

Guidance for completing forms CRM14 and CRM15



Guidance for CRM14

- This guidance and the forms to which it refers are available in Welsh.
- If you need help or advice when you use this Guidance, please contact a solicitor (but see *About evidence* on page 3, and question 38 when you may ask the Court for advice).

When you fill in the form

- Answer all the questions from 1 to 39 unless there is an instruction to move to a later question. For example, if you answer **No** to question 34 you should then answer question 36 because question 35 will not apply to you.

34	Has a court remanded you in custody?
	<input checked="" type="checkbox"/> No: Goto 36 <input type="checkbox"/> Yes: Go to 35

- For most questions answer **No** or **Yes**: and if you answer **Yes**, answer the remaining parts of that question. You will usually see an arrow pointing to these.

2	Do you have a usual home address?
	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes —→ Your usual home address

- **Do not** fill in any parts of the two boxes at the top of page 1 of the form for *Case type* and *Priority case*, unless your solicitor has told you how to answer.
- We suggest that before you answer each question, you check the side panel and read any notes before you answer that question. In the side panel there may be signs, either:

!GUIDANCE or **!EVIDENCE**

8	Do you have a partner?
	!GUIDANCE <input type="checkbox"/> No: Goto 9 <input type="checkbox"/> Yes: Go to 10

Continued on page 2 →

Use form CRM14

to apply for legal aid if your case is:

- dealt with in a Magistrates' Court
- a Crown Court trial
- a Committal for sentence
- an appeal to the Crown Court
- a Retrial or Voluntary Bill in the Crown Court.
- An appeal by way of case stated to the High Court
- Confiscation, Restraint or Receivership proceedings
- Enforcement proceedings.

We use the information you provide on this form and forms CRM15 (and CRM15C) to decide whether you may receive legal aid – and if so, whether it will be free or whether you must pay part of the cost.

Use this Guidance as you work through the questions on the form. If you do not, you may not fill in the form correctly.

A correctly completed form includes:

- all questions being answered fully
- and evidence being provided when we require it.

GUIDANCE

Where you see this sign on the form, we want you to go to the question number on pages 5 to 12 of this Guidance. Read the advice opposite the  GUIDANCE sign.

EVIDENCE

Where you see this sign on the form, we want you to go to the question number in the table on pages 5 to 12 of this Guidance. Read the advice opposite the  EVIDENCE sign. This will tell you about the evidence which we need you to provide for that question. See also *About evidence* on page 3.

- Do not cross out any question just because it does not apply to you. If you do, we will send the form back to you and ask you to explain.
- Make sure we can read your answers. The form may be copied so we suggest you use a pen with black or a dark ink. If we cannot read your answers, we will return the form.
- If you have a partner (see question 8) you must also fill in their details throughout the form where these details are required – **unless you answer Yes to question 12 because your partner is involved in the case as a victim, prosecution witness or as a co-defendant who has a conflict of interest** (in these circumstances, you should follow the instructions on the form). This may mean that when you answer some of the later questions on the form you will not provide details for your partner and your partner will not have to sign the declaration. In all other circumstances, you must provide details for your partner, even if you have been remanded into custody by the court or are already a serving prisoner.
- Before you fill in the form, you may find it helpful to read the declaration at question 39, which you must sign when you have completed the form, and the guidance for question 32 on page 11 of this Guidance.
- It is important that you are accurate when you fill in the forms.

We will check the information you provide with the Department of Work and Pensions, HM Revenue and Customs and other organisations. If you tell us anything on →

the application that is not true or leave anything out:

- you may be prosecuted. This could result in you going to prison or paying a fine
- or you may have to repay all of the cost of the legal aid which you have received, and your legal aid may be taken away. This may mean that you have to pay your solicitor's costs using your own money.
- or if your case is in the Crown Court, the Legal Aid Agency may vary the amount of any Contribution Order under which you have to pay towards the cost of your legal aid.

Warning: if your case is being heard in the Crown Court and we send a form back to you because it is not completed fully or correctly, and later we receive a form that we accept, the representation order that grants you legal aid will begin on the date when we receive the correct form. This may mean that you pay some of your solicitor's costs using your own money. So when you fill in the form, use this Guidance to help you apply correctly.

When you have filled in this form

- Check your application to make sure that there are no empty boxes where you should have given information.
- Make sure you have signed and dated the declaration.
- If you have a partner, make sure they have signed and dated at question 38
- Send or take the form, and any evidence you have to provide with the form, to the court where your case will be heard.

If you send the forms and evidence by post, we suggest you consider using recorded delivery. This will give you proof that you posted the documents and a record that they have been received by the court.

About evidence

We may need to see evidence that proves the information you give in this form and in any other forms you use to apply for legal aid, is true. The evidence we need to see is described on pages 5 to 12 of this guidance.

If you provide original evidence, the court will usually make a copy and return the original to you. Or you may provide a copy which is certified by your solicitor.

If you have genuine difficulty in providing evidence we require, you or your solicitor should contact the court for advice.

Rules about evidence

There are rules about who needs to provide evidence and when they need to provide it.

