

1968 No. 1231

LEGAL AID AND ADVICE, ENGLAND

**The Legal Aid in Criminal Proceedings (General)
Regulations 1968***Made* 31st July 1968*Laid before Parliament* 9th August 1968*Coming into Operation* 1st October 1968

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In pursuance of the powers conferred upon me by section 83 of the Criminal Justice Act 1967(a), I hereby make the following Regulations :—

Proceedings in a magistrates' court

1.—(1) An application for a legal aid order in respect of proceedings in a magistrates' court under section 73(2) of the Act (magistrates' court proceedings) may be made to the justices' clerk in Form 1 in the Schedule to these Regulations.

(2) An application for a legal aid order may be made orally to the court.

(3) A legal aid order shall not be made until the court, a justice of the peace or the justices' clerk has considered the statement of means of the applicant.

(4) Subject to the provisions of this Regulation, the powers of the court to determine an application for a legal aid order may be exercised by the justices' clerk or a justice of the peace to whom the clerk has referred the application.

(5) Where an application for a legal aid order is made orally to the court, the court may refer it to the justices' clerk for determination.

(6) The justices' clerk considering an application for a legal aid order shall—

(a) make an order ; or

(b) refuse to make an order unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay ; or

(c) refer the application to the court or a justice of the peace.

(7) Where the justices' clerk refuses to make a legal aid order unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay, the applicant shall be entitled, on request, to have the application determined by the court or a justice of the peace, as the clerk thinks fit.

(8) Where the court or a justice of the peace determines an application for a legal aid order by refusing to make a legal aid order, the justices' clerk shall not make a legal aid order except where the court or justice of the peace refused to make a legal aid order unless the applicant first made a payment as aforesaid and such payment is made.

(9) In this Regulation the expression "justice of the peace" means a justice of the peace who is entitled to sit as a member of the magistrates' court and "legal aid order" means a legal aid order within the meaning of paragraph (1) of this Regulation.

Proceedings in a court of assize or quarter sessions

2.—(1) An application for a legal aid order under section 73(3) or (4) of the Act (proceedings in a court of assize or quarter sessions) may be made in Form 2 in the Schedule to these Regulations to—

- (a) the clerk of assize or clerk of the peace, as the case may be, or
- (b) in the case of an appeal to quarter sessions, the justices' clerk.

(2) An application for a legal aid order may be made orally to the court of assize or quarter sessions, or to the magistrates' court at the conclusion of the proceedings in that court.

(3)(a) An application for a legal aid order under section 73(8) of the Act (retrial) may be made in Form 2 in the Schedule to these Regulations to the clerk of assize or clerk of the peace, as the case may be.

(b) An application for such an order may be made orally to the Court of Appeal or the House of Lords, as the case may be, immediately after the decision of the court.

(4) A legal aid order shall not be made until the court, a judge of the court, the proper officer of the court or, where the application is made to the magistrates' court or justices' clerk, a justice of the peace has considered the statement of means of the applicant.

(5) Subject to the provisions of this Regulation, the powers of the court to determine an application for a legal aid order may be exercised by a judge of the court, the proper officer of the court, or, where the application is made to the magistrates' court or justices' clerk, a justice of the peace.

(6) Where an application for a legal aid order is made orally to the court, the court may refer it to the proper officer of the court for determination.

(7) The proper officer of the court considering an application for a legal aid order shall—

- (a) make an order ; or
- (b) refuse to make an order unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay ; or
- (c) except where the proper officer of the court is a justices' clerk, refer the application to a judge of the court, or, if he is, to the magistrates' court or a justice of the peace.

(8) Where the proper officer of the court refuses to make a legal aid order unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay, the applicant shall be entitled, on request, to have the application determined by a judge of the court or, if the proper officer of the court is a justices' clerk, the magistrates' court or a justice of the peace, as the justices' clerk thinks fit.

(9) Where the court or a judge of the court or a justice of the peace determines an application for a legal aid order by refusing to make a legal aid order, the proper officer of the court shall not make a legal aid order except where the court, judge or justice refused to make a legal aid order unless the applicant first made a payment as aforesaid and such payment is made.

(10) In this Regulation the expression "magistrates' court" means the court which committed or convicted the applicant, "justice of the peace" means a justice of the peace who is entitled to sit as a member of the magistrates' court, "justices' clerk" means the clerk to the magistrates' court, and "legal aid order" means a legal aid order within the meaning of paragraph (1) or (3) of this Regulation, as the case may be.

Proceedings in the House of Lords or Court of Appeal

3.—(1) Notice of application for a legal aid order under section 73(5) of the Act (appeal to the Court of Appeal) may be given in Form 3, and under section 73(7) of the Act (appeal to the House of Lords) may be given in Form 3A, in the Schedule to these Regulations and in either case may be given to the Registrar.

(2) An application for a legal aid order may be made orally to the Court of Appeal, a judge of the court or the Registrar.

(3) A legal aid order shall not be made until—

- (a) a notice of appeal or application for leave to appeal to the Court of Appeal or the House of Lords, as the case may be, has been given, and
- (b) the Court of Appeal, a judge of the court or the Registrar has considered the statement of means of the applicant for legal aid.

(4) Subject to the provisions of this Regulation, the powers of the Court of Appeal to determine an application for a legal aid order may be exercised by a judge of the court or the Registrar.

