

1970 No. 1980

LEGAL AID AND ADVICE, ENGLAND

The Legal Aid in Criminal Proceedings (General) (Amendment) Regulations 1970

Made - - - 16th December 1970
Laid before Parliament 31st December 1970
Coming into Operation 1st January 1971

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

1.—(1) These Regulations may be cited as the Legal Aid in Criminal Proceedings (General) (Amendment) Regulations 1970 and shall come into operation on 1st January 1971.

(2) The Interpretation Act 1889(b) applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. In these Regulations the expression “the principal Regulations” means the Legal Aid in Criminal Proceedings (General) Regulations 1968(c).

3. Regulation 1 of the principal Regulations shall be amended as follows:—

(a) for paragraph (1) there shall be substituted the following paragraph:—

“(1) An application for a legal aid order in respect of proceedings in a magistrates’ court under section 73(2) or (3A) of the Act (magistrates’ court proceedings) may be made to the justices’ clerk—

(a) if the application is made by a parent or guardian on behalf of a person who has not attained the age of seventeen years, in Form 1A in the Schedule to these Regulations,

(b) if the application is made by any other person, in Form 1 in the Schedule to these Regulations.”;

(b) in paragraph (3) there shall be inserted at the end the words “except where the applicant is not required in pursuance of Regulation 4(4) of these Regulations to furnish a statement of means”;

(c) for sub-paragraph (b) of paragraph (6) there shall be substituted the following sub-paragraph:—

“(b) refuse to make an order unless the applicant, or where the applicant has not attained the age of sixteen years an appropriate contributor, or both first makes or make, as the case may be, a payment or payments on account of any contribution towards costs which they or either of them may be ordered to make;”;

(d) in paragraph (7) for the words “unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay” there shall be substituted the words “unless the applicant, or where the applicant has not attained the age of sixteen years an appropriate contributor, or both makes or make, as the case may be, a payment or payments on account of any contribution towards costs which they or either of them may be ordered to make”;

(a) 1967 c. 80.

(b) 1889 c. 63.

(c) S.I. 1968/1231 (1968 II, p. 3309).

(e) in paragraph (8) for the words “unless the applicant first made a payment as aforesaid and such payment is made” there shall be substituted the words “unless the applicant, or where the applicant has not attained the age of sixteen years an appropriate contributor, or both first made a payment or payments as aforesaid and such payment or payments is or are made”.

4. Regulation 2 of the principal Regulations shall be amended as follows:—

(a) for paragraph (1) there shall be substituted the following paragraph:—

“(1) An application for a legal aid order under section 73(3), (3B) or (4) of the Act (proceedings in a court of assize or quarter sessions) may be made—

(a) (i) to the clerk of assize or clerk of the peace, as the case may be, or

(ii) in the case of an appeal to quarter sessions, to the justices’ clerk;

(b) (i) if the application is made by a parent or guardian on behalf of a person who has not attained the age of seventeen years, in Form 2A in the Schedule to these Regulations,

(ii) if the application is made by any other person, in Form 2 in the Schedule to these Regulations.”;

(b) in paragraph (3)(a) after the words “Form 2” there shall be inserted the words “or Form 2A”;

(c) in paragraph (4) there shall be inserted at the end the words “except where the applicant is not required in pursuance of Regulation 4(4) of these Regulations to furnish a statement of means”;

(d) for sub-paragraph (b) of paragraph (7) there shall be substituted the following sub-paragraph:—

“(b) refuse to make an order unless the applicant, or where the applicant has not attained the age of sixteen years an appropriate contributor, or both first makes or make, as the case may be, a payment or payments on account of any contribution towards costs which they or either of them may be ordered to make; or”;

(e) in paragraph (8) for the words “unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay” there shall be substituted the words “unless the applicant, or where the applicant has not attained the age of sixteen years an appropriate contributor, or both first makes or make, as the case may be, a payment or payments on account of any contribution towards costs which they or either of them may be ordered to make”;

(f) in paragraph (9) for the words “unless the applicant first made a payment as aforesaid and such payment is made” there shall be substituted the words “unless the applicant, or where the applicant has not attained the age of sixteen years an appropriate contributor, or both first made a payment or payments as aforesaid and such payment or payments is or are made”.

