefer not	to sav	
☐ (c) Black Other				<b>,</b>	
Disability					
The Equality Act 2010 defines disability as: a physical or mental impairment which has a substantial and long-term adverse effect on a persons ability to carry out normal day-to-day activities.					
Not Considered Disabled					
If a client considers himself or herself to have a disability please select the most appropriate definition.					
Definitions:					
Mental health condition		Blind			
Learning disability/difficulty		Long-standing physical	l illness or health		
Mobility impairment		condition Other		П	
Deaf Hearing impaired		Unknown			
Visually impaired		Prefer not to say			
, ( <u></u>	_				
4 Completion of this section is voluntary. This will be treated in the strictest confidence and will be used purely for statistical monitoring and research.					

Provider details				
Account number: Roll number:				
Name of organisation:				
Phone:	Fax:			
E Mail:				
Name of authorised litigator instructed:				
4 The authorised litigator instructed must have a valid practising certificate. The Legal Aid Agency (LAA) will not pay for any work done during the period in which the authorised litigator does not have a practising certificate.				
Your case reference:				
Contact name for enquiries:				
Type of case				
$oldsymbol{4}$ Please tick all boxes relevant to this case. This	will assist us in sorting applications on receipt.			
4 Please ensure that you answer all relevant questions for each case type on the pages indicated. These questions are based on the criteria set out in the merits regulations for each type of case and you should refer to the relevant provisions when answering each question.				
4 For cases not within the scope of funding permitted under Part 1, Schedule 1 of the Legal Aid Sentencing and Punishment of Offenders Act 2012, the type of case should be specified on the accompanying ECF form.				
Divorce, Judicial Separation, Dissolution of Civil Partnership, Nullity	Injunction and committal			
Financial and property	Merits tested S31 proceedings			
Actions involving children including child abduction	Merits tested other public law proceedings			
Form of civil legal services applied for:				
Family help (higher)	Legal representation			

Previous legal help or family help and any other legal aid  If you have already provided legal help or family help to this client on the same matter, please supply the following information:
Date your client first visited your firm about this case:/
Costs and disbursements to date: £::
Have you used: Legal help Family help (lower) Help with family mediation
Description of work done:
If you have not provided legal help or family help (lower) please state why your client is applying for legal aid for family help (higher)/legal representation at this stage:
Give full details of other current or previous legal aid (other than legal help or family help (lower)) for issues involving the same relationship (a client can normally only hold one current certificate relating to private law family proceedings). We need any LAA reference and details of the issues and outcome.
Scope of services applied for Please state your client's involvement in each set of proceedings. Applicant Respondent
1
2
3
5
Costs Estimate  Estimate of legal aid costs of doing the work under the certificate applied for (including disbursements/counsel, at LAA rates, excluding VAT) £:
Prospects of Success  You do not need to complete this section where the Merits Regulations do not require an assessment of the prospects of success.  Which of the following best describes the prospects of achieving a successful outcome for your client?
☐ A 50% or better ☐ B Marginal ☐ C Borderline ☐ D Uncertain ☐ E Poor ☐ better ☐ D Uncertain ☐ E Poor
4 If you have ticked box B, C or D above, please say what factors lead you to make this assessment and why legal aid should nevertheless be granted in the statement of case.

#### Opponent/Other parties/organisations/people

Who else is involved in this case (e.g. spouse or cohabitant, children's guardian or local authority)? Include parties to the proceedings as well as those who are not parties but have an interest in the issue(s). This may include a local authority which could fund adoption proceedings.

proceedings. Please provide as much information as you can for each person/organisation: 1. Title: \_\_\_\_\_ Initials:\_\_\_\_Surname/organisation name: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_/ First name: Involvement in the proceedings \_\_\_\_\_ 2. Title: \_\_\_\_\_ Initials:\_\_\_\_Surname/organisation name: \_\_\_\_\_ Date of Birth: \_\_\_\_/ \_\_\_ First name: Involvement in the proceedings 3. Title: \_\_\_\_\_ Initials: \_\_\_\_Surname/organisation name: \_\_\_\_\_ Date of Birth: \_\_\_\_/ / Involvement in the proceedings Why does your client need separate representation? Have any of the other parties applied for legal aid? Yes No Don't know If yes, please state the name(s) and if known the LAA reference number Name: \_\_\_\_\_ LAA ref number: \_\_\_\_\_ Name: \_\_\_\_\_ LAA ref number:\_\_\_\_ Attempts at settlement 4 Do no complete this section for applications to register foreign orders or judgments as described in Regulation 11(9) of the Merits Regulations. Please state what attempts have been made so far to settle the matter through negotiation. mediation or otherwise and the outcome of these. Copies of any relevant correspondence must be attached. Please state exactly what has been offered by the other party to settle the matter and what your client is seeking:

Court details				
Has any court action started?	Yes	☐ No		
If yes, please answer the following:				
Name of court $4\mathrm{State}$ whether Family Court, High Court	or Court of Appeal			
Date divorce or judicial separation petitio civil partnership issued ///	n or petition for dissolution (	of		
Date any other court action/application st	tarted/			
Date of next hearing ///				
Purpose of next hearing:				
Court Case Number  Has your client attended court on any family matter in the last 12  months?  If yes, please give details.				
Injunction and Committal What is the application for legal aid for?				
Non-molestation order	Representation on e	exercise of power of arrest		
Occupation order	Forced Marriage Pro	otection Order		
Warrant of arrest	Committal order, if been breached:	so what type of order has		
Other Injunction				
Is the injunction or committal being sought under:				
Part IV Family Law Act 1996	Protection from Harassme	ent Act 1997 (family case)		
Other 4 please give details				
Are the proceedings in relation to a 'famil	y dispute' as defined in the	Merits Regulations?		
Yes	☐ No			
If there is an existing order, tell us the d	ate:/ (a	ttach a copy)		

Has a warning letter been sent? If not, why not?	Yes	☐ No
Have the police been notified?  If not, why not?	Yes	☐ No
Are there any criminal charges?  If yes, please give details	Yes	☐ No
Have bail conditions been set? If yes, please give details including end, if known:	Yes g date conditions are	No e likely to
Sentencing and Punishment of C		
are satisfied.  4 One of the required pieces of ev	idence must be atta	• •
are satisfied.  4 One of the required pieces of ev	idence must be atta een attached and su d for? ets	ched to the application.
are satisfied. 4 One of the required pieces of every Please state what evidence has been without the state of the	idence must be atta een attached and su d for? ets der for your client der for the child(ren)	ched to the application. bmitted:
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Financial and property continued				
If the application to the court is in matrimonial proceedings are they for:				
reasonable private paying individual test to be met - go to page 10.				
Please tell us about the existing and proposed arrangements:				
Is your client or the other party making a claim for property or other items in this action?  4 Other items could include money in bank/building society accounts, a business, shares, pensions or insurance policies.  Yes  No				
Address of Property:				
Post Code:				
Unless the property is rented, who owns it?				
Your client The other party Your client and the other party				
Others (please tell us who they are)				
The value of the property: £				
The amount outstanding on any mortgage or secured loans: £				
Give an estimate in value of the other assets and describe them e.g. shares, bank account.  Asset  Value				

Actions involving children		
The application for legal aid is for:		
Child Arrangements Order (who the children will spend time with)		Arrangements Order (where the ren will live)
A specific issue order	A pro	hibited steps order
A parental responsibility order	Char	iging a section 8 order
An adoption order	☐ War	dship/Inherent jurisdiction
Section 31 care or supervision order		
An order under the Child Abduction an	d Custody Act 19	985
Other		
The case will be dealt with under:		
Children Act 1989	Adoption and Ch	nildren Act 2002
Note that for most private law application of domestic abuse or that the child is at	risk of abuse as s	nly be available if evidence is provided set out in the regulations 33 and 34 of
the Civil Legal Aid (Procedure) Regulation  For cases concerning the unlawful removed.	val of children th	•
the Civil Legal Aid (Procedure) Regulation  For cases concerning the unlawful remove requirements but full details of the case where evidence is attached please state to the content of the case of t	oval of children th must be provided ne nature of this:	d on page 10.
the Civil Legal Aid (Procedure) Regulation For cases concerning the unlawful remover requirements but full details of the case. Where evidence is attached please state to the case where evidence is attached please state to the	oval of children the must be provided ne nature of this:  here the existency ty.  Date of birth:	d on page 10.  ce of children is relevant, including  Who they live with:
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the Civil Legal Aid (Procedure) Regulation  For cases concerning the unlawful remover requirements but full details of the case.  Where evidence is attached please state to the completed in any case with in relation to financial issues and proper.  Children's details  Name:  Your client's relationship to the children:  The other party's relationship to the children is a child applying to be joined.	pval of children the must be provided the nature of this:  there the existence ty.  Date of birth:  ///// /// /// en:	te of children is relevant, including  Who they live with:
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the Civil Legal Aid (Procedure) Regulation  For cases concerning the unlawful remover requirements but full details of the case.  Where evidence is attached please state to the completed in any case with in relation to financial issues and proper.  Children's details  Name:  Your client's relationship to the children:  The other party's relationship to the children on page 10.	by all of children the must be provided the nature of this:  there the existence the existence that the exis	ce of children is relevant, including  Who they live with:  s why this is justified in the statement  ders )

# Statement of case 4 It is not necessary to complete this section in full for applications to register foreign orders or judgments as referred to on page 5 but you must attach the confirmation from the child abduction unit or REMO section at the office of Official Solicitor and Public Trustee and, in maintenance/enforcement cases, confirm that the application falls within regulation 11(9) of the merits regulations 2012. Background information and history You will need to include what has happened so far, personal information including the parties involved, their relationship and all key dates. If previous proceedings involve the same relationship or children, please provide details of these and explain why these current proceedings are necessary. What is the client's position, what they are seeking and why? You must provide sufficient information to satisfy the criteria set out in the merits regulations and criteria applicable to the case including the benefit likely to be obtained.