(5) Where an application for a legal aid order is made orally to the Court of Appeal, the court may refer it to a judge of the court or the Registrar for determination; and where such an application is made orally to a judge of the court, he may refer it to the Registrar for determination.

(6) The Registrar considering an application for a legal aid order shall—

- (a) make an order; or
- (b) refuse to make an order unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay; or
- (c) refer the application to the Court of Appeal or a judge of the court.

(7) Where the Registrar refuses to make a legal aid order unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay, the applicant shall be entitled, on request, to have the application determined by a judge of the court.

(8) Where a judge of the court refuses to make a legal aid order or refuses unless the applicant first makes a payment as aforesaid, the applicant shall be entitled, on request, to have the application determined by the Court of Appeal.

(9) Where the Court of Appeal or a judge of the court determines an application for a legal aid order by refusing to make a legal aid order, the Registrar shall not make a legal aid order except where the court or judge refused to make a legal aid order unless the applicant first made a payment as aforesaid and such payment is made.

(10) In this Regulation the expression "legal aid order" means a legal aid order within the meaning of paragraph (1) of this Regulation.

Statement of means

4.—(1) A statement of means submitted by an applicant shall be in Form 4 in the Schedule to these Regulations.

(2) Where the applicant is an infant, a statement of means submitted by any person other than the applicant shall be in Form 5 in the Schedule to these Regulations.

(3) If an applicant does not furnish a statement of means at the time that he makes an application for legal aid, he shall be required to do so by the proper officer of the court to whom or to whose court he is making the application, unless he has already submitted such a statement in pursuance of a previous application in respect of the same case.

General powers to make legal aid order

5. Subject to the provisions of Regulation 4 of these Regulations, nothing in Regulation 1, 2 or 3 of these Regulations shall affect the power of a court or a judge of the court or the Registrar (subject to the provisions of section 75 of the Act) to make a legal aid order, whether an application has been made for legal aid or not, or the right of an applicant whose application has been refused to apply to the court at the trial or other proceedings.

Legal aid orders

6.—(1) A legal aid order shall be in Form 6 in the Schedule to these Regulations.

(2) A copy of such order shall be delivered or sent to the solicitor assigned or to counsel (where counsel only is assigned).

(3) When a legal aid order has been made or an application for legal aid has been refused, the proper officer of the court to which the application is made shall forthwith notify the applicant.

(4)(a) An order amending a legal aid order under section 80(1) of the Act shall be in Form 7 in the Schedule to these Regulations.

(b) A copy of the amending order shall be sent or delivered to the solicitor assigned by such order or to counsel (where counsel only is assigned) and to the solicitor and counsel assigned by the order which is amended.

(c) A copy of the order which is amended shall be sent or delivered to the solicitor assigned by the amending order or to counsel (where counsel only is assigned by such order).

(d) The legally assisted person shall be notified that the order has been amended.

(5)(a) An order revoking a legal aid order under section 80(2) of the Act shall be in Form 8 in the Schedule to these Regulations.

(b) A copy of an order revoking a legal aid order shall be sent or delivered to the legally assisted person and to the solicitor and counsel assigned under the order which is revoked.

(6) Where a legal aid order is amended in accordance with paragraph (4) of this Regulation, counsel originally assigned shall send or deliver forthwith to the solicitor who instructed him, or (where counsel only was assigned) to the counsel newly assigned, all papers and other things in his possession relating to the proceedings and the solicitor originally assigned shall send or deliver all papers and other things in his possession relating to the proceedings to the solicitor newly assigned (or to counsel, if counsel only is assigned by the amending order).

(7) Where a legal aid order is revoked in accordance with paragraph (5) of this Regulation, the counsel assigned shall send or deliver all papers and other things in his possession relating to those proceedings to the solicitor assigned or (where no solicitor is assigned) to the legally assisted person and the solicitor assigned shall send or deliver all papers and other things in his possession relating to the proceedings to the legally assisted person.

Exclusion of solicitors and counsel

7.—(1) The proper officer of each court shall keep a list of solicitors and counsel, notified to him by the Secretary of State, who are for the time being excluded from acting for legally assisted persons under section 82 of the Act.

(2) Any reference in these Regulations to solicitors or counsel shall not apply to solicitors or counsel so excluded.

Assignment of solicitor

8. Subject to the provisions of Regulations 11 and 14 of these Regulations, any person in respect of whom a legal aid order is made, entitling him to the services of a solicitor, may select any solicitor who is willing to act and such solicitor shall be assigned to him.

Selection of counsel

9. Where a legal aid order is made in respect of the services of solicitor and counsel, the solicitor may instruct any counsel who is willing to act:

Provided that in the case of proceedings in the Court of Appeal or House of Lords, counsel may be assigned by the court or person making or amending the legal aid order.

Assignment of counsel only

10.—(1) Where a legal aid order in respect of proceedings in a court of assize or quarter sessions is made or amended so as to provide for representation by counsel only, counsel shall be assigned by the court or person making or amending the legal aid order.

(2) Where a legal aid order in respect of proceedings in the Court of Appeal is made or amended so as to provide for representation by counsel only, counsel shall be assigned by the court, a judge of the court or the Registrar.

Assignment of counsel for House of Lords or Court of Appeal

11. In assigning counsel or solicitor to a legally assisted person in respect of an appeal to the House of Lords or Court of Appeal, the court, the judge of the court or the Registrar shall have regard, as far as is reasonably practicable, to the wishes of the legally assisted person, the identity of the solicitor or counsel, if any, who represented him in any earlier proceedings and the nature of the appeal.

Commencement of legal aid order

12. In making a legal aid order in respect of proceedings in the Court of Appeal, the court, a judge of the court or the Registrar, as the case may be, may specify the stage of the proceedings at which the legal aid shall commence.

Assignment of two counsel

13.—(1) Except as provided by paragraph (2) of this Regulation, a legal aid order shall not provide for the services of more than one counsel.

(2) In trials at assizes or quarter sessions or appeals to the House of Lords or the Court of Appeal, an order may provide for the services of two counsel—

(a) on a charge of murder; or

(b) where it appears to the court or person making the legal aid order that the case is one of exceptional difficulty, gravity or complexity and that the interests of justice require that the legally assisted person shall have the services of two counsel.

(3) Where, in such case as is specified in paragraph (2) of this Regulation, a legal aid order provides for the services of one counsel, it may be amended to provide for the services of two counsel.

Assignment of one solicitor or counsel to more than one legally assisted person

14. A solicitor or counsel may be assigned to two or more legally assisted persons whose cases are heard together, unless the interests of justice require that such persons be separately represented.

Documents

15. Where a notice of application for leave to appeal or a notice of appeal has been given to the Court of Appeal, copies of documents (including transcripts) may be supplied by the Registrar in accordance with rules made under the Criminal Appeal Act 1968(a).

Notes of evidence and depositions

16. Where a legal aid order is made in respect of an appeal to quarter sessions, the justices' clerk shall supply, on the application of the solicitor assigned to the appellant or respondent on whose application such an order was made, copies of any notes of evidence or depositions taken in the proceedings in the magistrates' court.

Transfer of documents

17. Where a person is committed by a lower court to a higher court or appeals or applies for leave to appeal from a lower court to a higher court, the proper

officer of the lower court shall send to the proper officer of the higher court the following documents (if any):—

- (a) a copy of any legal aid order previously made in the same case;
- (b) a copy of any contribution order previously made;
- (c) a copy of any legal aid application which has been refused;
- (d) any statement of means already submitted.

Payments on account of contributions

18.—(1) Where a person is ordered under section 75(3) of the Act, to make a payment on account of any contribution towards costs, such payment on account shall be made to the proper officer of the court ordering such payment unless that court directs otherwise.

(2) Where such payment is made otherwise than to the appropriate authority, the person receiving such payment shall forward it to the appropriate authority.

Delivery of contribution orders

19.—(1) Where a contribution order is made, it shall be in Form 9 in the Schedule to these Regulations, a copy shall be sent or delivered to the legally assisted person and, if the order is made by a court other than a magistrates' court, a copy shall be sent by the proper officer of the court making the order to the appropriate authority.

(2) Where a payment on account has been made and a contribution order is not made by the court or person empowered in that behalf, the proper officer of that court shall notify the appropriate authority and the legally assisted person.

Assessment of contribution as proportion of taxed costs

20.—(1) Where a contribution order is made in respect of proceedings in a court other than a magistrates' court on such terms that the amount payable by the legally assisted person cannot be assessed without reference to the actual legal aid costs, the proper officer of that court shall send to the appropriate authority particulars of the amount of taxed costs in that court.

(2) Where a contribution order on such terms as aforesaid is made in respect of proceedings in a magistrates' court, the appropriate authority shall notify the Law Society, which shall send the appropriate authority particulars of the legal aid costs payable out of the legal aid fund.

(3) The appropriate authority on receipt of the aforesaid particulars shall notify the legally assisted person of the amount of the contribution payable by him.

Reference to Supplementary Benefits Commission

21. Where a legally assisted person in respect of whom a contribution order may be or has been made wishes the Supplementary Benefits Commission (hereinafter referred to as "the Commission") to enquire into his means, application may be made to the court having power to make or vary the order, either in court, during or immediately after consideration by the court as to whether such an order should be made, or in writing to the proper officer of the court within one month of the contribution order being made.

Forms and procedure of Supplementary Benefits Commission

22.—(1) A request to the Commission to enquire into the means of any person shall be in Form 10 in the Schedule to these Regulations and be accompanied by—

- (a) the statement of means of the legally assisted person;
- (b) the statement of means of a person referred to in Regulation 4(2) of these Regulations, where one has been submitted.

(2) Where such a request is made, the Commission may require from the legally assisted person such further information (including any documents) as it may think necessary for a proper inquiry and may require such person to attend at an office of the Ministry of Social Security for this purpose.

Variation of contribution orders

23.—(1) Any power of a court to make a contribution order after receiving a report from the Commission or to revoke or otherwise vary a contribution order made before receiving such a report may be exercised by any person entitled to sit as a member of the court.

(2) Any power of a court to revoke or reduce the amount of a contribution order made before receiving such a report may, if the court so authorises either generally or in a particular case, be exercised by the proper officer.

(3) An order revoking or otherwise varying a contribution order shall be in Form 11 in the Schedule to these Regulations.

(4) A copy of such an order shall be sent to the appropriate authority and the legally assisted person.

(5) Where, after such a report as aforesaid has been received, a contribution order is not made, the proper officer shall inform the legally assisted person.

(6) Where a contribution order made before receiving such a report is not revoked or otherwise varied, the proper officer shall inform the legally assisted person and the appropriate authority.