These rules are:

- If your case is in the magistrates' court and you are in prison or detention centre, **you do not need to provide evidence.**
- If your case is in the magistrates' court and you are on bail
 - or you are committed to the Crown Court for sentence
 - or you appeal to the Crown Court,
you must provide the evidence with this form.
- If your case is a trial in the Crown Court, **you must provide the evidence but you have 14 days to do this, beginning on the day on which you sign the form CRM14.**

If you have to provide evidence but you do not provide it according to these rules, the following may happen:

- if your case is dealt with in the magistrates' court only, we may delay considering your application. We will usually return the application form to you and ask you to send it back to us with the appropriate evidence.
- or if your case is dealt with in the Crown Court and the missing evidence is about your income, we may ask you to pay £900 each month or all of your disposable income, whichever is the greater.
- or if your case is being dealt with in →

the Crown Court and the evidence refers to your capital, we may wait to see if you are convicted.

If you are convicted, we may remove the £30,000 capital allowance and ask you to pay the full cost to the legal aid fund.

Remember:

- A correctly completed application includes the evidence we require being provided according to these rules.
- If you have any doubts about whether to send the evidence described in this guidance (the requirement for which is indicated by the evidence symbol in the panel on the forms), send it with the forms.

About the granting of legal aid

When we decide whether to grant you legal aid, we will use two tests of your case:

1. The Interest of Justice Test

This considers whether it is in the interest of justice that a solicitor represents you.

A means assessment.

We look at the income and outgoings, and savings, investments and property of you and your partner (if you have one) to decide **whether you are financially eligible, in the magistrates' court and in Crown Court trials. Where you are eligible for funding for a Crown Court trial your income and outgoings are also used to assess whether you have to contribute to your defence costs.**

The outcome of these tests

This depends on the type of case for which you require legal aid and the court where your case will be heard.

Your completed form CRM14 should show at the top of page 1 the type of case for which you require legal aid.

If your case is heard and dealt with in a magistrates' court

You will get free legal aid if you pass both tests.

If your case is committed for sentence from the magistrates' court to the Crown Court,

You will get free legal aid if you pass the means assessment.

If your case is a Crown Court trial, or your case is a retrial or a Voluntary Bill

You will get legal aid if your disposable household income is less than £37,500. However, if your income or capital, or both, are above a certain level, you may have to contribute towards the cost of your solicitor and defence under a Contribution Order.

If you appeal to the Crown Court against your conviction, sentence or order of a magistrates' court

You will get legal aid if you pass the Interests of Justice Test. However, you may have to pay towards the cost of your representation in the appeal, under a Contribution Order if you do not pass the means assessment and:

your appeal is not successful

or you abandon the appeal.

If you are applying for Legal Aid for an appeal to the High Court by way of case stated

These proceedings are not means tested but are subject to the Interests of Justice Test. You should complete form CRM14 and pass it to the magistrates' court where the case was originally dealt with.

If you are applying in relation to Confiscation, Restraint or Receivership proceedings

These proceedings are not means tested but are subject to the Interests of Justice Test. You should complete form CRM14 and pass it to the magistrates' court where the case was originally dealt with.

If you are subject to Enforcement proceedings

Your representation will be subject to a means assessment. You should complete a new form CRM14, and CRM15 if necessary, and submit it to the magistrates' court where the enforcement proceedings will be heard.

If you want to know more:

- Your solicitor will be able to tell you more about the Interest of Justice Test and the means assessment.
- You may also find out more about the financial assessment by reading the guidance at:

www.justice.gov.uk/legal-aid/assess-your-clients-eligibility

Your solicitors will also have a copy of the same

Question Guidance and Evidence requirements for questions on form CRM14

1 **!GUIDANCE**

National Insurance Number

You must provide this number if:

- you receive one of the benefits listed in question 14. If you are included on your partner's benefit claim, you will need to give your partner's National Insurance Number at question 11.
- or** you are over 18 when you apply and your case is going to the Crown Court for trial, retrial or a Voluntary Bill.

LETTERS	NUMBERS	LETTER
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If you cannot provide a National Insurance Number, and you answer Yes to question 14 on form CRM14 (we call the benefits listed for this question, 'passported benefits')

you must provide recent evidence instead – for example, a benefit book, a notice of entitlement or letter from a Job Centre Plus which sets out the benefits which you receive. **This evidence must be dated within the last 3 months**

Application Registration Card (ARC) Number

This is for applications from foreign nationals. If you are a foreign national, we expect you to provide your ARC number which is printed on your Application Registration Card. If you are alleged to be an illegal immigrant, you may have a limited amount of information to give. However, we would still expect you to provide your name, address and as many details as possible about your financial position.

3 LETTERS; 2 NUMBERS	6 NUMBERS	LETTER
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8 **!GUIDANCE**

A Partner is someone to whom you are married or in a civil partnership with, or someone who you usually live with as a couple. This includes where you are living apart due to any reason other than a breakdown in your relationship that is likely to be permanent.

9 **!GUIDANCE**

Separation means no longer living together or your relationship has broken down, not only separation with a court order.

11 **!GUIDANCE**

National Insurance Number

You must provide this number if:

- your partner receives one of the benefits listed in question 14.
- or** your partner is over 18 when you apply and your case is going to the Crown Court for trial, retrial or a Voluntary Bill.

LETTERS	NUMBERS	LETTER
---------	---------	--------

If your partner cannot provide a National Insurance Number, and you answer Yes to question 14 on form CRM14 (we call the benefits listed for this question, 'passported benefits')

Your partner must provide recent evidence instead – for example, a benefit book, a notice of entitlement or letter from a Job Centre Plus which sets out the benefits which

your partner receives. **This evidence must be dated within the last 3 months.**

Application Registration Card (ARC) Number

This is for applications from foreign nationals. If your partner is a foreign national, we expect you to provide your partner's ARC number which is printed on their Application Registration Card. If your partner is alleged to be an illegal immigrant, you may have a limited amount of information to give about your partner. However, we would still expect you to provide your partner's name, address and as many details as possible about their financial position.