5. Regulation 3 of the principal Regulations shall be amended as follows:—

(a) for sub-paragraph (b) of paragraph (6) there shall be substituted the following sub-paragraph:—

“(b) refuse to make an order unless the applicant, or where the applicant has not attained the age of sixteen years an appropriate contributor, or both first makes or make, as the case may be, a

payment or payments on account of any contribution towards costs which they or either of them may be ordered to make ; or” ;

- (b) in paragraph (7) for the words “unless the applicant first makes a payment on account of any contribution towards costs which he may be liable to pay” there shall be substituted the words “unless the applicant, or where the applicant has not attained the age of sixteen years an appropriate contributor, or both first makes or make, as the case may be, a payment or payments on account of any contribution towards costs which they or either of them may be ordered to make”.

6. Regulation 4 of the principal Regulations shall be amended as follows:—

- (a) in paragraph (1) there shall be inserted after the word “applicant” the words “or an appropriate contributor” ;

- (b) for paragraphs (2) and (3) there shall be substituted the following paragraphs :—

“(2) Where the applicant is an infant, a statement of means submitted by a person other than the applicant, being a person who is not an appropriate contributor, shall be in Form 5 in the Schedule to these Regulations.

(3) If an applicant who has attained the age of sixteen years 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 a 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.

(4) If a statement of means of an applicant who has not attained the age of sixteen years or an appropriate contributor is not furnished at the time that the applicant makes an application for legal aid, either or both may be required to furnish one by the proper officer of the court to whom or to whose court the application is made unless the person who has not furnished a statement of means at that time has already submitted a statement in pursuance of a previous application in respect of the same case.”.

7. Regulation 6 of the principal Regulations shall be amended as follows:—

- (a) at the end of paragraph (3) there shall be inserted the words “except where the application was made on behalf of the applicant by his parent or guardian, in which case the proper officer shall notify the parent or guardian, as the case may be” ;

- (b) in sub-paragraph (d) of paragraph (4) there shall be inserted after the word “person” the words “except where the application for legal aid was made on his behalf by his parent or guardian, the parent or guardian, as the case may be” ;

- (c) for sub-paragraph (b) of paragraph (5) there shall be substituted the following sub-paragraph :—

“(b) A copy of an order revoking a legal aid order shall be sent or delivered to—

- (i) the solicitor and counsel assigned under the order which is revoked, and

- (ii) where the application for legal aid was made on behalf of the legally assisted person by his parent or guardian, the parent or guardian making the application, or, in the case of any other application, the legally assisted person.”.

8. Regulation 19 of the principal Regulations shall be amended as follows:—

(a) in paragraph (1) for the words “the legally assisted person” there shall be substituted the words “the person ordered to make the contribution”;

(b) in paragraph (2) for the words “the legally assisted person” there shall be substituted the words “the person who made the payment on account”.

9. In paragraphs (1) and (3) of Regulation 20 of the principal Regulations after the words “legally assisted person”, in each place where they occur, there shall be inserted the words “or appropriate contributor”.

10. In Regulation 21 of the principal Regulations after the words “legally assisted person” there shall be inserted the words “or appropriate contributor”.

11. In paragraphs (1) and (2) of Regulation 22 of the principal Regulations for the words “the legally assisted person”, in each place where they occur, there shall be substituted the words “that person”.

12. Regulation 23 of the principal Regulations shall be amended as follows:—

(a) in paragraphs (4) and (6) for the words “the legally assisted person”, in each place where they occur, there shall be substituted the words “the person to whom the order relates”;

(b) in paragraph (5) after the words “the legally assisted person” there shall be inserted the words “or appropriate contributor, or both, as the case may be”.

13. In paragraphs (1) and (2) of Regulation 25 of the principal Regulations for the words “to the legally assisted person by the appropriate authority”, in each place where they occur, there shall be substituted the words “by the appropriate authority in accordance with the provisions of section 79(2) of the Act”.

