



Legal Aid
Agency

Applications for emergency funding in Judicial review cases

Processes and procedures from 1 April 2013

Applying to the Legal aid Agency for emergency funding

If your application does not fall with the scope of Section 5.3 of the contract you will need to apply to the Legal Aid Agency for emergency funding.

For new emergency applications that do not require a grant immediately suppliers will need to submit the CLS APP 1 and means forms by DX or post in the usual way – but they must tick the appropriate box on page 1 of the CLS APP 1 and complete the first part of Page 13 detailing why an emergency certificate is being sought. These applications will be processed within 48 hours of receipt.

Where a supplier seeks a grant of an emergency certificate and requests to undertake work in less than 48 hours they should apply via an emailed application CLS APP 6 to the following email addresses:

Immigration: emergency-immigrationapps@legalaid.gsi.gov.uk.

Non immigration: emergency-apps@legalaid.gsi.gov.uk

This mail address is to be used for all urgent communications and applications for licensed work except for emergency applications to the out of hours duty judge (see below).

Out of Hours Applications – Immigration

Interim relief

Where a supplier requests emergency funding to cover an immediate application to the out of hours Duty Judge in the Administrative Court then the CLS APP 6 must be e-mailed to the Legal Aid Agency (LAA).

The LAA will be providing an out of hours service for this area of work at the following times:

Monday to Friday – 5 to 8pm and Weekend and Bank Holidays – 10am to 2pm.

All applications in this regard must be received by 8pm on weekdays and 2pm on weekends and bank holidays. Decisions will be communicated no later than 9pm and 3pm respectively. Any applications received after these times will not be processed until the following day.

Where a supplier needs to submit an application to the duty judge in hours and requests emergency funding – that application should be sent to the other e-mail address referred to above but must be received by 2pm. Applications for emergency funding for interim relief submitted after 2pm must be sent to the out of hours e-mail address detailed below. Whilst every effort will be made to make a decision immediately we cannot guarantee a decision would be able to be made prior to 5pm to enable the supplier to make an in hours application to the duty judge.

Applications to extend funding (CLS APP8) to make a renewed application for interim relief before the out of hours Court of Appeal duty judge should also be sent to this e-mail address. The supplier must submit a copy of the reasons why the Administrative Court judge refused permission/interim relief together with a merits advice from the solicitor and/or counsel. Where this application is made after the 8pm weekday and 2pm weekend/bank holiday cut off time – the LAA will process the application the following day. In the event the Court of Appeal grants a stay/interim relief the LAA will (subject to the applicant qualifying financially) backdate the grant of funding accordingly.

For applications for interim relief to be made out of hours – emergency applications for funding must be sent to the following e-mail address only:

asylum-out-of-hours@legalaid.gsi.gov.uk

Refusal of Emergency Applications for Funding and Appeals

There are no proposed changes to rights of appeal against a refusal of emergency funding and this will equally apply to any application made out of hours.

If emergency funding has been refused, and the applicant still requests a grant of funding then they will still be required to submit a fully completed substantive application. In the event of that application being granted the LAA will not have any power to backdate funding.

In the event funding is refused the Applicant will still have a right of review before any Independent Funding Adjudicator (IFA). Where the need arises the LAA can request IFA decisions to be made within 24 hours of receipt of an appeal.