3 LETTERS; 2 NUMBERS	6 NUMBERS	LETTER
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14  **GUIDANCE**

About the benefits which you receive

If you tell us that you or your partner receive any of the benefits listed for this question, we will use your National Insurance Number, or your partner's, to check with the Department for Work and Pensions (DWP) that the information you give about the benefits is correct. If it is, you will automatically pass the means assessment. However, for some cases you may also have to pass the Interest of Justice Test.

If our checks with the DWP do not confirm the information you gave, we will tell you. You may then either provide evidence to support the information that you gave on the form or complete questions 15 to 22 on the CRM14 and form CRM15 where these questions direct you to.

15  **GUIDANCE**

The figure of £12,475 a year (or £1,039.58 a month or £239.90 a week) is a gross amount – the amount before income tax and other deductions are taken away. So if the sum of your income and your partner's income from all sources, **before income tax is taken away**, is £1,039.58 a month or £239.90 a week or more, you must complete form CRM15 as well as this form.

16  **GUIDANCE**

Income from employment

Give the total income from all employment. Before you answer this question, read the guidance for question 17.

If you work for an **agency**, you may not be classed as an employee of the company you are working for.

 **EVIDENCE**

We need to see evidence of your employment, or your partner's, or both if you both work. This evidence may be a wage slip or a salary advice. The evidence should be as recent as possible but must be dated within the last 3 months before the date of the application form.

See *About evidence* on page 3.

 **GUIDANCE**

Income from other benefits

For the purposes of the means assessment some benefits such as Housing Benefit, Disability Living Allowance and Carer's Allowance are disregarded and you should not declare benefits on the form. See section 18.5 of the Criminal Legal Aid Manual for a full list of disregarded benefits

Benefits in kind

If you receive 'benefits in kind', their value should also be included when calculating whether your total income is more than £12,475 a year. Please enter their value in the any other sources of income box and state 'benefits in kind'. Benefits in kind are benefits which you or your partner receives from your work instead of money. →

Examples of benefits in kind are:

- the use of a company vehicle
- fuel allowance (or vehicle and fuel allowance)
- free accommodation
- luncheon vouchers
- payments for relocation of where you live
- vouchers for children
- private health insurance
- help with mortgage payments.

Income from other sources which you have not described in the form so far.

For example, financial support from anyone (not just friends or family), or from someone who allows you to use assets or money.

17  **GUIDANCE**

Self-employment (working for yourself)

If you are not sure whether you are self-employed, these questions may help you decide:

- Do you give invoices to clients for the work you do for them?
- Do you have a number of different clients who you work for?
- Do you find the work that you do?
- Are you responsible for the losses of your business as well as receiving the profits?
- Can you hire other people to do the work you've taken on?
- Have you invested your own money into your business?
- Do you provide major items of equipment, which are essential for your work?
- Have you had to fill out a self-assessment tax return for His Majesty's Revenue and Customs (HMRC)?

If you answer **Yes** to most of these questions, then you are probably self-employed. However, being self-employed does not mean that you cannot also work for someone else (as an employee).

Types of self-employment

Sole-traders

Many small businesses are sole-traders. This means that you receive all the income generated by the business to keep for yourself or to re-invest. You are in complete control and can make decisions as you choose. Sole-traders also assume complete responsibility for liabilities and debts. As a sole-trader you are required to make an annual self-assessment tax return to HMRC. You must also keep records showing your business income and expenses.

Partnerships

In a partnership, two or more people share the risks, costs and responsibilities of the business. Each partner is self-employed and takes a share of the profits. Each partner usually shares in the decision-making and is personally responsible for any debts of the business. A partnership is not the same as a limited company. You should answer **Yes** to this question even if you are a **sleeping partner** (that is, you are not involved in the partnership, but you are entitled to a share of the business and its profits). →

The partnership itself **and** each individual partner must make an annual self-assessment tax return to HMRC. The partnership must also keep records showing business income and expenses.

Company director

A company director is anyone registered as a director of a limited company (this does not include charities). A company director does not need to hold shares in that company.

Shareholder

For the purposes of this form shareholder means anyone who holds a number of shares in a **private limited company**.

Sub-contractor

If you are a **subcontractor** you undertake work which you get from a contractor. From 6th April 2007, the Construction Industry Scheme (CIS) places an obligation on contractors to make a monthly return. CIS paper vouchers will not be used after this date.

- 19 **!GUIDANCE** The form may help you answer this question: check whether the *Case type* box at the top of page 1 has been completed. If it has not, ask a solicitor how you should answer this question. It is important that you answer the question correctly because your answer will decide whether you have to fill in form CRM15 and give us details of your property, savings, investments, outgoings and other matters.
- As a rough guide, a summary offence will usually be dealt with in a magistrates' court only – but remember that your answer to this question depends on the most serious offence that you have been charged with.
-

- 21 **!GUIDANCE** Before you answer this question, ask yourself whether you or your partner have any of the following types of saving:
- Bank accounts
 - Building society accounts
 - Cash ISAs
 - National Savings or Post Office Accounts
 - Any other cash investments
 - National Savings Certificates
 - Premium Savings Bonds

Ask yourself whether you or your partner have any of the following types of investment:

- Stocks, including gilts and government bonds
- Shares
- Personal Equity Plans (PEPs)
- Share ISAs
- Unit Trusts
- Investment Bonds
- Other lump sum investments

You should answer No to this question if:

you have nothing more than a **single** current account, into which your benefit/

wages/ salary are paid

and you have not already been directed to complete a CRM15 because of your answers to Questions 15 to 20

If you have already been directed to complete a CRM15 then you will need to declare all bank/building society accounts including any current accounts here and when you provide details on the CRM15.