14. For Regulation 26 of the principal Regulations there shall be substituted the following Regulation:—

“Disposal of sums received from legally assisted persons after conviction

26.—(1) Where a legally assisted person or an appropriate contributor to whom this Regulation applies is 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 referred to in paragraphs (a) and (b) above shall be paid to the Secretary of State in accordance with section 79(8) of the Act.

(2) This Regulation applies to a legally assisted person who is ordered to pay any sum adjudged to be paid by a conviction and to an appropriate contributor who is ordered to pay a fine, damages, compensation or costs under the provisions of section 55 of the Children and Young Persons Act 1933(b) or section 3(6) of the Children and Young Persons Act 1969(c)."

15. Regulation 31 of the principal Regulations shall be amended as follows :—

(a) in paragraph (1) the following definitions shall be inserted in the appropriate places :—

“applicant” means, in relation to an application for legal aid made on behalf of a person who has not attained the age of seventeen years by his parent or guardian, that person and in the case of any other application for legal aid the person making the application ;

“appropriate contributor” has the meaning assigned to it by section 84(1) of the Act ;

“contribution” means a sum ordered by a court to be paid in accordance with the provisions of section 76(1) and (1A) of the Act ;

“guardian” has the same meaning as in section 70(2) of the Children and Young Persons Act 1969 ;” ;

(b) after paragraph (1) there shall be inserted the following paragraph :—

“(1A) An applicant who attains the age of sixteen years after the date on which the application is made shall be treated for the purposes of these Regulations as not having attained that age.” ;

(c) after paragraph (2) there shall be inserted the following paragraph :—

“(3) Any reference in these Regulations to an enactment is a reference thereto as amended.”.

16. Regulation 32 of the principal Regulations shall be amended by the insertion at the end of the words “or appropriate contributor”.

17. For Forms 1, 2, 4 and 5 in the Schedule to the principal Regulations there shall be substituted the Forms set out in the Schedule to these Regulations.

R. Maudling,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

16th December 1970.

SCHEDULE

FORM 1

Application for legal aid by applicant (magistrates' court)
(Criminal Justice Act 1967, s.73; General Reg. 1(1)(b))

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

(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. (b) My case is due to be heard on (c)..... Special circumstances (d).....

(c) Insert date if known. My permanent address is.....

(d) Set out here any special circumstances justifying legal aid. My present address (where different from above) is.....

I was born on..... I attach a statement of my means.

(e) If you are under 16, either attach a statement of your parents' means or give their name and address. I attach a statement of my parents' means (e)/My parents' name and address is.....

I understand that I (or my parents if I am under 16) 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 and, if I am under 16, may make a similar order with respect to my parents.

(f) If you do not give the name of a solicitor, the court will select the solicitor assigned to you. The solicitor I wish to act for me is (f)..... of.....

(Signed).....

FORM 1A

Application for legal aid (magistrates' court) by parent or guardian of person who has not attained the age of seventeen

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

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

(Child's name) (b)..... (b) Give full name in BLOCK letters of child on whose behalf you are applying for legal aid and child's date of birth. (Child's date of birth)..... apply on his behalf for legal aid for the purpose of the following proceedings before the..... Magistrates' Court.

(c) (c) State reason for the child's appearance in the magistrates' court, e.g. charge of theft, as being in need of care or control.

The case is due to be heard on (d)..... (d) Insert date if known.

Special circumstances (e)..... (e) Set out here any special circumstances justifying legal aid.

My permanent address is.....

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

I attach (i) a statement of my means; and (ii) a statement of the child's means.

I understand that I or the child may be required by the Supplementary Benefits Commission to supply further information about my means. I also understand that the court may order the child and, if he has not attained the age of 16, may order me to make a contribution to the costs of legal aid or to pay the whole costs if it considers that our means enable us to do so.

The solicitor whom I wish to act for the child is (f)..... (f) If you do not give the name of a solicitor, the court will select the solicitor assigned to you.

(Signed).....

FORM 2

Application for legal aid by applicant (assizes or quarter sessions)

(Criminal Justice Act 1967, s.73; General Reg. 2(1)(b)(ii))

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

I, (a)..... 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) onI was committed for trial and need legal aid for my defence;
- (2) onI 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 the.....Magistrates' Court;
- (4) I need legal aid for.....

