
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 233

LEGAL AID AND ADVICE

The Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1999

Made - - - - 12th May 1999

To be laid before Parliament

Coming into operation 14th June 1999

The Lord Chancellor, in exercise of the powers conferred by Article 36(3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981⁽¹⁾ and now vested in him⁽²⁾, and after consultation with the Lord Chief Justice, the Attorney General, the Crown Court Rules Committee, the County Court Rules Committee and the Magistrates' Courts Rules Committee and with the approval of the Treasury, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1999 and shall come into operation on 14th June 1999.

Revocation

2. The Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1988⁽³⁾ are hereby revoked.

Statement of means form

3. The form set out in the Schedule shall be the prescribed form for the purposes of Article 32(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (statement of means for the purposes of legal aid in criminal proceedings).

Dated 12th May 1999

Irvine of Lairg, C.

(1) S.I.1981/228

(2) S.I. 1982/159

(3) S.R 1988 No. 215

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We approve

Dated 13th May 1999

Jim Dowd
David Jamieson
Two of the Lord's Commissioners of Her
Majesty's Treasury

SCHEDULE

Rule 3

CRIMINAL LEGAL AID

Statement of Means Form

FORM 1 STATEMENT OF MEANS OF AN APPLICANT UNDER PART III OF THE LEGAL AID, ADVICE AND ASSISTANCE (NORTHERN IRELAND) ORDER 1981

- (i) If you wish to obtain legal aid in a criminal case you must first complete this form which will be used to determine whether you are entitled to legal aid.
- (ii) **WARNING**— If, in completing this statement, you knowingly make any false statement or false representation you will be liable to prosecution and if found guilty could be liable to a fine or imprisonment for up to 3 months or both.
- (iii) Any change of financial circumstances must be notified to the court immediately.
- (iv) Please use **BLOCK** letters in black ink when completing this form.

A. PERSONAL DETAILS

(Please complete questions 1-6 unless you are filling in this form on behalf of a dependent who is not yet 17 years of age in which case you must complete questions 1-5 and 7).

- 1. Surname Mr Mrs Miss Ms
- 2. Forename(s)
- 3. Date of Birth
- 4. Permanent Address
- 5. If staying at temporary accommodation then state this address

- 6. Marital status (*tick one box only*)
 - Single Single and living together Widowed
 - Married Married but separated Divorced

- 7. Relationship to the person under 17 years (e.g. father)

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B. CASE DETAILS

8. Describe briefly what you are charged with doing.
(e.g. "stealing £50 from an employer", "kicking a door causing £50 damage")

C. FINANCIAL DETAILS — BENEFITS

(this section to be completed only by those applicants currently in receipt of benefits or parent/guardians in the case of those applicants under 17 years of age who are in receipt of benefit)

9. I am in receipt of:
(please tick box)

Income Support	<input type="checkbox"/>
Income-Based Jobseeker's Allowance	<input type="checkbox"/>
Family Credit	<input type="checkbox"/>
Disability Working Allowance	<input type="checkbox"/>

If you are not receiving any of the above you **MUST** specify below those benefits you are receiving:

10. I have been in receipt of benefit for more than two weeks:

Yes
No

11. National Insurance Number of person receiving benefit:

12. Address of the Social Security Office dealing with the benefit:

If you do not produce documentary evidence that you are receiving benefit, the court may make its own enquiries or it may not grant criminal legal aid. If you cannot provide evidence you should detail your reasons below. If you are unable to produce this evidence than you must complete those sections marked with an asterisk (*) in question 16.

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D. FINANCIAL DETAILS

(This section should only be completed by those who are NOT in receipt of benefit)

13. I am (please tick box) Employed full-time
 Employed part-time
 Self-employed

14. Occupation

15. Employer's name and address

16. Income

(please complete the relevant sections)

Full-time work

Enter gross earnings per week (before tax and insurance), including overtime, commission or bonuses. You should attach documentary evidence of the pay you have received. A monthly or weekly wage slip would be the best evidence.

Self-employed

If you are self-employed then show your gross earnings and attach the most recent accounts showing gross income.

Part-time work

Enter gross earnings per week (before tax and insurance) from any part-time job not included above and attach documentary evidence.

*Money from property**

Enter weekly amounts (before any deductions) of money from sub-letting a house or rooms and attach documentary evidence.

*Any other income**

Please give details and weekly amounts and attach documentary evidence.

Important: If the information you have given above is going to change soon, please give details of the change in Section F of this Form.

