

## Applicant hardship or distress

AA/HARDSHIP/1

ISSUED 05/04

APPLICATION UNDER REGULATION 16(3)(a) - PAYMENT OF FEES AND OUTLAYS FROM PROPERTY RECOVERED OR PRESERVED

### REMEMBER

(i) Use our guidance to help you complete this form – available on our website.

### All questions must be completed for your form to be processed. If there are any questions in this form that are not applicable, please write 'N/A' in the box provided or 'NOT KNOWN' if you do not have the answer.

### **KEY TO SYMBOLS**



indicates the next question you should answer



further information or examples on a specific question are provided



SEC	TION	A		AF	PLIC	ANT	'S DI	ETAII	.S																		
1	a)	Advice A A	7 .	assi	stan	ice i	refe	rend	e n	um	ber																
	b)	Civil le	egal a	aid re	efere	ence	nu	mbe	er																		
2	Applicant's forename																										
																							l				
3	Applicant's middle name(s)																										
4	Applicant's surname																										
																		T					T				
5	Other name by which the applicant is known																										
6	Can	we tel Yes		ne th							e da	ıy to	di:	scus	s t	his	apı	olic	ati	on?	?						
7	If Ye	f Yes, what is their daytime telephone number?																									
																							I				
8	Appl	licant's	date	e of k	oirth YEAR																						
	FOD IN													DATE													

FOR INTERNAL USE ONLY	DATE RECEIVED

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SEC	CTION B	EXPENSES								
1	Has there been a	an agreement or order of expenses?  No po to Section C								
2	If Yes, what is the value of expenses?									
3	If Yes, have the expenses been paid?  Yes, in full Yes, in part No									
4	If Yes, what is the amount paid?									
5	Please provide details of the total fees and outlays claimed (including VAT).  a) Fees £									
	c) VAT £									
	d) Total £									
6	If unpaid, have	steps been taken to recover expenses? If not, please explain why.								
SEC	CTION C	PROPERTY								
1	Describe the pro	operty recovered or preserved and provide details of its value.  £								
		£								
		£								
		£								
		£								

SECTION C (CONTINUED)

**PROPERTY** 

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	property exempt in full, or in part, by virtue of Regulation 16(2), and to what extent?
Vho holds the	property?
your applica	nt does not hold the property, please explain why not?
Vhat reasonat lease explain.	ble steps have been taken to implement any agreement or order? If none have been taken,

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SEC	TION	D ACCOUNT
1	Limi	it of authorised expenditure
	£	
2	Plea	ase provide details of the total fees and outlays claimed (including VAT).
	a)	Fees £
	b)	Outlays £
	c)	VAT £ .
	d)	Total £
3	a)	With reference to Section 12(3) of the Legal Aid (Scotland) Act, please provide details of the amounts the solicitor has deducted from the total at 2(d).
		Contribution
		£
		Expenses
		£
		Property recovered or preserved
		£
	L١	Discounting details of the assessment to be electrical forms the Franch
	b)	Please give details of the amount to be claimed from the Fund.
		£
SEC	TION	E GRAVE HARDSHIP OR DISTRESS CAUSED TO THE APPLICANT
JLU	TION	CINAVE HARDSHII ON DISTRESS CASSED TO THE ATTEICANT
i	reco	der Regulation 16(3)(a) payment of the solicitor's fees should be made out of the property overed or preserved unless payment out of the property would cause grave hardship or grave
		ress to the applicant.
1		ome or all of the solicitor's fee was paid out of the property recovered or preserved, how would the licant suffer grave hardship or distress?
2	Llave	where of the newspark will across group bendels as group distress?
2		v much of the payment will cause grave hardship or grave distress? example, a proportion of the cost or loss of a particular item.

## All questions must be completed for your form to be processed. If there are any questions in this form that are not applicable, please write 'N/A' in the box provided or 'NOT KNOWN' if you do

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you should sign the form here

SECTION F	FINANCIAL	CIRCUMSTANCE

1	Please continue any answer on a separate sheet, if necessary.  Have there been any changes in the applicant's financial circumstances during the conduct of the case?  If yes, please give full details.
2	Please give details of the applicant's outstanding debts in relation to essential living costs – for example, rent, council tax, utility company arrears.

SECTION G DECLARATIONS

## Applicant's Declaration

I apply to the Board for authority not to make me pay my solicitor's fees and outlays out of the money or property I have won or kept. The reasons for this request are explained on this form, and it shows whether my request relates to the whole of my solicitor's fees and outlays or only part of them. I certify that the information given in this application is to the best of my belief and knowledge true and correct.

Signature of applicant	Date		
	DAY	MONTH	YEAR

### Solicitor's Declaration

For the stated reasons, I now apply to the Board for authority not to enforce, to the extent set out in this form, payment of my fees or outlays out of the money or property recovered or preserved for my client. I certify that to the best of my knowledge and belief that the information is correct.

Signature of solicitor	Date		
	DAY	MONTH	YEAR

### Important information about your personal data

The Scottish Legal Aid Board (SLAB) is a data controller. The personal information provided by you will be used in accordance with the General Data Protection Regulation 2016 and for our functions under the Legal Aid (Scotland) Act 1986.

SLAB may receive information about you from certain third parties (for example, some government departments and agencies), or give information to them. However we will not pass on information about you unless the law allows or requires us to do so. We will retain the personal information we hold about you in accordance with the requirements of our retention schedule then destroy or delete it in a secure manner.

Under the General Data Protection Regulation 2016 you have the right to make a formal request in writing to see the personal information we hold about you, to inspect it and to have it corrected if it is wrong. In addition you may also have rights to have your data erased or have your data moved. You may be able to object to processing if you believe it to be unlawful and subject to lawful restrictions. Where SLAB are responsible for unlawfully processing or disclosing your personal data and it is likely to cause a high risk to your rights and freedoms we will make you aware of this. To request your personal data you should write to SLAB's Data Protection Officer. If you are unhappy with the response you get from the Data Protection Officer and wish to complain you should write to the Director of Corporate Services and Accounts.

SECTION H MORE INFORMATION

Please provide any further information required here. Where you are continuing an answer, please state

SECTION QUESTION INFORMATION

REMEMBER	SECTI	ON H (COM	ITINUED)	MORE INFORMAT	TION					
All questions										
All questions must be completed or your form to be processed. If there are may questions in this orm that are not applicable, please write 'N/A' in the box provided or 'NOT KNOWN' if you do not have the answer	SECTION	QUESTION	INFORMATI	ON						
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	3 S	ignatur	e of Bo	ard decision mak	er		Date			
							DAY	MONTH	YEAR	