



Summary criminal legal aid - Data capture form

Revised March
2011

This is not a mandate form. There are no declarations and you do not need to sign it or keep a copy. It has been produced so that you can record the information you intend to provide in the online application, before completing it online or passing it to someone else in your firm to complete online on your behalf.

THE CASE

*Category code(s) and number of charges					
.....ASS AssaultATTP - Attempting to pervert the course of justiceEXTR - Extradition proceedingsFTA Breach of bail conditions - 27(1)aBBC Breach of bail conditions - 27(1)bFTAO Breach of bail conditions - otherBOAS Breach of ASBOBCRO Breach of community reparation orderBOP Breach of peaceBSEX Breach of the Sex Offenders Act 1997 - outside UKCGAT Civic Government (Scotland) Act 1982 - section 57CGAI Civic Government (Scotland) Act 1982 - indecent photographsCGAO Civic Government (Scotland) Act 1982 - otherCCT Contempt of courtCJLA Sections 28-50 of the Criminal Justice Licensing (Scotland) Act 2010		EMB EmbezzlementFIR Firearms ActFRA FraudHB HousebreakingDG Misuse of Drugs Act 1971OFW Offensive weaponPOL Police (Scotland) ActRTA Road Traffic ActROB RobberySEX Sexual offencesTHF TheftTMV Theft of motor vehicleVAN VandalismOTC Other (please specify)		
*Date of not guilty plea		Date of interim diet		Trial date	
Court location		<input type="checkbox"/> JP <input type="checkbox"/> Stipendiary <input type="checkbox"/> Sheriff		*PF ref number	
Date proceedings commenced (date complaint was served)			Was a not guilty plea entered by the duty solicitor? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name(s) of co-accused		LA ref number(s) (if acting for co-accused)			
Other rights or facilities that might fund case? <input type="checkbox"/> Yes <input type="checkbox"/> No Details:					
Negotiations with PF?		<input type="checkbox"/> Yes <input type="checkbox"/> No			
Details of negotiations (or an explanation of why no negotiations have taken place):					

INTERESTS OF JUSTICE TEST

1	Is the disclosable summary of evidence attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	Has a plea been offered by the procurator fiscal?	<input type="checkbox"/> Yes <input type="checkbox"/> No - <i>If no → go to Question 3</i>
	If Yes, what are the details of the offer?	
3	Is it LIKELY that if the offence is proved, that the court would impose a sentence which would deprive the applicant of their liberty or lead to the loss of their livelihood? Please cross all boxes that apply.	<input type="checkbox"/> Yes - loss of liberty <input type="checkbox"/> Yes - loss of livelihood <input type="checkbox"/> No → <i>go to Question 4.</i>
	If Yes, please explain why such a sentence is likely in this case.	
4	Does the determination of the case involve consideration of a substantial question of law, or issues of a complex or difficult nature? Please cross all boxes that apply.	<input type="checkbox"/> Yes - substantial question of law <input type="checkbox"/> Yes - complex or difficult nature <input type="checkbox"/> No → <i>go to Question 5.</i>
	If Yes, please explain what these are. Tell us which aspects of the disclosable summary of evidence are relevant to this factor or, where the summary is not enclosed, provide details of the relevant information contained in the summary.	

5	Will the applicant be unable to understand the proceedings or to state their own case because of their age, inadequate knowledge of English, mental illness, other mental or physical disability or otherwise?	<input type="checkbox"/> Yes - age <input type="checkbox"/> Yes - inadequate English <input type="checkbox"/> Yes - mental illness <input type="checkbox"/> Yes - other mental or physical disability <input type="checkbox"/> Yes - other incapacity <input type="checkbox"/> No → go to Question 6.
If Yes, please give details and explain why. Tell us which aspects of the disclosable summary of evidence are relevant to this factor or, where the summary is not enclosed, provide details of the relevant information contained in the summary.		
6	Is it in the interest of someone other than the accused that the accused be legally represented?	<input type="checkbox"/> Yes <input type="checkbox"/> No → go to Question 7.
If Yes, please provide details of who this is, and their relationship to the accused. Tell us which aspects of the disclosable summary of evidence are relevant to this factor or, where the summary is not enclosed, provide details of the relevant information contained in the summary.		
7	Is the applicant in custody?	<input type="checkbox"/> Yes <input type="checkbox"/> No → go to Question 8.
If Yes, where is the applicant held and in what circumstances?		
8	State here, as solicitor, the detail and nature of the defence, together with any other factors or additional information which may help us decide on the application. Please tell us which aspects of the disclosable summary of evidence are relevant to this factor or, where the summary is not enclosed, provide details of the relevant information contained in the summary.	

ATTACHMENTS

Documents that must be attached to the legal aid application:

- Copy of complaint
- Schedule of previous convictions
- Copy of evidence of employment income

Optional attachments

- Disclosable summary of evidence
- Copy of driving licence
- Copy of insurance policy and certificate
- Copy of letter from current employer if loss of livelihood possible
- Copy of bank or building society etc accounts
- Any other supporting documents - please specify: