

Guidance, Hints & Tips:

Help us consider your merits application in full by;

- **Non molestation orders** –if you have uploaded the statement to court and it doesn't detail any recent police involvement then please provide the information regarding this in the merits report or on a separate document. We have to ensure paragraph 10.29 of the Lord Chancellors guidance is complied with.
- **SCA certificates and deprivation of liberty under inherent jurisdiction** –if an application is made for a deprivation of liberty order under the inherent jurisdiction of the high court and this is to be heard within ongoing care proceedings, then this can be added to the existing SCA certificate. This can be done by adding a hearing limitation and free-typing the proceeding wording. If it is timetabled separately from care proceedings then a means and merits application for inherent jurisdiction application must be submitted.
- **Committal**–funding for respondents to committal applications is funded under criminal legal aid and not civil legal aid. Applicants for committal and respondents to enforcement applications where liberty is not at stake are funded under civil legal aid.
- **Appeals to the county court under section 204 Housing Act 1996** –the correct proceeding option to select is 'Homelessness-Housing Act 1996-Housing'.
- **Article 21 of the Child Abduction and Custody Act 1985**–when representing the applicant and providing a letter from ICACU, please submit via CCMS as a Section 8 Child Arrangement (contact) Order for Full Representation limited to Final Hearing. You can email Peter Reed, Stephen Spittlehouse or Pamela Read to ensure the application is appropriately identified.
- **Section 37 Reports in Private Law Proceedings**–legal aid is available pursuant to Paragraph 1(b) of Schedule 1, Part 1 LASPO. In the circumstances where the Court directs the Local Authority to produce a Section 37 report the client may apply for funding limited to this element of the proceedings. Please select Children – Miscellaneous Proceedings, Represented on s37 Report Application. The application should be limited to s37 Report. If the Local Authority does not bring their own proceedings once the Report has been filed, the legal aid funding will come to an end. If the Local Authority does bring proceedings, the separate appropriate application for legal aid should be submitted.
- **Housing Possession Proceedings** –please ensure a detailed statement of case and all relevant supporting evidence is provided when making an application for representation within possession proceedings. This should include the Particulars of Claim/Claim Form, statement/affidavit in support, any notice to quit/notice seeking possession and the statement setting out details of your client's defence.
- **Cross Border Disputes** - In Private Law Children proceedings, do not answer "Yes" to the Cross Border Dispute question. If the application relates to an unlawful removal, falling within Paragraph 10 of Schedule 1, Part 1 LASPO, mark the proceedings as in scope, answer "No" to cross border dispute and "Yes" to the question "Falls Within The Unlawful Removal Of Children/Domestic Abduction" .This will prevent the evidential requirement questions popping up. However, if the application includes other proceedings which fall within Paragraphs 12 or 13 of Schedule 1, Part 1, in relation to those proceedings answer "No" to both the cross border and unlawful removal questions, but identify the unlawful removal proceedings in the statement of case.