Tell us the date you granted a certificate for emergency representation to your client:  // /  Give a brief description of the proceedings and the wording code(s) you used for them:  Give us a brief description of the scope, limitations/condition(s)and tell us the wording code(s) you used for them. The standard cost limitation will apply unless a higher figure is provided and can be justified.  Costs (£1350) or  costs non standard - insert figure £	Why is this case considered to satisfy the emergency criteria in the procedure regulation 2012.	S
Give us a brief description of the scope, limitations/condition(s)and tell us the wording code(s) you used for them. The standard cost limitation will apply unless a higher figure is provided and can be justified.  Costs (£1350) or costs non standard - insert figure £	Tell us the date you granted a certificate for emergency representation to your client:	
Costs (£1350) or costs non standard - insert figure £	Give a brief description of the proceedings and the wording code(s) you used for them:	
Time limitation (4 weeks or earlier grant of full certificate)  Scope Limitation (what urgent steps you have covered):  Part IV Family Law Act - applicant - including representation on the return date (AA010)  Part IV Family Law Act - respondent limited to all steps up to and including representation at a specific hearing - give the date  Children Act - applicant - apply for interim order, including representation on the return date where the application is made without notice.  Children Act - respondent - limited to all steps up to and including representation at a specific hearing - give the date  / /	ou used for them. The standard cost limitation will apply unless a higher figure is provide	
Part IV Family Law Act - <b>applicant</b> - including representation on the return date (AA010)  Part IV Family Law Act - <b>respondent</b> limited to all steps up to and including representation at a specific hearing - give the date//  Children Act - <b>applicant</b> - apply for interim order, including representation on the return date where the application is made without notice.  Children Act - <b>respondent</b> - limited to all steps up to and including representation at a specific hearing - give the date//		atory
Part IV Family Law Act - <b>respondent</b> limited to all steps up to and including representation at a specific hearing - give the date//  Children Act - <b>applicant</b> - apply for interim order, including representation on the return date where the application is made without notice.  Children Act - <b>respondent</b> - limited to all steps up to and including representation at a specific hearing - give the date//	Scope Limitation (what urgent steps you have covered):	
representation at a specific hearing - give the date  Children Act - applicant - apply for interim order, including representation on the return date where the application is made without notice.  Children Act - respondent - limited to all steps up to and including representation at a specific hearing - give the date  ///	Part IV Family Law Act - <b>applicant</b> - including representation on the return date (AA	010)
date where the application is made without notice.  Children Act - respondent - limited to all steps up to and including representation at a specific hearing - give the date  ///	, , , , , , , , , , , , , , , , , , , ,	
specific hearing - give the date ///		urn
Other (please give details and code(s))	, , , , , , , , , , , , , , , , , , , ,	а
	Other (please give details and code(s))	

### LEGAL AID AGENCY PRIVACY NOTICE

#### **Purpose**

This privacy notice sets out the standards that you can expect from the Legal Aid Agency (LAA) 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 LAA is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information we hold. The LAA 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 LAA 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 LAA 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 LAA 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 organisations such as: Credit reference agencies Equifax and TransUnion and our debt collection partners Advantis Credit Ltd;
- 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 Advantis Credit Ltd 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 Advantis Credit Ltd 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 LAA.

#### 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.

#### 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

Declaration to be signed by the app My solicitors have given me to keep:	olicant
4 The Legal Aid Agency's leaflet 'Paying for your Lega	Aid'.
My solicitors have explained the legal aid statutory character advised whether there is a risk that at the end interest - bearing charge on my home.	• • •
As far as I am aware, all the information I have give information. I understand that if I give false informations services provided to me may be cancelled at which costs that have been incurred and I may be prosecuted.	ation or withhold relevant information the point I will become liable to pay all the
Signed:	Date:/
This declaration must be signed by the applicant	24.0
Certification I certify that:	
$4\mathrm{I}$ have explained to the client their obligations and the	meaning of their declaration.
$4\mathrm{I}$ have given to the client to keep the LAA's leaflet refe the statutory charge to them.	_
4 I have provided as accurately as possible all the inform	nation requested on this form.

4 My offices Standard Civil Contract authorises Licensed Work in the proceedings to which this application relates (or a Standard Crime Contract and the application relates to Civil Work).

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

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

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