- 23 **!GUIDANCE** You should ask a solicitor to help you answer this question (and questions 24 to question 31).
- Your solicitor can provide you with the proper legal reasons why you should be given legal aid.
- Your solicitor may want to consult the Guidance on the Consideration of Defence Representation Order Applications. This is available at:
- www.justice.gov.uk/legal-aid/assess-your-clients-eligibility/interests-of-justice-test
-

- 24 **!GUIDANCE** **The class of offence**
- This question must be answered for all either way or indictable offences. Your solicitor will be able to help you answer it.
- The class of offence is vital to ensuring we decide whether you must pay a contribution towards the cost of your legal aid, and if so, the amount.
- If the form tells us the wrong class of offence and you are required to pay towards the cost of your legal aid, you could pay more than you should.
-

- 29 **!GUIDANCE** **Reasons for wanting legal representation**
- Your solicitor will be able to help you with this question and this guidance.
- 1**
- It is likely that I will lose my liberty if any matter in the proceedings is decided against me**
- Loss of liberty does not include non-custodial sentences but does include remand into custody and prison sentences (including hospital orders).
- Solicitors:** If the entry point for this offence in the magistrates' guidelines is not custody, please explain why you think custody is likely in this case: for example, relevant previous convictions or aggravating features of the offence. Please give dates of relevant convictions, if you know them.
-

- 2**
- I have been given a sentence that is suspended or non-custodial. If I break this, the court may be able to deal with me for the original offence**
- You should give details of your sentence, its conditions, the alleged breach and say whether this is the first or subsequent breach of the order.

- 3**
- It is likely that I will lose my livelihood**
- The loss of livelihood should be a direct result of the conviction or sentence – please provide supporting evidence where possible. This would normally refer to your current livelihood, although it can apply if someone is genuinely unemployed for a short period
-

between jobs. If you plan to plead guilty, please explain how legal representation might help you avoid losing your livelihood.

4

It is likely that I will suffer serious damage to my reputation

Reputation refers to good character, including honesty and trustworthiness, and is not related to social class or position. 'Serious' damage is judged to happen in cases where the disgrace of a conviction is more than the direct effect of the penalty. If you plan to plead guilty, please explain how legal representation might help you avoid serious damage to your reputation.

5

A substantial question of law may be involved (whether arising from an act, judicial authority or other source of law)

This applies where any matter in relation to the proceedings raises a point of law, which you cannot be expected to deal with unaided. Please explain why the question of law is relevant to the case. Questions of fact alone are not relevant. Where possible, please list the cases or laws, which give rise to the question of law.

6

I may not be able to understand the court proceedings or present my own case

There may be a number of reasons why you may not be able to understand court proceedings or to present your own case. These may include (but are not limited to) mental or physical disability, poor knowledge of English, age or vulnerability. The ability to understand proceedings or to present your own case is also likely to depend on how complicated the case is.

7

Witnesses may need to be traced or interviewed on my behalf

You may need witnesses to be traced or interviewed to see whether they can support your case. This may be because you are pleading not guilty, or because you are pleading guilty and need help with a plea of mitigation (an explanation for the offence given on behalf of a guilty party in order to excuse or partly excuse the offence committed in an attempt to minimise the sentence). You should explain why you need legal representation to trace or interview witnesses.

8

The proceedings may involve expert cross-examination of a prosecution witness (whether an expert or not)

Expert cross-examination is likely to be needed where you are pleading not guilty and you expect the prosecution to call witnesses whose evidence you want to challenge. You are likely to need a lawyer to carry out expert cross-examination on your behalf if the evidence to be given by the prosecution witness is complicated or technical.

9

It is in the interests of another person (such as the person making a complaint or other witness) that I am represented

If you are charged with a sexual or violent offence, or where the person making a complaint is a child, it would not be appropriate for you to cross-examine in person. This criterion should not be used to argue that legal representation is in the general interests

of your family or of the court.

10

Any other reasons

Please provide full details of any other reasons (which you have not mentioned elsewhere on the form) why you think it would be in the interests of justice that you are represented. For example, legal representation might be justified if you are likely to receive a demanding community sentence if convicted or if defence witnesses need skilful examination.

30 **!GUIDANCE** If you have been charged with another person, the court may appoint a solicitor who is not the solicitor you have asked to represent you.

32 **!GUIDANCE** You must answer 1, 2, and 3 but you may prefer to check the box labelled 'I prefer not to say'.

Your answers to this question will help us understand more about the people who apply for legal aid. As a result, we or HM Courts and Tribunals Service on our behalf, may produce management or research information. This will only be published in a statistical or anonymous form.