Stay of enforcement of contribution orders

24. Where a reference is made to the Commission after a contribution order has been made, the proper officer of the court, other than a magistrates' court making the reference, shall inform the appropriate authority and no action shall be taken thereafter to enforce the order, until the appropriate authority has been informed of the result of the reference.

Refund of payments on account

25.—(1) Where a payment on account has been made and a court having power to make a contribution order does not do so or that court or the proper officer or a person entitled to sit as a member of that court revokes a contribution order, the payment made on account shall be refunded to the legally assisted person by the appropriate authority.

(2) Where a contribution order is made or varied so that the amount ordered to be paid is less than any amount paid on account, the difference between the said amounts shall be refunded to the legally assisted person by the appropriate authority.

Disposal of sums received from legally assisted persons after conviction

26. Where a legally assisted person is ordered to pay any sum adjudged to be paid by a conviction and is also ordered to make a contribution in respect of legal aid, any payment on account received by a magistrates' court shall, unless the person paying the money specifically appropriates such payment or any part of it to payment of the contribution, be applied in the first place in accordance with the provisions of section 114 of the Magistrates' Courts Act 1952(a) and any sums paid in addition to the sums adjudged to be paid by conviction shall be paid to the Secretary of State in accordance with section 79(8) of the Act.

Recovery of costs

27. Where a court makes an order that the costs of a legally aided person shall be paid by any other person, the proper officer of that court shall notify the authority from whose funds the costs of legal aid are to be paid, or, in the case of an order made by a magistrates' court, the Law Society, of the order and of the name and address of the person by whom the costs are to be paid.

Enforcement of orders for payment of costs

28. Where a person ordered to pay the costs of a legally aided person does not pay them in accordance with section 79(1) of the Act, they may be recovered summarily by the aforesaid authority referred to in Regulation 27 of these Regulations or the Law Society, as the case may be, as a sum adjudged to be paid as a civil debt by order of a magistrates' court.

Notification of fund into which costs are to be paid

29. Where any court makes such an order as is referred to in Regulation 27 of these Regulations, the court shall cause the person against whom the order is made to be informed of the fund into which the payment must be made in accordance with section 79(1) of the Act.

Legal aid records

30.—(1) The proper officer of each court shall keep a record, in the manner and form directed from time to time by the Secretary of State, of all cases in which an application for legal aid was made to the court or a legal aid order was made, under Regulation 5 of these Regulations, by the court without application; and shall send to the Secretary of State such information from such record as the Secretary of State shall from time to time direct.

(2) The proper officer of each court shall send to the Secretary of State a copy of every contribution order made by his court.

Interpretation

31.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Criminal Justice Act 1967;

“appropriate authority” has the meaning assigned to it by section 84 of the Act”;

“contribution order” means an order made by a court under section 76 of the Act;

“Court of Appeal” means the criminal division of the Court of Appeal;
 “judge of the court” means—

- (i) in the case of the Court of Appeal, a Lord Justice of Appeal or a judge of the Queen’s Bench Division of the High Court;
- (ii) in the case of quarter sessions, the chairman or a deputy chairman or the recorder or a deputy or assistant recorder;

“legal aid fund” has the meaning assigned to it by section 84 of the Act;

“legal aid order” means an order made under section 73 of the Act and includes an order made solely for the purpose described in section 74(8) of the Act;

“legally assisted person” has the meaning assigned to it by section 73(9) of the Act;

“proper officer” means the Clerk of the Parliaments, the Registrar of Criminal Appeals, the clerk of assize or of the peace or the justices’ clerk (as the case may be);

“Registrar” means the Registrar of Criminal Appeals;

“statement of means” means a statement of means submitted in accordance with Regulation 4 of these Regulations.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Determination in private and in absence of legally assisted person

32. Where it is provided by these Regulations that any matter may be determined otherwise than by a court, it may be determined in private and in the absence of the applicant or legally assisted person.

Forms

33. The forms set out in the Schedule to these Regulations may be used with such variation as the circumstances may require.

Citation and commencement

34.—(1) These Regulations may be cited as the Legal Aid in Criminal Proceedings (General) Regulations 1968.

(2) These Regulations shall come into operation on 1st October 1968.

James Callaghan,
 One of Her Majesty’s Principal
 Secretaries of State.

Home Office,
 Whitehall.
 31st July 1968.

SCHEDULE

FORMS

FORM 1

Application for legal aid (magistrates' court)

(Criminal Justice Act 1967, s.73; General Reg. 1)

I, (*)..... (a) Full name in BLOCK letters. State whether Mr., Mrs., Miss. apply for legal aid for the purpose of the following proceedings before theMagistrates' Court:

(b) (b) State reason for your appearance in the magistrates' court, e.g., charge of theft, alleged failure to comply with a requirement of a probation order or a condition of a recognizance. (c) My case is due to be heard on..... (c) Insert date if known. (d) Special circumstances..... (d) Set out here any special circumstances which you feel might qualify you for legal aid.

My permanent address is..... (d) Set out here any special circumstances which you feel might qualify you for legal aid.

My present address (where different from above) is.....

My trade or occupation is.....

I was born on.....

I attach a statement of my means.

I understand that I may be required by the Supplementary Benefits Commission to supply further information about my means. I also understand that the court may order me to make a contribution to the costs of legal aid or to pay the whole costs if it considers that my means enable me to do so.

The solicitor whom I wish to act for me is(*)..... (e) If you do not wish to select a particular solicitor leave this space blank. of

(Signed).....

