



Legal Aid Agency

Legal Help, Help at Court and Family Help (Lower)

Yes No

Is this an application for Exceptional Case Funding? If yes, you must supply an ECF1.

Any work carried out earlier than the date of the Exceptional Case Funding Certificate is done so at risk and may not be funded should the application be refused. Making a false declaration is an offence. If you are found doing so, you may be prosecuted and asked to repay your costs in full.

Equal Opportunities Monitoring

Please tick the boxes which your client would describe themselves as being:

Ethnicity

White

- (a) British
- (b) Irish
- (c) White Other

Mixed

- (a) White and Black Caribbean
- (b) White and Black African
- (c) White and Asian
- (d) Mixed Other

Asian or Asian British

- (a) Indian
- (b) Pakistani
- (c) Bangladeshi
- (d) Asian Other

Black or Black British

- (a) Black Caribbean
- (b) Black African
- (c) Black Other

- Chinese**
- Gypsy/Traveller**

- Other**
- Prefer not to say**

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 | <input type="checkbox"/> | Blind | <input type="checkbox"/> |
| Learning disability/difficulty | <input type="checkbox"/> | Long-standing physical illness or health condition | <input type="checkbox"/> |
| Mobility impairment | <input type="checkbox"/> | Other | <input type="checkbox"/> |
| Deaf | <input type="checkbox"/> | Unknown | <input type="checkbox"/> |
| Hearing impaired | <input type="checkbox"/> | Prefer not to say | <input type="checkbox"/> |
| Visually impaired | <input type="checkbox"/> | | |

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.

Your client's details

Title: _____ Initials: _____ Surname: _____

First name: _____ Surname at birth: _____
(if different)

Date of birth: ____ / ____ / ____ National Insurance no: | | | | | | | | | |

Sex: Male Female Prefer not to say

Marital status: Single Married/Civil Partner Cohabiting
 Separated Divorced/dissolved CP Widowed

Place of birth: _____ Job: _____
(town)

Current address: _____
Postcode: _____

Provider Details

(Only complete when submitting a copy of this page with an application for extension of a Cost Limit)

Name of provider: _____
Address of provider: _____
_____ Postcode: _____
DX (with exchange): _____
Telephone number: _____ Contract number: _____

Gateway Work (applies to Debt, Discrimination and education only)

Has the client (or a client representative) applied to the Civil Legal Advice gateway for a determination with respect to this matter? Yes No

If yes, please quote the CLA Reference number given to your client:

--	--	--	--	--	--	--	--

If no, please state why the client is exempt from accessing the mandatory telephone service:

- = Client is under 18
- = Client was assessed by the CLA Gateway as requiring face to face advice in the previous 12 months, was advised by you and now requires further advice from you on a linked problem. Please ensure you provide your original CLA Reference Number.
- = Client has been deprived of their liberty e.g. Prison, detention centre, secure hospital. Please give the circumstances, including the address and postcode of the client's place of detention below:

Financial Eligibility

1. The client is directly or indirectly in receipt of NASS payments (**Immigration and Asylum category work only**):

- Yes Go directly to the Evidence section on page 7.
 No Go to question 2.

2. 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.

3. Type of case (e.g. family): _____

4. The case is about ownership or possession of assets and / or financial provision:

- Yes Go to question 5.
 No Go directly to Part B Capital.

5. 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:

1. Property:

Current market value
Outstanding Mortgage/secured loan

Main home **Other property**

£ _____
£ _____

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

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

Yes Yes
 No 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.

_____ % _____ %

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

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.

Main home Other property

£ _____

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:

- 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 and Partner

£ _____

£ _____

£ _____

£ _____

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).

Main home **Other property**

£ _____

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 or Guarantee Credit.

Yes Go directly to the Evidence section on page 7.

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)

Client

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
(eg 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)**

£ _____

Evidence

Evidence given in support of means

Yes you will need to complete the evidence checklist on page 11.

No

If no, please record justification or exceptional circumstance.

Privacy notice - access to personal data

Personal data relates to a living individual who can be identified from that data. The processing of personal data is governed by the Data Protection Act 1998 (DPA), under which the Ministry of Justice (MoJ) is registered as a data controller. The Legal Aid Agency is an executive agency within the MoJ. The Legal Aid Agency processes personal data in order to provide legal aid services.

The MoJ complies with its obligations under the DPA by keeping the personal data we hold up to date; storing and destroying it securely; by not collecting or retaining excessive amounts of data; protecting personal data from loss, misuse, unauthorised access and disclosure; and ensuring that appropriate technical measures are in place to protect the personal data we process in line with Her Majesty's Government standards.

