

1969 No. 177

**LEGAL AID AND ADVICE, ENGLAND  
COURTS-MARTIAL (APPEALS)**

**The Courts-Martial Appeal Legal Aid (General)  
Regulations 1969**

<i>Made</i> - - - -	17th February 1969
<i>Laid before Parliament</i>	24th February 1969
<i>Coming into Operation</i>	25th February 1969

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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:—

*Application for legal aid*

1.—(1) Notice of application for a legal aid order under section 73(6) of the Act (appeal to the Court) may be given in Form 1, and under section 73(7) of the Act (appeal to the House of Lords) may be given in Form 1A, 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, 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 or the House of Lords, as the case may be, has been given, and  
(b) the Court, 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 power of the Court 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, 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 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.

(9) Where the Court 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.

#### *Statement of means*

2.—(1) A statement of means submitted by an applicant shall be in Form 2 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 3 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 Registrar, 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*

3. Subject to the provisions of Regulation 2 of these Regulations, nothing in Regulation 1 of these Regulations shall affect the power of the 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 any proceedings.

#### *Legal aid orders*

4.—(1) A legal aid order shall be in Form 4 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 Registrar 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 5 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 6 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*

5.—(1) The Registrar 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 solicitors*

6. Subject to the provisions of Regulations 9 and 12 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*

7. 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 counsel may be assigned by the Court or person making or amending the legal aid order.

*Assignment of counsel only*

8. Where a legal aid order in respect of proceedings in the Court 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 the Court*

9. In assigning counsel or solicitor to a legally assisted person in respect of an appeal to the House of Lords or the Court, 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*

10. In making a legal aid order in respect of proceedings in the Court, 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*

11.—(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 appeals to the House of Lords or the Court, 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*

12. 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*

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

*Payments on account of contributions*

14.—(1) Where a person is ordered by the Court 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 Registrar unless the Court directs otherwise.

(2) Where such payment is made otherwise than to the Secretary of State the person receiving such payment shall forward it to the Secretary of State.

*Delivery of contribution orders*

15.—(1) Where a contribution order is made, it shall be in Form 7 in the Schedule to these Regulations, a copy shall be sent or delivered to the legally assisted person and a copy shall be sent by the proper officer to the Secretary of State.

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

*Assessment of contribution as proportion of taxed costs*

16. Where a contribution order is made 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 shall send to the Secretary of State particulars of the amount of taxed costs.

*Reference to Supplementary Benefits Commission*

17. 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 or the House of Lords, whichever has power to make or vary the order, either in that court, during or immediately

after consideration by that court as to whether such an order should be made, or in writing to the proper officer within one month of the contribution order being made.

*Forms and procedure of Supplementary Benefits Commission*

18.—(1) A request to the Commission to enquire into the means of any person shall be in Form 8 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 2(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 Department of Health and Social Security for this purpose.

*Variation of contribution orders*

19.—(1) Any power of the Court or the House of Lords 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 or the House of Lords, as the case may be.

(2) Any power of the Court or the House of Lords 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 9 in the Schedule to these Regulations.

(4) A copy of such an order shall be sent to the Secretary of State 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 Secretary of State.

*Stay of enforcement of contribution orders*

20. Where a reference is made to the Commission after a contribution order has been made, the proper officer shall inform the Secretary of State and no action shall be taken thereafter to enforce the order, until the Secretary of State has been informed of the result of the reference.

*Refund of payments on account*

21.—(1) Where a payment on account has been made and no contribution order has been made by the Court or the House of Lords whichever has power to do so, or a contribution order has been revoked by that court, or the Registrar or a person entitled to sit as a member of that court, the payment made on account shall be refunded to the legally assisted person by the Secretary of State.

(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 Secretary of State.

### *Interpretation*

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

“the Act” means the Criminal Justice Act 1967;

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

“the Court” means the Courts-Martial Appeal Court;

“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 or the Registrar of the Courts-Martial Appeal Court (as the case may be);

“Registrar” means the Registrar of the Courts-Martial Appeal Court;

“statement of means” means a statement of means submitted in accordance with Regulation 2 of these Regulations.

(2) The Interpretation Act 1889<sup>(a)</sup> 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*

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

### *Forms*

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

### *Citation and commencement*

25.—(1) These Regulations may be cited as the Courts-Martial Appeal Legal Aid (General) Regulations 1969.

(2) These Regulations shall come into operation on 25th February 1969.

*Denis Healey,*

One of Her Majesty's Principal  
Secretaries of State.

Ministry of Defence  
Whitehall.  
17th February 1969.

**SCHEDULE  
FORM 1**

*Notice of application for legal  
aid in Courts-Martial Appeal Court*

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

To the Registrar,  
Courts-Martial Appeal Court,  
Royal Courts of Justice,  
Strand,  
London, W.C.2.

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**PART 1**

Particulars of appellant:

Forenames      Surname      Number      Rank

Full names:  
(Block letters)  
Unit or ship:

Convicted by Court-Martial  
held at:  
Offence(s) of which convicted  
Sentence:  
Date when conviction announc-  
ed or finding promulgated:  
Prison number (if detained in  
prison) or place of detention:

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Offences taken into consideration when sentenced.  
Total sentence.

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**PART 2**

*Particulars of application*

wish to apply for legal aid.

Signed.....

Date.....



FORM 1A

Notice of application for legal aid in the House of Lords

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

The Registrar, Courts-Martial Appeal Court, Royal Courts of Justice, Strand, London, W.C.2.

Full names of the applicant.....

Criminal appeal reference number.....

Date of decision of the Courts-Martial Appeal Court.....

.....