FORM 2

Application for legal aid (assizes or quarter sessions)

(Criminal Justice Act 1967, s.73; General Reg. 2)

(a) Full name in BLOCK letters. State whether Mr., Mrs. Miss.

I, (*) apply for legal aid for the following purpose:

(b) Delete as necessary. If legal aid is required for a purpose not mentioned at (1), (2) or (3) describe this at (4). Insert date of conviction or committal if known.

- (1) On.....I was committed for trial and need legal aid for my defence;
- (2) On.....I was convicted by the..... Magistrates' Court and committed to assizes/quarter sessions for sentence or to be otherwise dealt with and need legal aid;
- (b) (3) I need legal aid for an appeal to quarter sessions against my conviction and/or sentence on..... by theMagistrates' Court;
- (4) I need legal aid for.....

(c) Set out here any special circumstances which you feel qualify you for legal aid.

(c)Special circumstances.....

My permanent address is.....

My present address (where different from above) is.....

My trade or occupation is.....

I was born on.....

(d) Delete as necessary. If you have already furnished a statement of means at an earlier stage of the case, a further statement will not be required unless your financial position has changed.

I (d) attach a statement of my means. have already furnished a statement of my means to the clerk to the justices.....and there has been no change in my financial position.

I understand that I may be required by the Supplementary Benefits Commission to supply further information about my means. I also understand that the court may order me to make a contribution to the costs of legal aid or to pay the whole costs if it considers that my means enable me to do so.

(e) If you do not wish to select a particular solicitor leave this space blank.

The solicitor whom I wish to act for me is(*)..... of

(Signed).....

FORM 3

Notice of application for legal aid in Court of Appeal

(Criminal Justice Act 1967, s.73; General Reg. 3)

To the Registrar,
Criminal Appeal Office,
Royal Courts of Justice,
Strand,
London, W.C.2.

PART 1

Particulars of appellant:

Full names: (Block letters)	Forenames	Surname	Age on conviction
Address: (If detained give address where detained and, if detained in prison, give prison number).			

Court where tried and/or sentenced:
Dates of appearances at the Court including dates of conviction (if convicted at the Court) and sentence.

Name of Court

Name of Judge

Particulars of offences of which convicted: whether convicted on indictment or by a magistrates' court: particulars of sentences and orders:

Offences	Convicted on indictment or by magistrates' court	Sentences and orders
.....
.....
.....
.....
.....
.....

Offences taken into consideration when sentenced.
Total sentence.

PART 2

Particulars of application

I wish to apply for legal aid.

Signed.....

Date.....

FORM 3A

Notice of application for legal aid in the House of Lords

(Criminal Justice Act 1967, s.73; General Reg. 3)

To the Registrar,
Criminal Appeal Office,
Royal Courts of Justice,
Strand,
London, W.C.2.

Full names of the applicant.....

Criminal appeal reference number.....

Date of decision of the Criminal Division of the Court of Appeal

.....

Name and address of place at which applicant detained or, if not detained,
applicant's address.

.....

.....

.....

I apply for legal aid for the purpose of—

*(a) appealing to the House of Lords against the above decision;

*(b) opposing the appeal by the prosecutor.

*Delete as necessary.

Signed.....

Date.....

FORM 4

Statement of means (Criminal Justice Act 1967, s.75; General Reg. 4)

IMPORTANT—You should study this form very carefully. Failure to answer any question may lead to delay in the consideration of your application for legal aid. The information given below may be verified by the Supplementary Benefits Commission. ANY PERSON WHO IN COMPLETING THIS FORM KNOWINGLY OR RECKLESSLY MAKES A STATEMENT WHICH IS FALSE IN A MATERIAL PARTICULAR OR KNOWINGLY FAILS TO DISCLOSE ANY MATERIAL FACT IS LIABLE TO PROSECUTION AND, ON CONVICTION, TO IMPRISONMENT FOR A TERM NOT EXCEEDING FOUR MONTHS, OR A FINE NOT EXCEEDING £100, OR BOTH.

If after you have applied for legal aid there is any material change in your resources before the conclusion of the case you are required to inform the court. All applicants must complete Part 1.

PART 1

- 1. Full Name..... (Block letters)
2. Date of Birth..... 3. (*)Married/Widow/Widower/Single/ Married but living apart/Divorced. (a) Delete as necessary.
4. Occupation (if unemployed, state occupation when last employed and how long you have been unemployed).....
5. Present Address.....

If you are under the age of twenty-one, are you being wholly or mainly maintained by your parents or guardian? (Yes or No).....

If your answer is "Yes", your parents or guardian should be asked to complete a separate statement of means on Form 5, in addition to the statement of your means on this form.

If you are single, or a widower/widow, or divorced or living apart from your husband/wife.

(a) Are you receiving a supplementary pension or allowance from the Supplementary Benefits Commission? (Yes or No).....

If your answer is "Yes", you need not complete the remainder of this form but you should sign the declaration at the end of Part 1 of this form.

(b) Was your income from all sources during the past twelve months, after deducting income tax and national insurance contributions, £250 or less? (Yes or No).....

(c) Is your capital, if any, £25 or less? (Yes or No).....

If your answer to both (b) and (c) is "Yes", you need not complete the remainder of this form but you should sign the declaration at the end of Part 1 of this form.

FORM 4—continued

If you are married and living with your wife/husband.

- (d) Are you or your wife/husband receiving a supplementary pension or allowance from the Supplementary Benefits Commission?

(Yes or No).....

