

# The Fingerprint Inquiry | Scotland

## APPLICATION FOR FUNDING FOR LEGAL REPRESENTATION OTHER THAN AS A CORE PARTICIPANT

### NOTES FOR APPLICANTS

#### General

1. You should use this form to:-
  - Tell the Inquiry about the lawyer you have appointed who will be your recognised legal representative;
  - To apply for public funding for your legal representation.
2. The Chairman will use the information that you include on this form to decide whether or not to grant your application. He may, however, allow you to make further representations about the matter.
3. You should read these notes along with the Inquiries Act 2005, the Inquiries (Scotland) Rules 2007 and the Notice of Determination by the Scottish Ministers placed before the Scottish Parliament on 5 June 2008. The Notice of Determination includes some important limitations as to the extent of funding available for legal representation. In particular, **you cannot receive funding for legal work that has been done for you without the prior approval of the Inquiry Chairman.**
4. A person is eligible to be considered for an award of funding only if they are:-
  - Attending the inquiry to give evidence or to produce any document or other thing, or
  - A person who, in the opinion of the Chairman, has such a particular interest in the proceedings or outcome of the inquiry as to justify such an award.
5. In making any decision as to the procedure or conduct of the inquiry, including a decision about an award of this type, the Chairman must act with fairness and with regard to the need to avoid any unnecessary cost, whether to public funds or to witnesses or others.
6. When the Chairman is considering any application for funding, he will take into account the financial resources of the applicant and the public interest so far as relating to the making of an award.

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## Part I: About you

### (a) Your details

7. You should include your full name, address and contact details as requested on the form.

### (b) Your interest in the Inquiry

8. Use Section 2 to explain why you are someone who may be eligible for an award. If the Inquiry team has contacted you to ask you to provide evidence or produce a document or something else for the Inquiry, please include any reference number provided by the Inquiry here. If the Inquiry team has not asked you to do so, please explain the nature of your interest in the proceedings or outcome of the Inquiry. Please explain which aspects of the terms of reference of the Inquiry concern you.

## Part II: Your recognised legal representative

9. Please provide the details of the lawyer you have appointed to represent you.  
**It is your responsibility to ensure that the lawyer concerned is willing to act on your behalf.**

## Part III: Public Funding

### (a) Why you need legal representation in relation to the Inquiry

10. You should use this part of the form to explain why you need a lawyer to represent you.

### (b) Your financial resources

11. You should use this part of the form to provide information about your financial resources. The Chairman requires to take your financial resources into account when he is deciding whether you should receive funding for legal representation.
12. Please provide a note of your **net income** which should be calculated as your gross income after a deduction of tax, NI contributions and all pension contributions (including private pension contributions) but no other deductions.
13. Please provide details of your **dependants** including children under 18 living with you. You need not provide details of any household outgoings unless you wish to draw the Chairman's attention to expenditure of an unusual or exceptional nature.
14. Please provide a note of your **capital assets** including savings, investments, the estimated value of any endowment or other with-profits policies, any land

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or property or other assets of significant value. You should exclude household goods and tools and equipment used for work.

15. Please provide a note of any **capital liabilities** including the balance of any outstanding loans, store cards and credit card debts.
16. Please confirm that you have no other resources which might provide funding for legal representation at the Inquiry. These might include: -
  - funding from a professional association or trade union;
  - funding from an insurance policy providing legal expenses insurance or professional indemnity insurance;
  - funding from an employer in terms of your contract of employment.

If you have no other source of funding, write “none” in the space provided.

17. Please advise of any other matters relating to your financial resources which may be of relevance in considering whether you should be granted funding for legal representation.

## **(c) The public interest**

18. You should use this part of the form to say why it would be in the public interest for funding for legal representation to be made available to you. The Chairman requires to take into account the public interest in so far as relating to the making of an award when deciding whether or not to grant your application.

## **Part IV: Extent of Legal Representation**

19. Your application should include information as to the nature and estimated duration of the legal representation for which you would like funding. **The Chairman will take into account in considering the parts of the Inquiry for which you may need legal representation the information you have given in Part I(b).**

### **Section 1: The type of work your lawyer will do in representing you**

20. You should include here details of the work your lawyer will do for you. This might include attending the hearing during your evidence or oral evidence that is relevant to your interests, considering documents, or applying to examine witnesses.

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## Section 2: Information about your proposed legal team

21. You should include here information as to:-

- The level of seniority of the qualified lawyer you wish to be your recognised legal representative.
- If you want other qualified lawyers to assist your recognised legal representative:-
  - The names of these other lawyers
  - The seniority of these other lawyers
  - Why the team of lawyers needs to be composed in this way.
- If it is thought necessary to instruct counsel:-
  - The reasons for doing so
  - The date of call of counsel.

## Section 3: Proposed hourly rates

22. You should include information here as to the proposed hourly charging rate for all qualified lawyers in the recognised legal representative's team, and, if applicable, of counsel, subject to the maximum hourly rates stipulated in the Notice of Determination under section 40(4). In the first instance, this information will be used for the Inquiry solicitor to try to come to an agreement with you about the hourly rates to be charged by your lawyers. If you and the Inquiry solicitor cannot agree about this, the Chairman will decide what the rate should be, and may ask for further information or representations about this matter.

## Section 4: Time to be spent on Inquiry Work

23. You should include information here as to:-

- the numbers of hours each week for which it is anticipated that the recognised legal representative and each member of his team will be engaged on Inquiry work, and in relation to what, having regard to:-
  - the interest of the core participant, and
  - the aspects of the subject matter of the terms of reference in relation to which the core participant wishes to participate
- the number of hours each week for which it is anticipated that counsel (if permitted at public expense) will be engaged on Inquiry work.

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## **Section 5: Any other expenses relating to legal representation**

24. You should include information here about any other expenses relating to legal representation. This might include, for example, the costs of any investigative work. However, investigative work is normally done by the Inquiry team, and you would have to show why it is necessary for your lawyer to do it.