The protection of the information which you provide in the forms

- The Legal Aid Agency is the 'data controller' (as defined in the Data Protection Act 1998). You have the right to look at the personal information held about you, to inspect it, and have it corrected if it is wrong.
- We understand that your answers are personal information. We will treat the information that you provide confidentially, subject to data protection law. The **Protect-Personal** notice at the top of page 1 of the forms warns court staff to take care to protect the information in the form.
- We may share the information you provide with law enforcement agencies, and organisations such as the Department for Work and Pensions, HM Revenue and Customs, Land Registry, Companies House, and sometimes Credit Reference Agencies. We will share the information only if it is necessary to protect public funds or where we are lawfully required to do so.
- We will keep information for as long as is necessary to – fulfil our duties under the Legal Aid Sentencing and Punishment of Offenders Act 2012.
- If you provide false or inaccurate information and we identify fraud, we will pass details to fraud prevention agencies which work to prevent fraud and money laundering. You can find information about these agencies by going to the *Fair Processing Notice* at:
www.justice.gov.uk/legal-aid/make-an-application

Other sources of information we use to decide whether to grant you legal aid

- We (and others such as enforcement agencies) may use the information recorded by fraud prevention agencies.
 - If necessary, we may use information we may already hold about you (we may hold information because you have applied for civil legal aid or criminal legal aid before).
-

36 **!EVIDENCE**

Income from employment

We need to see evidence of your employment, or your partner's, or both if you both work. This evidence may be a wage slip or a salary advice. The evidence should be as recent as possible but must dated within 3 months of the application form being completed

See *About evidence* on page 3.

38  GUIDANCE

Your partner's declaration

If your partner is unable to sign the declaration – for example, because they are in hospital, you must tell us the reasons and give contact details in case we decide to check that information. You should provide this information below your signature on your own declaration at question 39.

If your partner does not sign the declaration before you send us the application, and you do not give a satisfactory reason at the end of question 39, we may return your application and tell you that your partner must sign.

This may happen for example, if your partner is working away from home. However, if your case goes to the Crown Court for trial, the court may make a representation order giving you legal aid.

The court will then issue a reminder to tell you that your partner needs to sign the form. This will happen even if you have been remanded into custody by a court.

If that happens and your partner still does not sign the form, you may be asked to pay £900 a month (or more if your monthly disposable income is higher than that).

If you are having real difficulty obtaining your partner's signature to the declaration, you or your solicitor may ask the court for advice.

Guidance for completing forms CRM14 and CRM15



Legal Aid
Agency

Guidance for CRM15

When you fill in this form

The form is designed like form CRM14. For instance, in some questions we ask you to give details for both you and your partner.

Remember:

- Answer all the questions from 1 to 39 unless there is an instruction to move to a later question.
- The advice for form CRM14 on pages 1, 2, 3 and 4 of this Guidance applies to this form also.

• **!GUIDANCE**

This means that we want you to go to the question number in the table on pages 14 to 22 of this Guidance document.

• **!EVIDENCE**

This means that we want you to go to the question number in the table on pages 14 to 22 of this Guidance. We may need to see evidence that confirms the information that you give in this form and in any other forms you use to apply for legal aid. The evidence we need to see is described on pages 14 to 22.

• **!CRM15C**

This means that we want you to use the form CRM15C if you need more space to answer some of the questions: see the box opposite.

- You may not have to provide the evidence we ask for: see *Rules about evidence* on page 3 of this Guidance.
- You may not have to give information about your partner if you answered **Yes** to question 12 on form CRM14.

Use form CRM15 if:

You have completed form CRM14 and you have been directed by your answer to either question 15, 17, 18, 20 or 21 to complete this form

or your financial circumstances have changed and you are notifying us of the details of the change.

Use form CRM15C if:

You need to give more information when you answer questions 2, 5, 13, 24, 25, 26, 28 or 29 of this form.

You can get a copy of form CRM15C from www.justice.gov.uk/legal-aid/assess-your-clients-eligibility/criminal-means-assessment

Question Guidance and Evidence requirements for questions on CRM15

1 **!GUIDANCE** If you have already been assessed for legal aid and you are submitting a new application because you or your partner has had a change in financial circumstances you should tick the box next to “A change of my financial circumstances”

2 **!GUIDANCE** If you or your partner are employed by someone else as an employee, you must give the employer’s full name and address. If you do not, we will not accept your application.

If you work for an **agency**, you may not be classed as an employee of the company you are working for. See question 3.

If you are a **subcontractor** you undertake work which you get from a contractor. Since 6th April 2007, the Construction Industry Scheme (CIS) contractors have been obliged to make a monthly return. A subcontractor is classed as being self-employed.

If you receive income from being self-employed, employed in a business partnership or employed as a company director or shareholder **only**, see question 3.

Deductions

You should complete the question to the best of your ability. Where deductions information is missing, the court can still process your application. If the information you provide does not match the supporting evidence your application will be reassessed once the evidence is received. If your case is in the Crown Court, this could mean a change to whether you need to pay contributions to the cost of your case from your income and the amount.

!EVIDENCE **If you receive cash in hand**, you should provide documents that prove the amount you declare in the form.

If you receive a wage or salary, you should provide the most recent available pay slip. This must be dated within the last 3 months. We would prefer the evidence to show your National Insurance Number and the total earnings for the financial year so far.

If you cannot provide this evidence, then you should ask your employer for a letter on the company notepaper stating the amount you have earned in the past 12 months.

If you work for more than one employer, we need evidence from each employer.

3 **!GUIDANCE** We need to know the number of businesses, partnerships or private companies from which you or your partner receive an income. You may be employed in more than one of these so you may put a number in more than one of the answer boxes (do not leave any boxes empty – put NIL if a box does not apply to you).