If your answer is "Yes", you need not complete the remainder of this form but you should sign the declaration at the end of Part 1 of this form.

- (e) Was the joint income of your wife/husband and yourself from all sources during the past twelve months after deducting any income tax or national insurance contributions £450 or less?

(Yes or No).....

- (f) Is your joint capital, if any, £40 or less?

(Yes or No).....

If your answer to *both* (e) and (f) is "Yes", you need not complete the remainder of this form but you should sign the declaration at the end of Part 1 of this form.

I declare that to the best of my knowledge and belief, the information given above is correct.

Signature.....

Date.....

If you or your wife/husband are not receiving a supplementary pension or allowance, and your answer to either of the questions about your income or capital is "No", you must complete the remainder of this form.

FOR OFFICIAL USE ONLY

PART 2—INCOME

State below particulars of your income from all sources and (if you are married and living with your wife/husband) particulars of her/his income. State against each item of income whether the amount is a weekly, monthly or annual one. The income declared should be the *net* amount after deduction of income tax and national insurance contributions. If only the *gross* figure is known write GROSS against the amount concerned.

Description of Income	Amount		Remarks
	Your Income	Income of wife/husband	
1. Wages or salary including overtime, commission and bonuses			
2. If in business on your own account, average profit.			
3. Family allowances.			
4. National insurance benefit or pension.			
5. Income from sub-letting house, rooms etc.			
6. Other income (give details).			

1.

Write "None" where appropriate.

PART 3—CAPITAL OR SAVINGS

Give below particulars of all your capital or savings. If you are married and your wife/husband is living with you, give details of her/his capital and savings also.

	Yourself	Wife/husband	
1. Do you or your wife/husband own house property? If so, state:— (a) the capital value (i.e. approximate selling price) (b) the amount of any outstanding mortgage. (c) whether you are living in the house.	Yes/No. Yes/No.	Yes/No.	2.
2. Give particulars of all capital or savings belonging to you or your wife/husband. You should state the amount and description (e.g. Post Office Savings Bank or other Bank, National Savings Certificates, cash).			
			3.

Write "None" where appropriate.

FOR OFFICIAL USE ONLY

PART 4—EXPENSES

In assessing your means for legal aid purposes the court will make allowances for your outgoings on the maintenance of your wife (husband) and family and other dependent relatives, the cost of your accommodation, reasonable expenses in connection with your employment and other special expenses such as hire purchase payments. You should give the necessary information below.

(1) Maintenance of dependants (Wife, children and other dependent relatives). A husband or a single person should set out the persons actually dependent on him. A wife living with her husband should include her husband and children dependent on him, but if she is not living with her husband she should include only such children as she is actually supporting.

(a) Living with you.

Name	Age	Relationship	Whether fully dependent on you; if not, state means of dependant
.....
.....
.....

(b) Not living with you.

Name	Age	Relationship	Weekly amounts of your payments for maintenance
.....
.....
.....

(2) Living accommodation.

How much do you pay for your living accommodation..... (Include rent, rates, mortgage payments and interest etc.)

If you neither pay rent nor own the house in which you live, what weekly payments do you make for the keep of yourself and any dependants

(3) Expenses in connection with employment.

State what expenses you incur in connection with your employment (e.g. travelling expenses).....

(4) Other special expenses.

Give particulars below of any special expenses (other than ordinary living expenses) such as hire purchase payments, insurance premiums, repayment of outstanding debts. In the case of hire purchase, state amount of weekly or monthly payments and the date on which last payment is due and specify the nature of the goods. In the case of insurance premiums, in addition to stating amount of premium (and whether weekly, monthly or yearly), state sum insured and date policy taken out.

.....
.....
.....

4.

5.

6.

7.

8.

FOR OFFICIAL
USE ONLY

PART 5—ADDITIONAL INFORMATION

Give below any additional information which you think the court should know about your financial circumstances, including any changes which are likely to occur within the next twelve months.

.....
.....
.....
.....
.....
.....

9.

PART 6—DECLARATION

I DECLARE that, to the best of my knowledge and belief, the information given above is a complete and correct statement of my financial position [and that of my spouse^(a)] and that I have no income, savings or capital except as shown.

Signature

Date

10.

11.

12.

(a) Delete as necessary.

13.

14.

15.

FORM 5

*Statement of means of person financially responsible for
applicant (Criminal Justice Act 1967, s.78(2);
General Reg. 4).*

If you are the parent of an applicant for legal aid or have the care and control of or are otherwise liable to maintain the applicant, you are requested to complete this form and return it to the clerk of the court to which the applicant has applied for legal aid.

PART 1

1. Name and address of applicant.....
.....
.....
2. Your full name and address.....
.....
.....
3. Your relationship to applicant.....
4. Your occupation (if unemployed state occupation when last employed and how long you have been unemployed).....
.....
5. (a) Are you or your wife/husband receiving a supplementary pension or allowance from the Supplementary Benefits Commission?
(Yes or No)

If your answer is "Yes", you need not complete the remainder of this form but you should sign the declaration at the end of Part 1 of this form.

If you are living with your wife/husband.

- (b) Was your joint income from all sources during the past twelve months, after deducting any income tax and national insurance contributions, £450 or less?
(Yes or No)
- (c) Is your joint capital, if any, £40 or less?
(Yes or No)

If your answer to *both* (b) and (c) is "Yes", you need not complete the remainder of this form, but you should sign the declaration at the end of Part 1 of this form.