(c) Set out here any special circumstances justifying legal aid.

Special circumstances (c).....

My permanent address is.....

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

I was born on.....

(d) Unless you have already furnished a statement of your means and there has been no change in your financial position, you must attach a statement of your means.

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

I attach a statement of my parents' means (f)/My parents' name and address is.....

(e) State the name of the magistrates' court.

I understand that I (or my parents if I am under 16) 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 and, if I am under 16, may make a similar order with respect to my parents.

(f) If you are under 16, either attach a statement of your parents' means or give their name and address.

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

(g) If you do not give the name of a solicitor, the court will select the solicitor assigned to you.

.....of.....

(Signed).....

FORM 2A

Application for legal aid (assizes or quarter sessions) by parent or guardian of person who has not attained the age of seventeen

(Criminal Justice Act 1967, s.73; General Reg. 2(1)(b)(i))

I, (a)..... the parent/guardian of

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

(Child's name) (b).....

(b) Give full name in BLOCK letters of child on whose behalf you are applying for legal aid and child's date of birth.

(Child's date of birth)..... apply on his behalf for legal aid for the following purpose:

- (1) on..... he was committed for trial and needs legal aid for his defence;
- (2) on..... he was found guilty by the..... Magistrates' Court and committed to assizes/quarter sessions for sentence or to be otherwise dealt with and needs legal aid;
- (c) { (3) he needs legal aid for an appeal to quarter sessions against the finding and/or order on..... by the..... Magistrates' Court;
- (4) he needs legal aid for.....

(c) 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.

Special circumstances (d).....

(d) Set out here any special circumstances justifying legal aid.

My permanent address is.....

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

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

(e) Fill in the name of the magistrates' court.

I attach a statement of the child's means/I have already furnished a statement of the child's means to the clerk to the justices for (e)..... and there has been no change in his financial position (f).

(f) Unless you have already furnished a statement of your means and/or the child's means and there has been no change in your/his financial position, you must attach a statement of your/his means.

I understand that I or the child may be required by the Supplementary Benefits Commission to supply further information about my means. I also understand that the court may order the child and, if he has not attained the age of 16, may order me to make a contribution to the costs of legal aid or to pay the whole costs if it considers that our means enable us to do so.

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

(g) If you do not give the name of a solicitor, the court will select the solicitor assigned to you.

(Signed).....

FORM 4

*Statement of means by applicant or appropriate contributor**(Criminal Justice Act 1967, s.75; General Reg. 4(1))*

This form is for use by an applicant for legal aid. If the applicant has not attained the age of sixteen, the applicant's father or mother may also be required to complete the form.

The form requires the person completing it to give particulars of his financial position. This information is needed before legal aid can be granted. Failure to provide the information may lead to delay in considering the application for legal aid. If there is any material change in your financial position after completing this form and before the conclusion of the case you should inform the court.

WARNING—If you knowingly or recklessly make a statement which is false in a material particular or knowingly fail to disclose any material fact, you are liable to be prosecuted and, if convicted, to imprisonment for a term not exceeding four months or a fine not exceeding £100 or both. The Supplementary Benefits Commission may be asked by the court to investigate the accuracy of your statement of means.

PART I

- (a) Delete all but one.
1. Full Name of person completing form.....
(Block letters)
 2. Date of Birth.....
 3. (a) Unmarried/Married/Married but living apart/Divorced/Widow/Widower
 4. Permanent address.....
.....
 5. Present address (where different from above).....
.....
 6. Occupation (state normal occupation).....
 7. Have you been unemployed during the last twelve months? YES/NO.
If your answer is "Yes", state periods of unemployment during the last twelve months
.....
.....
 8. If you are under the age of eighteen years, are you being wholly or mainly maintained by a parent or guardian? YES/NO.
If your answer is "Yes", give his address.....
.....
 9. If legal aid is being sought for your child and he has not yet attained the age of sixteen years, give:
 - (a) his full name.....
 - (b) his date of birth.....
 - (c) your relationship to him.....
 - (d) his address (where different from yours).....
.....