Self-employment

If you are not sure whether you are self-employed, these questions may help:

- Do you give clients invoices for the work you do for them? →

-
- Do you have a number of different clients that you work for?
 - Is it up to you to find the work that you do?
 - Are you responsible for the losses of your business as well as receiving the profits?
 - Can you hire other people to do the work you've taken on?
 - Have you invested your own money into your business?
 - Do you provide major items of equipment, which are essential for your work?
 - Have you had to fill out a self-assessment tax return for His Majesty's Revenue and Customs (HMRC)?

If you have answered **Yes** to most of these questions then you are probably self-employed. Working for yourself (being self-employed) does not mean that you cannot also work for someone else (as an employee).

Types of self-employment:

Sole-traders

Many small businesses are sole-traders. This means that you receive all the income generated by the business to keep for yourself or to re-invest. You are in complete control and can make decisions as you choose. Sole-traders also assume complete responsibility for liabilities and debts.

As a sole-trader you are required to make an annual self-assessment tax return to HMRC. You must also keep records showing your business income and expenses.

Partnership

In a partnership, two or more people share the risks, costs and responsibilities of the business. Each partner is self-employed and takes a share of the profits. Usually each partner shares in the decision-making and is personally responsible for any debts of the business. A partnership is not the same as a limited company. You should answer **Yes** to this question even if you are a **sleeping partner** (that is, you are not involved in the partnership, but you are entitled to a share of the business and its profits).

The partnership itself **and** each individual partner must make an annual self-assessment tax return to HMRC. The partnership must also keep records showing business income and expenses.

Directorship

A company director is anyone registered as a director of a limited company (this does not include charities). A company director does not need to hold shares in that company.

Shareholder

For the purposes of form CRM15, a shareholder means anyone who holds a number of shares in a **private limited company**.

Sub-contractor

If you are a **subcontractor** you undertake work from a contractor. From 6th April 2007, the Construction Industry Scheme (CIS) places an obligation on contractors to make a monthly return. CIS paper vouchers will not be used after this date.

Agency worker

If you work for an **agency**, you may not be classed as an employee of the company you are working for.

4 !GUIDANCE

If you or your partner have submitted a self assessment tax return (SA100) in the last 2 years, HM Revenue and Customs should have provided you with a tax calculation sheet (SA302) showing your income for the year and the tax liability that HMRC has calculated that you should pay in relation to that income.

!EVIDENCE

You must provide a copy of your P60 or your tax calculation sheet (SA302)

5 !GUIDANCE

Based on your type of employment, complete the breakdown of your income, to the best of your ability.

We understand that some parts of this question may not be relevant to your type of employment. However, if a particular part has not been addressed (which we believe would be relevant), we will return your application to you.

If you think a part of the question does not apply to you, please follow the instruction in the panel on the form and say so in the answer box for that part.

Self-employed income

There are three main types of income you are likely to get if you are self-employed:

- **Turnover:** The total of invoices (sales) issued during an accounting period, excluding any VAT.
- **Drawings:** Money or goods that the owner or partner takes out of the business for personal use.
- **Profit:** This is your turnover minus expenses such as travel, rent and rates and telephones.

!EVIDENCE

If you are a sole trader:

You must provide the annual self-assessment tax return that you make to HMRC **or** records which show your business income and expenses.

If you are in a business partnership:

You must provide your tax return and the partnership's tax return and/or the partnership's most recent business accounts when applying for legal aid.

If you are a director:

You must provide your company's business accounts and/or your full self-assessment tax return when you apply for legal aid.

If you are a shareholder:

You must provide the most recent copy of your completed business accounts **or** your full self-assessment tax return form (SA100). It is not sufficient to provide your tax calculation sheet only, because not everything that is counted as a deduction in your tax calculation is an allowed outgoing on the means assessment.

If you are a subcontractor:

You should provide a *Statement of payment and deduction*.

If you work for an agency:

You must supply wage slips for the last three months to date.

For a full list of the evidence requirements, please refer to the Criminal Legal Aid Manual, which is available on the Justice website – www.justice.gov.uk/legal-aid/assess-your-clients-eligibility/criminal-eligibility-calculator

6 !GUIDANCE

The benefits referred to are also called ‘benefits in kind’. These are any benefits which you receive, usually from your employer, either instead of, or in addition to, a cash payment, wage or salary. For example:

- a company car
- fuel allowance (or car and fuel allowance)
- private health insurance
- free accommodation
- luncheon vouchers
- childcare vouchers
- help with paying your mortgage
- relocation payments.

HM Revenue and Customs treats benefits such as these as taxable income even though they are not received in cash. If you receive any of these you must tell us about them because their value is counted as income in the means assessment.

!EVIDENCE

You need to provide a copy of form P11D. You can obtain this form from HM Revenue and Customs.

7 !GUIDANCE**Child Benefit**

If you or your partner are entitled to child benefit but have opted out of receiving this because of the High Income Child Benefit Charge then you should enter NIL or 0.00. You will still need to declare the children for whom you are entitled to child benefit at question 8.

If you or your partner are still in receipt of child benefit but the High Income Child Benefit Charge applies, then you should enter the full amount of child benefit that you or your partner receive. The amount of child benefit that you pay back through the charge will be reflected by the evidence that you supply of the tax you pay.

Other benefit

Do not put housing benefit – we ask about this in question 15.

8 !GUIDANCE

If you have opted not to receive child benefit due to the High Income Child Benefit Charge then you should still tell us the ages, at their next birthday, of any children for which you or your partner are entitled to receive child benefit.