If you are single, or a widower/widow, or divorced or living apart from your husband/wife.

- (d) Was your income from all sources during the past twelve months, after deducting any income tax and national insurance contributions, £250 or less?
(Yes or No)
- (e) Is your capital, if any, £25 or less?
(Yes or No)

If your answer to *both* (d) and (e) is "Yes", you need not complete the remainder of this form, but you should sign the declaration at the foot of Part 1 of this form.

I declare that to the best of my knowledge and belief the information given above is correct.

Signature.....

Date.....

If you or your wife/husband are not receiving a supplementary pension or allowance, and your answer to either of the questions about your income or capital is "No", you should complete the remainder of this form.

FOR OFFICIAL USE ONLY

PART 2—INCOME

State below particulars of your income from all sources and (if you are married and living with your wife/husband) particulars of her/his income. State against each item of income whether the amount is a weekly, monthly or annual one. The income declared should be the *net* amount after deduction of income tax and national insurance contributions. If only the *gross* figure is known write GROSS against the amount concerned.

Description of Income	Amount		Remarks
	Your Income	Income of wife/husband	
1. Wages or salary including over-time, commission and bonuses.			
2. If in business on your own account, average profit.			
3. Family allowances.			
4. National insurance benefit or pension.			
5. Income from sub-letting house, rooms etc.			
6. Other income (give details)			
			1.

Write "None" where appropriate.

PART 3—CAPITAL OR SAVINGS

Give below particulars of all your capital or savings. If you are married and your wife/husband is living with you, give details of her/his capital and savings also.

	Yourself	Wife/husband	
1. Do you or your wife/husband own house property? If so, state:—	Yes/No.	Yes/No.	
(a) the capital value (i.e. approximate selling price)	
(b) the amount of any outstanding mortgage.	
(c) whether you are living in the house.	Yes/No.		2.
2. Give particulars of all capital or savings belonging to you or your wife/husband. You should state the amount and description (e.g. Post Office Savings Bank or other Bank, National Savings Certificates, cash).			
			3.

Write "None" where appropriate.

FOR OFFICIAL USE ONLY.

PART 4—EXPENSES

In assessing your means for legal aid purposes the court will make allowances for your outgoings on the maintenance of your wife (husband) and family and other dependent relatives, the cost of your accommodation, reasonable expenses in connection with your employment and other special expenses such as hire purchase payments. You should give the necessary information below.

(1) Maintenance of dependants (Wife, children and other dependent relatives). A husband or a single person should set out the persons actually dependent on him. A wife living with her husband should include her husband and children dependent on him, but if she is not living with her husband she should include only such children as she is actually supporting.

(a) Living with you.

Name	Age	Relationship	Whether fully dependent on you; if not, state means of dependant
.....
.....
.....
.....

(b) Not living with you.

Name	Age	Relationship	Weekly amounts of your payments for maintenance
.....
.....
.....
.....

(2) Living accommodation.

How much do you pay for your living accommodation..... (Include rent, rates, mortgage payments and interest etc.)

If you neither pay rent nor own the house in which you live, what weekly payments do you make for the keep of yourself and any dependants

(3) Expenses in connection with employment.

State what expenses you incur in connection with your employment (e.g. travelling expenses).....

(4) Other special expenses.

Give particulars below of any special expenses (other than ordinary living expenses) such as hire purchase payments, insurance premiums, repayment of outstanding debts. In the case of hire purchase, state amount of weekly or monthly payments and the date on which last payment is due and specify the nature of the goods. In the case of insurance premiums, in addition to stating amount of premium (and whether weekly, monthly or yearly), state sum insured and date policy taken out.

.....
.....
.....

4.

5.

6.

7.

8.

FOR OFFICIAL
USE ONLY

PART 5—ADDITIONAL INFORMATION

Give below any additional information which you think the court should know about your financial circumstances, including any changes which are likely to occur within the next twelve months.

.....
.....
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9.
.....
.....

PART 6—DECLARATION

I DECLARE that, to the best of my knowledge and belief, the information given above is a complete and correct statement of my financial position [and that of my spouse(*)] and that I have no income, savings or capital except as shown.

Signature

Date

10.
11.
12.
.....
13.
14.
.....
15.

(*) Delete as necessary.

FORM 6

Legal aid order (Criminal Justice Act 1967, ss.73, 75; General Reg. 6).

In accordance with the provisions of sections 73 and 75 of the Criminal Justice Act 1967 the.....

Court hereby grants legal aid to..... for the following purpose(s):

(a) Delete (1) to (8) as necessary. (b) State charge etc.

- (1) Proceedings before a magistrates' court in connection with(b)..... (2) Appealing to a court of quarter sessions against a decision of the Magistrates' Court on (3) Resisting an appeal to a court of quarter sessions against a decision of the Magistrates' Court on.....

(c) State nature of proceedings.

- (4) Proceedings before a court of assize or quarter sessions in connection with(c)..... including, in the event of his being convicted or sentenced in those proceedings, advice and assistance in regard to the making of an appeal to the criminal division of the Court of Appeal as provided in section 74(7) of the Criminal Justice Act 1967. (5) An appeal to the Court of Appeal and any proceedings preliminary or incidental thereto. (6) Advice by counsel or solicitor assigned by the Court of Appeal on the question whether there appear to be reasonable grounds of appeal and assistance by that counsel or solicitor in the preparation of an application for leave to appeal or the giving of a notice of appeal. (7) An appeal to the House of Lords and any proceedings preliminary or incidental hereto. (8) A retrial by a court of assize or quarter sessions ordered by the Court of Appeal or the House of Lords.