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E. PROPERTY AND SAVINGS

(this section should only be completed by those who are not in receipt of benefit)
 (Please give details of all your property and savings)

Note: In the questions that follow the value of the equity means the sum which you would receive from the sale of the property after paying the mortgage or other loan on it.

Property

17. Do you own the house or property which you treat as your main dwelling?

Yes No

If so please provide the following information:

- (i) What is your main dwelling worth now, that is, what is its market value?
- (ii) What is the mortgage on your main dwelling?
- (iii) What is the value of the equity of your main dwelling?
- (iv) Are you the sole owner? Yes No

18. Do you own a house or property other than the house or property which you treat as your main dwelling?

Yes (sole owner) Yes (joint owner)
 No

If so please provide the following information:

- (i) What is the dwelling worth now, that is, what is its market value?
- (ii) What is the mortgage on the dwelling?
- (iii) What is the value of the equity in the dwelling?

Savings

- 19. **Please give details** of where your savings are, and the amounts. Include money in any bank, building society, National Savings Certificates, cash, stocks and shares or any other investments. You should attach documentary evidence.
- 20. **Please give details** of any articles of value that you own with their approximate value. You may be asked to produce valuation certificates.

Type **£**

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Allowances and Deductions

21. Enter Tax and National Insurance Contributions deducted from your earnings per week

Tax

National Insurance

22. Enter the number of dependents who are living with you. If you are claiming legal aid for a child or young person, please include that child or young person.

Dependants are the people you look after financially.

Spouse/Partner Children 18 and over

Children under 18

Other (please say who)

23. If you pay maintenance to any dependant who does NOT live with you, please give details of the amounts you pay.

Name of, and your relationship to, the dependant

Age(s) of dependants	<input type="text"/>	yrs	Amount per week	<input type="text" value="£"/>
	<input type="text"/>	yrs		<input type="text" value="£"/>
	<input type="text"/>	yrs		<input type="text" value="£"/>

You should attach copies of agreements or court orders.

24. Give the amounts of rates which you pay.

(a) Amount of rates per week
(please complete only one box)
 per month
 per year

You should attach evidence of this (e.g. the demand from the Rates Agency).

(b) Do you receive a rebate on your rates? Yes No

If yes, then how much? per week
(please complete only one box)
 per month
 per year

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25. Give the following details of your housing expenses.

If you own more than one house only give details for the house in which you live. If you are paying the expenses of a dependant who is not living with you, enter the details in the spaces on the right. You should attach copies of rent books, evidence of mortgage instalments and any other changes.

	You		Dependant(s)
Rent	£ <input type="text"/>	Rent	£ <input type="text"/>
Mortgage Payment	£ <input type="text"/>	Mortgage Payment	£ <input type="text"/>
Ground Rent	£ <input type="text"/>	Ground Rent	£ <input type="text"/>
Board and Lodging	£ <input type="text"/>	Board and Lodging	£ <input type="text"/>
Bed and Breakfast	£ <input type="text"/>	Bed and Breakfast	£ <input type="text"/>

26. How much does it cost you each week to travel to and from work?

£

27. Give details of other expenses which you think the court should know about.

F. FURTHER INFORMATION

28. Have you directly or indirectly transferred any resources to another person since you became aware that these proceedings would be brought? If so, please give details.

29. Are the resources of another person available to you e.g. is another person providing you with free accommodation or paying your bills? If so, please give details.

30. Please give any other financial information that you think that the court should have when deciding upon your application for legal aid. You should also include any future changes in circumstances that might alter your position.

31. If you have not attached documentary evidence of all income/benefits that you receive and each allowance you have claimed, you must explain why you cannot do so.

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Declaration

I am aware that I have knowingly made a statement which is false, or knowingly withheld information in this application, then I may be prosecuted which could lead to conviction, the penalty of which could be a fine, imprisonment for up to 3 months or both under Article 32(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

I declare that to the best of my knowledge and belief that the information provided in this application is an accurate and complete statement of income, savings and capital and, where appropriate that of my dependants.

I hereby give my consent to the court taking steps as it may consider necessary to verify the accuracy of information contained within this application.

Signed _____ Date _____

After your application has been considered by the court you may be asked to clarify some information, provide further information or proof in support of this application.

If your financial position changes in any way after you have submitted this application, you must inform the court.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules revoke the Legal Aid in Criminal Cases (Statement of Means) Rules (Northern Ireland) 1988 and provide a new statement of means form which an applicant for free legal aid under Part III of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 may be required to furnish under Article 32 of that Order.