9 !EVIDENCE

If your pension before tax is £1000 or more per month, you must provide either a recent bank statement (within the last 3 months) to show the amount which you

	receive from a private pension, or your annual pension statement which shows how much you will receive.
10	<p>! EVIDENCE</p> <p>If your maintenance income is £500 or more each month, you should provide documents that confirm this.</p>
11	<p>! GUIDANCE</p> <p>Savings and Investments include:</p> <ul style="list-style-type: none"> • Bank Accounts • Building Society accounts • Cash ISA's • National Savings certificates • Post office accounts • Stocks, including gilts and government bonds • Shares • Personal Equity Plans (PEPs) • Share ISAs • Unit Trusts • Investment Bonds • Other lump sum investments.
	<p>! EVIDENCE</p> <p>If you receive interest or income from savings or investments, you should provide bank statements for the last 3 months.</p>
12	<p>! GUIDANCE</p> <p>Income from other sources</p> <p>This does not refer to income from a directorship, shareholding or a trust fund.</p>
	<p>! EVIDENCE</p> <p>If you have income from rent:</p> <p>You must provide bank statements for the last 3 months.</p>
	<p>If you have income from rent or any other source:</p> <p>You must provide bank statements that show that you or your partner are now receiving, and have been receiving this income, for the last 3 months.</p>
13	<p>! GUIDANCE</p> <p>If you do not have any income and do not get any benefits, you need to tell us how you support yourself and pay for things like your bills or day-to-day living expenses. The court will look at the reasons you have given and decide whether it is acceptable. If you are subject to a restraint or freezing order, you need to tell us about this and clarify whether all assets are restrained. If you have any income or an asset that is not included in the orders, please declare this on the form when you answer the questions.</p>
14	<p>! GUIDANCE</p> <p>Rent</p> <p>Is where you pay someone for a house or flat in which you live.</p> <p>Board and lodgings</p> <p>Is where you pay for a room in someone's house, treated as bed and breakfast, or</p>

for a flat in the property with or without food.

- 15 **!GUIDANCE** Tell us the total amount which you and your partner, together, pay for the rent and mortgage. If you or your partner receives housing benefit, take away the amount you receive in housing benefit from the total amount you pay for the rent and mortgage, to give the final amount that you should declare on the form.

Water, gas, electricity and other household expenditure

We do not ask you to tell us the amounts you pay for these household bills because the means assessment automatically includes a living allowance which takes your family circumstances and these payments into account. This living allowance covers payments for food, clothing, education, transport and utility payments like water, heating and power.

For more information about the Living allowance see section 14.3 of the Criminal Legal Aid Manual (CLAM) which can be found on the Justice website at: www.justice.gov.uk/legal-aid/assess-your-clients-eligibility

- !EVIDENCE** If your housing costs, after deducting housing benefit, are more than £500 per month, you will need to provide evidence of this. This could be a copy of your tenancy agreement or mortgage statement.
- We may also need evidence that you are paying this, so we may ask for bank statements too.

- 16 **!EVIDENCE** If your Council tax is more than £500 per month, you will need to provide evidence of this. This could be a document from your council.

- 17 **!GUIDANCE** When you answer this question you must make sure you state how much of the cost of your board and lodging, is for food. If you don't we will assume that half the cost of your board and lodging is for food.

- !EVIDENCE** If the cost of your board and lodging is more than £500 each month, you will need to provide documents which confirm this.

- 18 **!GUIDANCE** Childcare costs can be taken into consideration in the means assessment if they are paid to a registered childcare provider. Unless there are exceptional circumstances (e.g. disability of the child) you should only make such a deduction for a dependent child aged 15 or under. For more information on childcare costs, see section 20.3.2 of the Criminal Legal Aid Manual (CLAM)

- !EVIDENCE** If your childcare costs are more than £500 each month, you must provide a receipt of payment or bank statement.

- 19 **!GUIDANCE** Maintenance payments made to:

- a spouse or civil partner
- or a former spouse or civil partner
- or a child
- or a dependent relative

can be taken into consideration in the means assessments. However, these outgoings can only be taken into account if the recipient does not live in the

applicant's household. For further information please see section 20.3.4 of the Criminal Legal Aid Manual (CLAM).

① **EVIDENCE**

If you pay more than £500 per month, you must provide evidence that you pay the amount you have declared on the form. This may be a receipt of payment or bank statement.

20 ① **GUIDANCE**

You should only include the following legal aid contributions:

- Civil legal aid contributions that you or your partner may be paying
- Criminal legal aid contributions being paid by your partner if you were previously included in their assessment.

You do not need to tell us about any contribution that you are making on an existing Crown Court case because our records will show this and we will include any contributions you are paying in our assessment. You will only be asked for one contribution at a time.

21 ① **EVIDENCE**

If you have paid income-tax within the 40% bracket, you must provide a copy of your P60 or your tax calculation sheet SA302 (which shows your tax liability).

22 ① **GUIDANCE**

Your solicitor will tell you whether to answer **No** or **Yes**. Or you may find the answer on page 1 of form CRM14 under *Case type*.

23 ① **GUIDANCE**

If you jointly own a property or land with your partner, you should only refer to this property in the box marked 'you and your partner jointly' (in these circumstances enter **NIL** in the box marked **You** and the box marked **Your partner**).

24 ① **GUIDANCE**

You must provide sufficient information so that we can verify your property or land. If the information isn't sufficient, we will not accept your application and we will return it to you.

