

A P P E N D I X II

APPLICATION FORM FOR LEGAL AID ABROAD

**FOR USE WHEN MAKING AN APPLICATION UNDER THE
EUROPEAN AGREEMENT ON TRANSMISSION OF APPLICATIONS
FOR LEGAL AID <ETS No. 92>**

**Questions 1 to 5 of this form should be completed and returned to¹
.....
(the transmitting authority). When this form and, where necessary², the
legal aid form of the country concerned have been completed, they will be
sent by the transmitting authority to the country where you are seeking
legal aid.**

1. INFORMATION RELATING TO THE APPLICANT:

- a. Surname/identity (if a legal person)
- b. Forenames
- c. Address (if not your habitual residence, please also give the address of your
habitual residence):
.....
.....
- d. Occupation
- e. Nationality

¹ Before giving this form to applicants the transmitting authority should insert its name and address here.

² "Applicants applying for legal aid in
should, in addition to this form, complete the legal aid form of the country concerned.
This additional form may be obtained from the transmitting authority which provided
you with the present application form."

- f. Civil status (married, divorced, single, cohabitation)
- g. Dependants (children or other persons supported by you)
- h. Languages understood by you

2. INFORMATION RELATING TO THE OTHER PARTY (if you have this information)

- a. Surname/identity (if a legal person)
- b. Forenames
- c. Address
- d. Occupation
- e. Nationality/seat (if a legal person)

3. INFORMATION RELATING TO THE PROCEEDINGS ABROAD

- a. Is the case pending before a court abroad?
If so, give, if known,:
(i) the reference number of the case
- (ii) the dates of the hearing
- (iii) the name and address of this court
- b. Who instituted the legal proceedings?
- c. Have you already instructed a lawyer in this country or abroad? (if so indicate name, address, telephone, fax)
- d. If you have not instructed a lawyer abroad do you wish, in those countries

where this is possible ³, to appoint your own lawyer or to receive assistance from the legal aid office or the court abroad to help you to make such an appointment?

e. If the proceedings concern a decision which has already been given by a judicial authority (eg appeal, opposition, enforcement of a decision) specify:

i. the name and place of the judicial authority

ii. the date of the decision

iii. the date you received the decision

Please attach a copy of this decision to this application form

f. Give brief information concerning the nature of the proceedings (eg amount claimed by you or the other party, divorce matter, administrative proceedings...)

g. Describe the facts which are at the background of the matter and explain briefly why you are bringing or defending the claim. What is the other party's reasons for bringing or defending his claim. Please make a summary of the facts, if necessary in a separate document. **Please submit copies of any documents relevant to the legal proceedings**

4. FINANCIAL SITUATION OF THE APPLICANT

N.B. If the country to which you are applying for legal aid requires you, in addition to this application form, to complete its own application form for legal aid and advice please do not complete part 4 of this form.

When part 4 is completed, it is essential that documentary evidence be annexed to this application (statement of income, debts, tax return...)

³

In some countries legally aided persons must be assisted by a lawyer chosen by the appropriate body.

A. Income of applicant and spouse/partner (indicate whether monthly or yearly amounts are given)

- i. salary
- ii. unemployment and social security benefits
- iii. pensions
- iv. maintenance rights (from whom, what amount?)
- v. other income of whatever source (eg from other work, unearned income such as rent, income from capital...)

B. a) Expenses of applicant and spouse/partner (indicate whether monthly or yearly amounts are given)

- i. for home (eg rent, mortgage or repayment of credit)
- ii. other expenses (eg dependants, maintenance payments)
- iii. debts (kind of debt, instalments, amount)
- b) Are any of these expenses deductible for tax purposes? Which ones?

C. Capital of applicant and spouse/partner

- i. immovable property (eg house, flat)
- ii. other property (eg bank account, shares)

D. Do you have any other possible alternative funding, including insurance cover, which might cover the expenses or part of them relating to the proceedings? If so, please give details and attach copies of any relevant documentation.

5. DECLARATION

I certify that the information contained in this form is true and accurate⁴

⁴. Please note that false or incomplete statements may lead to disadvantages for the applicant (e g loss of legal aid, civil liability, criminal sanctions).

- a. date
- b. place
- c. signature of the applicant

6. INFORMATION TO BE GIVEN BY THE TRANSMITTING AUTHORITY

- a. registration number of applicant
- b. person dealing with application in the
transmitting authority (name, address, telephone No, fax No)
.....
.....