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 2

*Statement of means (Criminal Justice Act  
1967, s. 75; General Reg. 2.)*

**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**

(a) Delete as necessary.

1. Full Name.....  
(Block letters)
2. Date of Birth.....
3. (a) Married/Widow/Widower/Single/Married but living apart/Divorcee
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 3, 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 2 (cont.)**

*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.*

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**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.

**FOR  
OFFICIAL  
USE ONLY**

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 and service allowances of all kinds.			
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	
	Yes/No.	Yes/No.	
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.	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.

PART 4—EXPENSES

FOR OFFICIAL USE ONLY

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 dependents (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 dependent
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(b) Not living with you

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

4.

(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.

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

5.

6.

7.

8.

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**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.

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

**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<sup>(a)</sup>] and that I have no income, savings or capital except as shown.

(a) Delete as necessary.

Signature .....  
Date .....

**FOR  
OFFICIAL  
USE ONLY**

9.
10.
11.
12.
13.
14.
15.

FORM 3

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

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 Registrar of the Courts-Martial Appeal Court

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.

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**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.

**FOR  
OFFICIAL  
USE ONLY**

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 and service allowances of all kinds.			
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. the 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.



PART 4—EXPENSES

FOR OFFICIAL USE ONLY

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 dependents (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 dependent
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(b) Not living with you

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

4.

(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.

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

5.

6.

7.

8.

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**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.

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

**FOR  
OFFICIAL  
USE ONLY**

9.

10.

11.

**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<sup>(a)</sup>] and that I have no income, savings or capital except as shown.

(a) Delete as necessary.

Signature .....

Date .....

12.

13.

14.

15.

**FORM 4**

*Legal aid order (Criminal Justice Act 1967, ss.73, 75; General Reg. 4).*

In accordance with the provisions of section 73 and 75 of the Criminal Justice Act 1967 the Courts-Martial Appeal Court hereby grants legal aid to  
for the following purpose<sup>(a)</sup>:

- (1) An appeal to the Courts-Martial Appeal Court and any proceedings preliminary or incidental thereto. (a) Delete (1) to (3) as necessary.
- (2) Advice by counsel or solicitor assigned by the Courts-Martial Appeal Court 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.
- (3) An appeal to the House of Lords and any proceedings preliminary or incidental thereto.

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<sup>(b)</sup>, including advice on the preparation of the case for the proceedings.

The solicitor assigned is.....  
of ..... (b) 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.

Dated this                    day of                    19.....

(Signed) .....Registrar.

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FORM 5

*Order amending legal aid order  
(Criminal Justice Act 1967, s. 80; General Reg. 4).*

The Courts-Martial Appeal Court hereby amends the order granting legal aid to

.....  
.....

of.....

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

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

.....

of.....

(b) Delete as  
necessary.

/and by authorising the instruction of counsel in place of the counsel already in-  
structed.(b)

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

Signed.....Registrar

**FORM 6**

*Order revoking legal aid order  
(Criminal Justice Act 1967, s. 80; General Reg. 4).*

The Courts-Martial Appeal Court hereby revokes, as from this date, the order granting legal aid to.....  
.....

of.....

for the purpose of.....  
.....

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

Signature.....Registrar

**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.

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FORM 7

*Contribution Order*  
(Criminal Justice Act 1967, s. 76; General Reg. 15).

(a) Name and address of legally assisted person.

To(a) .....  
of.....  
.....

(b) Delete as necessary.

By virtue of the powers contained in section 76 of the Criminal Justice Act 1967 the Courts-Martial Appeal Court/House of Lords(b) hereby orders you to pay in respect of the legal aid provided for you under legal aid order(s) no.(s).....:—

- (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 Secretary of State for Defence, (b) on or before.....  
.....(b) in.....  
instalments of....., the first to be paid on or before  
.....  
the second and subsequent instalments to be paid.....  
.....

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

(c)Signed.....  
.....  
(Date).....

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

FORM 8

Reference to Supplementary Benefits Commission  
(Criminal Justice Act 1967, s. 77: General Reg. 17).

To: The Manager  
Legal Aid Assessment  
Office,  
Department of Health and 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 2).....  
.....

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) { on the application of the legally assisted person.  
by the court without application by the legally assisted person.
- (b) The legally assisted person's resources were assessed for the purpose of a contribution order on.....(date).

(a) Delete as appropriate.

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

Yours faithfully,

(c) Signed.....

(c) Signature and designation of clerk to court.

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FORM 9

*Variation or revocation of contribution order  
(Criminal Justice Act 1967; s. 77; General Reg. 19).*

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

(b) Delete as necessary. Having considered a report on your means by the Supplementary Benefits Commission the Courts-Martial Appeal Court/House of Lords(b) hereby revokes/varies as follows(b) contribution order no.....  
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 Secretary of State for Defence on or before.....  
in.....instalments of.....  
the first to be paid on or before.....  
the second and subsequent instalments to be paid.....

(c) Signature and designation of clerk to court. (c)Signed.....  
.....  
(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 concerning legal aid in the Courts-Martial Appeal Court not otherwise covered by regulations made under that Part. Regulations 1 and 2 set out the procedure to be adopted (including the submission of a statement of means) in applying for legal aid in the court. Regulation 4 relates to the contents and disposal of a legal aid order. Regulations 5 to 12 relate to the assignment of solicitors and counsel. Regulation 13 relates to the provision of documents to legally assisted persons and their legal representatives. Regulations 14 to 16 relate to the making of orders requiring the legally assisted person to contribute to the legal aid costs. Regulations 17 to 20 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. Regulation 21 relates to the refund of sums received by the court either as payments on account of contributions or as a result of contribution orders where a contribution order is not made or is less than the amount paid on account.