25 ① **GUIDANCE**

2

Other owners of a share of property or land

This would usually apply if you have bought your property on a shared ownership basis, with for example the housing association; or if someone other than you or your partner (if you have one) owns a share of your property. This would include ex-partners and partners with a contrary interest in the case. **Do not include a share owned by a mortgage lender.**

4

Market value

We do not expect you to obtain a valuation or mortgage statement to answer this part of the question but you should provide a reasonable estimate (we will check the information you provide with other parties such as the Land Registry).

You must provide sufficient information so that we can verify it. If the information isn't sufficient, we will not accept your application and we will return it to you.

26 ① **GUIDANCE**

You need to tell us about all of your bank and building society accounts, including your current account, and any accounts that are empty or overdrawn.

You should also tell us about any accounts into which you or your partner has

benefits, wages or salary paid.

Sort code or Account number:

These are usually on bank statements (there may be several codes). However, if you do not know this information, we will accept your application providing you have put the name of the bank or building society, and of the branch for each account.

Balances in an account: we do not expect you to put an exact balance (unless you have statements available when you fill in the form). But you should put a reasonable estimate.

You must provide sufficient information so that we can verify it. If the information isn't sufficient, we will not accept your application and we will return it to you.

① EVIDENCE

You will need to provide documents that support the information you have given on the form, such as:

- Bank statements for the last 3 months, for each account
- Building society statements or pass books showing transactions for the last 3 months, for each account
- Cash ISA statement or a certificate for each Cash ISA
- National Savings or Post Office Account statements covering the last 3 months, for each account
- Statement, passbook, certificate covering transactions for the last 3 months.

See *About evidence* on page 3.

27 **① GUIDANCE**

Premium Savings Bonds:

The holder number is a 9 digit number. If you do not have the holder's number or the cash value, you should confirm that you have Premium Savings Bonds (answer **Yes**) and give a reasonable estimate of the value.

You must provide sufficient information so that we can verify it. If the information isn't sufficient, we will not accept your application and we will return it to you.

① EVIDENCE

Certificates for all Premium Savings Bonds or the Bond Record (this may be called a Summary). See *About evidence* on page 3.

28 **① GUIDANCE**

National Savings Certificate:

The holder number is a 9 digit number. If you do not know your Holder number you can enter your customer number (the customer number is an 8 digit number followed by a dash and two digits). If you do not know the cash value, you should confirm that you have a National Savings Certificate (answer **Yes**) and give a reasonable estimate of the value.

You must provide sufficient information so that we can verify it. If the information isn't sufficient, we will not accept your application and we will return it to you.

① EVIDENCE

All National Savings Certificates or a passbook. See *About evidence* on page 3.

29 **!GUIDANCE**

If you have any investments:

The information you declare must be sufficient so that they can be identified. If the information provided is not sufficient to identify the investment your application form will be returned to you. For example, if you have shares to the value of £5,000, you should tell us how the shareholding is made up, such as National Express £2,000, Marks & Spencer £1,500, HSBC £1,500.

You must provide sufficient information so that we can verify it. If the information isn't sufficient, we will not accept your application and we will return it to you.

!EVIDENCE

You will need to provide documents that support the information you have given on the form, such as:

- Certificate for each Stock held
- Latest dividend counterfoil for each company in which you hold shares
- Certificate for each PEP investment
- Certificate for each Share ISA investment
- Certificate for each Unit Trust investment
- Certificate for each Investment Bond
- Statement, passbook, certificate covering transactions for the last 6 months

See *About evidence* on page 3.

30 **!GUIDANCE**

Trust funds

If you have been remanded into custody by the court, you should give us a reasonable estimate of the amount held in the trust fund and the yearly dividend. But, if you have been released on bail, we expect you to get this information before you submit your application.

!EVIDENCE

You need to provide the original trust document or a certified copy of it.

See *About evidence* on page 3.

31 **!GUIDANCE**

Restraint orders will be brought against a defendant by the Crown Prosecution Service in relation to proceeds of crime charges to prevent the defendant from dissolving their assets. If you are subject to a restraint order, you would have been formally notified by the court where your case is being heard.

Freezing orders are made by the High or County Court to stop a defendant from disposing of assets or removing them out of the country pending resolution of a dispute.

!EVIDENCE

If you answered Yes, provide a copy of the restraint order or freezing order.

32 **!GUIDANCE**

If you have been charged with an either-way or indictable offence, you may have to contribute to some or all of the defence costs; this could be from your income, your capital or a combination of both. Please note: If your disposable income is equal to or

exceeds £37,500 you will not be eligible for legal aid in a Crown Court trial and will have to pay privately.

33 **!GUIDANCE**

Motor Vehicles

You should tell us about all motor vehicles that you own by yourself or with anyone else by providing the vehicle registration numbers.

34 **!GUIDANCE**

You should only tick **Yes** if you have been remanded into custody by the court.

35 **!GUIDANCE**

If your case is heard in a magistrates' court and it decides whether you are guilty or not guilty, you should tick **Yes**. If your case will be committed to the Crown Court for trial you should tick **No**.

36 **!GUIDANCE**

A 'correctly completed form' includes not only all questions being answered fully, **but evidence being provided to confirm the information you give, when we require it** (See *About evidence* on page 3). The checklist should help you to make a correct application. Please keep in mind that:

!EVIDENCE

- If you provide original evidence, the court will usually make a copy and return the original to you. Or you may provide a copy which is certified by your solicitor.
If you send the forms and evidence by post, we suggest you consider using recorded delivery. This will give you proof that you posted the documents and a record that they have been received by the court.
 - If you have genuine difficulty in providing evidence we require, you or your solicitor may contact the court for advice.
-