Except as otherwise provided above, the legal aid granted shall consist of representation by a solicitor/solicitor and counsel/solicitor and two counsel/counsel only(d), including advice on the preparation of the case for the proceedings.

The solicitor assigned is..... of

(d) Delete as necessary.

The legally aided person has paid the sum of £ s. d. to..... as a payment on account of any contribution which he may be ordered to make at the conclusion of the case.

The legally assisted person has been committed to..... prison/released on bail and may be communicated with at(d)

(e) Signature and designation of clerk to court.

Dated this..... day of..... 19..... (Signed)(e).....

FORM 7

Order amending legal aid order
(Criminal Justice Act 1967, s.80; General Reg. 6)

The.....court hereby amends the order.....
granting legal aid to.....
.....

of
by substituting for the solicitor^(a) named in the order another solicitor, namely

(a) Where
counsel only is
assigned by the
order, amend
accordingly.

of
/and by authorising the instruction of counsel in place of the counsel already
instructed.^(b)

(b) Delete as
necessary.

Dated this.....day of.....19.....

Signed^(c).....

(c) Signature
and designation
of clerk to
court.

FORM 8

Order revoking legal aid order
(Criminal Justice Act 1967, s.80, General Reg. 6)

The..... court hereby
revokes, as from this date, the order granting legal aid to.....
.....
of
.....for the pur-
pose of
.....

Dated this.....day of.....19.....

Signature^(a).....

(a) Signature
and designation
of clerk to
court.

NOTE TO LEGALLY ASSISTED PERSON

You are no longer entitled to legal aid. Your solicitor and counsel (if any) will cease to act further for you unless you yourself re-employ them and if you do so you will be responsible for their costs from the above date. The court has power to order you to pay a contribution towards any legal aid costs already incurred on your behalf.

FORM 9

Contribution order

(Criminal Justice Act 1967, s. 76, General Reg. 19)

To(*) (a) Name and address of legally assisted person.

By virtue of the powers contained in section 76 of the Criminal Justice Act 1967 the..... (name of court) hereby orders you to pay in respect of the legal aid provided for you under legal aid order(s) no.(s).....:—

(b) Delete as necessary.

- (b) { a contribution of £.....towards the costs the whole costs amounting to £..... *the whole costs, or £....., whichever is less.

This sum should be paid to the Clerk to the Justices,..... Magistrates' Court.....(b) on or before(b) in instalments of, the first to be paid on or before, the second and subsequent instalments to be paid

(*)Signed..... (c) Signature and designation of clerk to the court.

(Date).....

*You will be informed of the amount payable as soon as the legal aid costs incurred are known.

FORM 10

Reference to Supplementary Benefits Commission
(Criminal Justice Act 1967, s.77; General Reg. 22)

To: The Manager,
Legal Aid Assessment
Office,
Ministry of Social
Security,

.....
.....
.....
.....
.....
.....
.....

Name and
Address of Court

Date.....
Reference.....

Dear Sir,

Name of legally assisted person.....
(or applicant)

Present address (if different from.....
that shown in Form 4).

Address of wife/husband where known.....
(if different from above).

The attached statement(s) of means is/are referred for enquiry and report
as to means. This request is made:—

(a) Delete as
appropriate.

(a) { on the application of the legally assisted person.
by the court without application by the legally assisted person.

(b) Leave blank
if no assessment
has yet been
made.

(b) The legally assisted person's resources were assessed for the purpose of a
contribution order on.....(date).

.....

Yours faithfully,

(c) Signature
and designation
of clerk to
court.

(c) Signed

FORM 11

Variation or revocation of contribution order

(Criminal Justice Act 1967, s. 77; General Reg. 23)

To(*) (a) Name and address of legally assisted person.
of
.....

Having considered a report on your means by the Supplementary Benefits Commission the.....
court hereby revokes/varies as follows(b) contribution order no..... (b) Delete as necessary.
made on.....

(b)The total amount which you are required to pay towards the costs of legal aid shall be..... This sum should be paid to the Clerk to the Justices,.....on or before
.....instalments of.....
the first to be paid on or before.....
the second and subsequent instalments to be paid.....

(c)Signed..... (c) Signature and designation of clerk to court.
.....

(Date).....

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Part IV of the Criminal Justice Act 1967 makes fresh provision for the granting of legal aid in criminal proceedings. These Regulations relate to all matters not otherwise covered by regulations made under that Part. Regulations 1 to 4 set out the procedure to be adopted (including the submission of a statement of means) in applying for legal aid in the various courts. Regulation 6 relates to the contents and disposal of a legal aid order. Regulations 7 to 14 relate to the assignment of solicitors and counsel. Regulations 15 to 17 relate to the provision of documents to legally assisted persons and their legal representatives and to the forwarding of documents to courts. Regulations 18 to 20 relate to the making of orders requiring the legally assisted person to contribute to the legal aid costs. Regulations 21 to 24 set out the procedure to be adopted when the Supplementary Benefits Commission is requested to report on the means of an applicant or legally assisted person. Regulations 25 and 26 relate to the disposal of sums received by courts either as payments on account of contributions or as a result of contribution orders. Regulations 27 to 29 relate to the recovery of any costs ordered to be paid to a legally assisted person. Regulation 30 relates to the keeping of records.