PART 2—INCOME

Give below particulars of your income from all sources for the twelve months immediately preceding the date on which this form is completed. If you are married and living with your wife/husband, particulars of her/his income must also be stated.

The amounts stated should be the net amounts after deduction of income tax and National Insurance contributions.

Instead of giving amounts for the previous twelve months you may express amounts on a weekly or monthly basis if you state the basis in the remarks column.

Description of Income	Amount		Remarks	FOR OFFICIAL USE ONLY
	Your income	Income of wife/husband		
1. Wages or salary including overtime, commission and bonuses.				
2. If in business on your own account, net profit.				
3. Family allowances.				
4. National Insurance benefit— (a) Unemployment (b) Sickness (c) Pension				
5. Supplementary pension or allowance from the Supplementary Benefits Commission.				
6. Net income from sub-letting house, rooms, etc.				
7. Other income (give details).				

Write "NONE" where appropriate.

If legal aid is being sought for your child, has he any source of income not included above? (YES/NO).

If your answer is "Yes", give details below:

Description of Income	Amount	Remarks	FOR OFFICIAL USE ONLY

PART 3—CAPITAL OR SAVINGS

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

	Yourself	Wife/husband	FOR OFFICIAL USE ONLY
1. Do you or your wife/husband own house property? (Answer Yes or No). If your answer is "Yes", state:— (a) the value, (i.e. approximate selling price) (b) the amount of any outstanding mortgage (c) whether you are living in the house.			
2. Give particulars of all capital or savings belonging to you or your wife/husband. You should state the amount and description (e.g. money in the National Savings Bank or other banks, National Savings Certificates, cash, stocks and shares, etc.).			

Write "NONE" where appropriate.

If legal aid is being sought for your child, has he any capital or savings not included above YES/NO.

If your answer is "Yes", give details below:

Description of capital or savings	Amount	Remarks	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, 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. To assist the court please give the following particulars of your outgoings.

(1) Maintenance of dependants. If you are married and you are living with your wife/husband, you should include her/him and any children or other relatives financially supported by either of you. If you are unmarried or you are married but not living with your wife/husband, you should include only children or other relatives financially supported by you personally.

(a) Dependants living with you:—

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

(b) Dependants not living with you:—

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

(2) Living accommodation (state whether payments are weekly, monthly, quarterly or annual):—

- Rent
- Mortgage repayments.....
- Ground rent.....
- Rates
- Board and lodging.....
- Bed and breakfast.....

(3) Expenses in connection with your employment:—

- Travelling
- Tools
- Other expenses.....

(4) Other expenses:—

- (a) Hire purchase payments.....
 Amount outstanding on hire purchase debt(s).....
 Nature of goods.....
- (b) Insurance premiums.....
 State sum insured and date policy taken out.....
 Date policy due to mature.....
- (c) Give details of any order of a court under which you are currently
 required to pay money and of amount involved.....

- (d) Other debts or expenses.....

Write "NONE" where appropriate.

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, I have given a complete and correct statement of my income, savings and capital [and that of my spouse]^(c) [and that of my child]^(d).

(c) Delete unless you are married and are living with your spouse.

(d) Delete unless legal aid is being sought for your child.

Signature.....

Date.....

FORM 5

Statement of means of person financially responsible for applicant

(Criminal Justice Act 1967, s.78(2); General Reg. 4(2))

If you are the parent or guardian of an applicant for legal aid who is under eighteen or you have the care and control of him or you are otherwise liable to maintain him and you are not an appropriate contributor, 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 (state normal occupation).....
- 5. Have you been unemployed during the past twelve months? YES/NO.
If your answer is "Yes", state periods of unemployment during the last twelve months
.....
.....

PART 2—INCOME

Give below particulars of your income from all sources for the twelve months immediately preceding the date on which this form is completed. If you are married and living with your wife/husband, particulars of her/his income must also be stated.

The amounts stated should be the net amounts after deduction of income tax and National Insurance contributions.

Instead of giving amounts for the previous twelve months you may express amounts on weekly or monthly basis if you state the basis in the remarks column.

Description of Income	Amount		Remarks	FOR OFFICIAL USE ONLY
	Your income	Income of wife/husband		
1. Wages or salary including overtime, commission and bonuses.				
2. If in business on your own account, net profit.				
3. Family allowances.				
4. National Insurance benefit— (a) Unemployment (b) Sickness (c) Pension.				
5. Supplementary pension or allowance from the Supplementary Benefits Commission.				
6. Net income from sub-letting house, rooms, etc.				
7. Other income (give details).				

Write "NONE" where appropriate.

Has the child any source of income not included above? YES/NO.

If your answer is "Yes", give details below:

Description of Income	Amount	Remarks	FOR OFFICIAL USE ONLY

PART 3—CAPITAL OR SAVINGS

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

	Yourself	Wife/husband	FOR OFFICIAL USE ONLY
1. Do you or your wife/husband own house property? (Answer Yes or No). If your answer is "Yes", state:— (a) the value, (i.e. approximate selling price) (b) the amount of any outstanding mortgage (c) whether you are living in the house.			
2. Give particulars of all capital or savings belonging to you or your wife/husband. You should state the amount and description (e.g. money in the National Savings Bank or other banks, National Savings Certificates, cash, stocks and shares, etc.).			

Write "NONE" where appropriate.

Has the child any capital or savings not included above? YES/NO.

If your answer is "Yes", give details below:

Description of capital or savings	Amount	Remarks	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, 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. To assist the court please give the following particulars of your outgoings.

(1) *Maintenance of dependants.* If you are married and you are living with your wife/husband, you should include her/him and any children or other relatives financially supported by either of you. If you are unmarried or you are married but not living with your wife/husband, you should include only children or other relatives financially supported by you personally.

(a) *Dependants living with you:—*

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

(b) *Dependants not living with you:—*

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

(2) *Living accommodation (state whether payments are weekly, monthly, quarterly, or annual):—*

Rent

Mortgage repayments.....

Ground rent.....

Rates

Board and lodging.....

Bed and breakfast.....

(3) *Expenses in connection with your employment:—*

Travelling

Tools

Other expenses.....

(4) Other expenses:—

- (a) Hire purchase payments.....
 Amount outstanding on hire purchase debt(s).....
 Nature of goods.....
- (b) Insurance premiums.....
 State sum insured and date policy taken out.....
 Date policy due to mature.....
- (c) Give details of any order of a court under which you are currently
 required to pay money and of amount involved.....

- (d) Other debts or expenses.....

Write "NONE" where appropriate.

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, I have given a complete
 and correct statement of my income, savings and capital [and that of my spouse]^(c)
 and that of the child.

(c) Delete
 unless you are
 married and are
 living with your
 spouse.

Signature.....

Date.....

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid in Criminal Proceedings (General) Regulations 1968. Schedule 1 to the Children and Young Persons Act 1969 (c.54) amends Part IV of the Criminal Justice Act 1967 (legal aid in criminal proceedings). It enables a court to order that a person be given legal aid in certain non-criminal proceedings under the Act of 1969. Schedule 1 also enables a court to order an appropriate contributor (defined as a parent of an applicant for legal aid under the age of 16) to pay part or the whole of the costs of legal aid and permits a parent or guardian of a person under the age of 17 to apply on his behalf for legal aid. These Regulations make the necessary consequential amendments to the Legal Aid in Criminal Proceedings (General) Regulations 1968.

Paragraph (a) of Regulation 3, paragraphs (a) and (b) of Regulation 4 and Regulation 17 provide new forms of application for legal aid.

Regulation 6 and Regulation 17 provide new forms of statement of means.

Regulation 3(b), Regulation 4(c) and Regulation 6(b) provide that in certain circumstances, e.g. if the person concerned has already furnished a statement of means, another statement need not be furnished when he applies for legal aid.

Regulation 3(c), (d) and (e), Regulation 4(d), (e) and (f) and Regulation 5 provide that an appropriate contributor may be ordered to make a payment on account of any contribution towards costs of legal aid.

The remainder of the Regulations make consequential amendments so as to assimilate the position of an appropriate contributor to that of a legally assisted person.

SI 1970/1980
ISBN 0-11-001980-6



780110 019802