You have the right to request details about the personal information we hold about you; and subsequently request that we correct any personal information if it is found to be inaccurate or out of date.

In order to fulfil its functions the MoJ may share personal data with other organisations. These organisations include other government departments, local authorities and private or voluntary sector organisations engaged to deliver services. Personal data is only shared outside the MoJ when the law allows.

To request a copy of your personal information please refer to the MoJ website for further details on how you may do this.

Client's Certification

Please tick the box below which applies to you:-

I have not already received legal help or family help (lower) from a solicitor or contracted provider on this matter.

I have already received legal help or family help (lower) from a solicitor or contracted provider on this matter. If so, please state when: _____

I agree to my solicitor or contracted provider having a first charge on any money or property (including costs) which I recover or preserve in or in relation to the matter for which I am being advised. (Family help (lower) cases which exceed the standard fee only).

This is a true statement of all my and my partner's income and assets in the UK and abroad.

I understand that I must tell you immediately if there are any changes in my or my partner's financial circumstances.

I agree that the Legal Aid Agency (LAA) can contact other parties to check these facts and I authorise those parties to provide the information they are asked for.

I understand that the LAA may check my income and capital status with Her Majesty's Revenue and Customs (HMRC) and authorise HMRC to carry out such checks as are necessary to verify my financial status and give that information to LAA.

I understand that the LAA may confirm my receipt of continuing benefit with the Department of Work and Pensions (DWP). The DWP may carry out such processing as is necessary to check this information remains correct and may inform the LAA of any relevant changes.

I understand that if I give false information or withhold any relevant information the services provided to me may be cancelled at which point I will become liable to pay all the costs that have been incurred and I may be prosecuted.

Signed: _____ Date: _____

Partner's declaration

If you have a partner whose details have been completed on this form then they must sign the authority below.

This is a true statement of all my income and assets in the UK and abroad.

I agree to the LAA checking these facts with other parties such as the Department of Work and Pensions (DWP) and the HM Revenue and Customs (HMRC) and I authorise those parties (including HMRC and DWP) to provide the information they are asked for.

Signed: _____ Date: _____

Note to solicitor: Please ensure you complete any relevant boxes on page 9.

Legal Help and Help at Court

Tick the relevant box below if you have:

Travelled out of the office to visit the client, other than at court.

Accepted an application from a child or patient or someone on their behalf.

Provided legal help to a client who has already received it on the same matter within the last 6 months.

Given telephone advice by you or your firm before the signature of the form.

Claimed for outward travel before the signature of the form.

Accepted a postal application.

If you have ticked any of the above boxes, please provide the circumstances justifying this in accordance with the relevant Rule in the Contract Specification.

Legal aid is only available for these proceedings under paragraphs 12 and 13 of Part 1, Schedule 1 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 if the evidence requirements set out in regulation 33 and 34 of the Civil Legal Aid (Procedures) Regulations and/or guidance are satisfied.

Evidence given? Yes No This evidence must be retained on the file.

Family Help (Lower) - **private law**

Are the relevant criteria in the Civil Legal Aid (Merits Criteria) Regulations 2012 for family help (lower) met and does the case satisfy the conditions as set out in the Family Specification? Yes No

Was an application for legal representation made in this matter? Yes No

Time spent and costs

Item	Time Spent
1. Attendance	_____
2. Preparation	_____
3. Help at Court	_____
4. Travel and Waiting	_____
Total:	_____

Item	Number
1. Letters written	_____
2. Phone calls	_____

Total Profit Costs £ _____ **Vat** £ _____

Value or amount of contractual or statutory charge £ _____

Disbursements

	Amount	Vat
Mileage	£ _____	£ _____
Other disbursements	£ _____	£ _____
Total	£ _____	£ _____
Counsel's fees	£ _____	£ _____

Dated _____

Note: When calculating profit costs, the time spent on each activity and the letters and telephone calls must be separated out according to the remuneration rate which applied at the time the work was carried out. Please see the Remuneration Regulations for the appropriate rates.

Remember that you may not charge separately for letters in.

The totals for profit costs, disbursements and counsel's fees from this form and the Controlled Legal Representation Form (if applicable) should be the same (after adding VAT and net of the amount of the statutory charge and any payment on account), as those reported by you in your online submission. Where a staged bill has been submitted in an Immigration matter a separate copy of this page should be completed for each stage reported.

