

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 13(b)

Application for legal aid in criminal proceedings after the death of a defendant or appellant

Form 1A (also known as Form 5131A) Regulations 22 and 23

Use this form

if you are the personal representative of a deceased defendant and you wish to apply for legal aid in order to make, or continue, an appeal on behalf of the estate of the deceased. The court may order the estate to contribute to the costs of legal aid, or to pay the whole costs.

When you fill in the form

Please use black ink because the form will be copied. Answer each part and give as much information as you can. If you do not give all the information which the court needs, it may make enquiries. After the application has been considered by the court, you may be asked to give proof of the information you have given, or asked for further information.

Before you fill in the form

read through it carefully because you may need the help of a solicitor. If you think you need help to fill in the form you may be able to obtain a solicitor's services free of charge or at a reduced fee.

Warning: If you knowingly make a statement which is false, or knowingly withhold information, you may be prosecuted. If you are convicted you may be sent to prison for up to three months or fined, or both (section 39(1) Legal Aid Act 1988).

1 Details of the deceased

- a Surname or family name
b Other names
c Title
d Date of death

in BLOCK LETTERS
in BLOCK LETTERS
Mr Mrs Miss Ms
Date of death

2 About you (the personal representative)

- a Surname or family name
b Other names
c Title
d Permanent Address
e Present Address
f Telephone number (daytime)
g You are the personal representative by

in BLOCK LETTERS
in BLOCK LETTERS
Mr Mrs Miss Ms
Permanent Address
Present Address
Telephone number (daytime)
Letters of Administration granted on
Probate granted on

3 Your solicitors

If you do not choose a solicitor the court will select one for you. You must tell the solicitors that you have named them in this form (unless they have helped you to complete it)

- a Name and reference
b Address
c Telephone number
d Fax number

Name and reference Ref.
Address
Telephone number
Fax number

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**4 Details of your appeal**

- a You intend to
- make an appeal to the Court of Appeal (Criminal Division)
- continue an appeal before the Court of Appeal (Criminal Division)
- take over the conduct of an appeal begun by reference to the Criminal Cases Review Commission
- b The deceased was
- convicted  sentenced  convicted and sentenced
- by the Crown Court at \_\_\_\_\_
- on \_\_\_\_\_
- c The appeal is against the
- conviction  sentence  conviction and sentence
- d Are there any co-defendants who have appealed?
- No  Yes
- If Yes, the name(s):
- \_\_\_\_\_
- e Did the deceased receive legal aid in these proceedings at any time before death?
- No  Yes

**5 Reason for wanting legal aid:**

- a To restore the good name and reputation of the deceased
- b A substantial question of law is involved
- You will need the help of a solicitor to give the details. Please give authorities and law report references*
- c I shall be unable to understand the court proceedings or state my own case because:
- (i) my understanding of English is inadequate
- (ii) I suffer from a disability
- Please say which and give details*
- d Witnesses have to be traced and/or interviewed on my behalf, or on behalf of the deceased
- e The case involves expert cross examination of a prosecution witness
- Please give brief details*
- f Any other reason(s):
- Please give full particulars*

<i>Details of your reason(s)</i>	<i>For court use only</i>

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**6 The estate of the deceased**

**a** You must give full details of the estate of the deceased.

*You may provide this information by enclosing copies of the Inland Revenue forms which you submitted with either a personal application, or an application through a solicitor, for a Grant of Probate or Letters of Administration.*

*Please enclose copies of other documents that may be of assistance in assessing the present value of the estate.*

**b** If the present value of the estate is different from that shown on the above forms then please state what the present value is and why it has changed.

**c** If you do not have all the information at present, say why and give details of the information for which you are waiting.

*If the value of the estate changes in any way after you have submitted this form then you must tell the court. This is a requirement of the Legal Aid Regulations.*

I enclose copies of the following Inland Revenue forms:

**7 Other documents**

I enclose a

- a sealed copy of the Letters of Administration or the Grant of Probate with the will attached
- the indictment and court record (if available)

**8 Declaration**

*Insert the name of the deceased*

I declare to the best of my knowledge and belief that I have given a complete and correct statement of the estate of the deceased.

I apply for legal aid as the personal representative of the estate of \_\_\_\_\_ deceased

I authorise the court to make any enquiries it considers necessary.

Signed \_\_\_\_\_ Date \_\_\_\_\_

(The Personal Representative of the estate of \_\_\_\_\_ deceased)

*Insert the name of the deceased*

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Any additional factors considered when determining the application, including any information given orally:

**Decision on the interests of justice test**

*\* cross out whichever does not apply*

I have considered all available details of the application and it is\* / is not\* in the interests of justice that representation be granted because:

Signed \_\_\_\_\_ (Proper Officer)

Date \_\_\_\_\_

Form 5131A