Certification (to be completed for Exceptional Funding cases only)

I certify that:

- 4 I have taken all reasonable steps to ensure my client has completed the Financial eligibility questions on the accompanying Controlled Work Form fully and accurately. I have applied the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 to the information supplied by my client and assessed my client as being eligible for legal aid in this matter.
- 4 I am able to act in this matter under the competence standards set out in my firms legal aid contract; and my organization is currently trading and no Law Society intervention or other sanction prohibits me from acting in this matter (legal help only).
- 4 Proof of means has been obtained.

Signed: _____
(Authorised litigator)

Date: ____/____/____

Name: _____

Evidence Checklist

4 Please tick the relevant box(es) to indicate evidence collected.

4 Please refer to the detailed financial eligibility guidance for controlled work.

<p>Income</p>	
<p>Employed (P.A.Y.E.) Income:</p> <p><input type="checkbox"/> Wage slips</p> <p>Self Employed Income:</p> <p><input type="checkbox"/> Recent bank statements</p> <p><input type="checkbox"/> Complete financial accounts</p> <p><input type="checkbox"/> Self Assessment Tax Return</p> <p><input type="checkbox"/> Cash book</p> <p>Benefits in Kind</p> <p><input type="checkbox"/> P11D tax form (benefits in kind)</p> <p>Other Income:</p> <p><input type="checkbox"/> Private /Occupational Pension documents</p> <p><input type="checkbox"/> Evidence of rental income (bank statement or tenancy agreement)</p> <p><input type="checkbox"/> Trust income (bank statement or letter from trustees)</p> <p><input type="checkbox"/> Letter from friend/family providing support</p> <p><input type="checkbox"/> student grant/loan letter</p> <p><input type="checkbox"/> Other: _____ (e.g. bank statements)</p> <p>4 For pensions and any other income that is subject to income tax, evidence must show the gross amount before tax is deducted.</p>	<p>State benefits (including passporting benefits):</p> <p><input type="checkbox"/> Bank statements</p> <p>4 Name and type of benefit e.g. Income-based Jobseekers Allowance must be specified on the statement or additional evidence will be required e.g. notification letter.</p> <p><input type="checkbox"/> Original notification letter (for passporting benefit, please refer to the table providing examples of acceptable and unacceptable evidence in volume 2 part E).</p> <p><input type="checkbox"/> Latest letter advising change in benefit amount</p> <p><input type="checkbox"/> Letter from paying agency i.e. Department for Work and Pensions, Jobcentre Plus, Pension Service confirming receipt of the passporting benefit at the date of application.</p> <p>4 Letters must specify name and type of benefit. Letters over 6 months old must be supported by a recent bank statement.</p> <p>NASS Support:</p> <p><input type="checkbox"/> Letter from NASS or Local Authority that the individual is in receipt of support.</p> <p>4 Letter must be less than 6 months old.</p> <p>Tax Credits:</p> <p><input type="checkbox"/> Tax Credit Award Notice (most recent).</p> <p><input type="checkbox"/> Other recent HMRC letter confirming amount received.</p> <p>4 Letter must be less than 6 months old.</p>
<p>Expenditure (refer to guidance on risk-based evidence):</p>	
<p>Income Tax and National Insurance:</p> <p><input type="checkbox"/> Wage slips (employees P.A.Y.E.)</p> <p><input type="checkbox"/> Tax calculation sheet form SA302 (self employed)</p> <p>Housing costs (where amount exceeds one-third of client's gross income):</p> <p><input type="checkbox"/> Rent book/tenancy agreement</p> <p><input type="checkbox"/> Mortgage statement</p> <p><input type="checkbox"/> Bank statement</p>	<p>Child Care costs in excess of £600 per month</p> <p><input type="checkbox"/> Copy of agreement/contract</p> <p><input type="checkbox"/> Bank statement</p> <p>Maintenance (see guidance)</p> <p><input type="checkbox"/> Receipts</p> <p><input type="checkbox"/> Bank statement</p> <p><input type="checkbox"/> Copy of Maintenance Order</p>
<p>Capital (refer to guidance on risk-based evidence):</p>	
<p><input type="checkbox"/> Bank statement</p> <p><input type="checkbox"/> Share certificate</p> <p><input type="checkbox"/> National savings certificate/passbook</p> <p><input type="checkbox"/> Premium Savings Bonds or Bond Record (summary)</p>	<p><input type="checkbox"/> Other: _____</p>