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# **Litigation Loan and Insurance**

## **APPLICATION FORM**

## **IMPORTANT NOTICE:**

**Please note that we normally charge a £250 Application Fee for providing our broking service. If you would like to know more about what we do in return for this Fee, please visit our website or contact us.**

Please complete all Sections of this Application Form. The information provided and received will be treated in confidence. If you need more space to answer any question more fully, please use the Additional Information space provided or attach a separate sheet. If a Question is not relevant to this specific case, please answer "N/A".

Completion of this Application Form does not in itself bind Universal Legal Protection Ltd, any Litigation Finance Provider, any Insurer or the Applicant to any contract. But in the event of an offer of Finance being issued pursuant to this Application Form and a Finance Agreement subsequently entered into, this Application Form may be relied upon by the Finance Provider and deemed to constitute part of that Finance Agreement. In the event of an Insurance Policy or Certificate being issued pursuant to this Application Form, this Application Form shall constitute part of that Policy or Certificate.

Before any insurance contract is entered into, the Applicant must make a fair representation of the risk to the Insurer, in accordance with Section 3 of the Insurance Act 2015.

In summary, the Applicant must:

- a) disclose to the Insurer every material circumstance which the Applicant knows or ought to know. Failing that, the Applicant must give the Insurer sufficient information to put a prudent Insurer on notice that it needs to make further enquiries in order to reveal material circumstances. A matter is material if it would influence the judgement of a prudent Insurer as to whether to accept the risk and, if so, on what terms (including premium); and
- b) make the disclosure in clause a) above in a reasonably clear and accessible manner; and
- c) ensure that every material representation as to matter of fact is substantially correct and that every material representation as to matter of expectation or belief is made in good faith.

For the purpose of clause a) above, the Applicant is expected to know the following:

- a) If the Applicant is an individual, what is known to the individual and anybody who is responsible for arranging this insurance.
- b) If the Applicant is not an individual, what is known to anybody who is part of the Applicant's senior management; or anybody who is responsible for arranging this insurance.
- c) Whether the Applicant is an individual or otherwise, what should reasonably have been revealed by a reasonable search of information available to the Applicant. The Applicant cannot ignore or deliberately withhold information (this may amount to breach of the duty or fair representation even if the Insurer had sufficient information to ask questions but did not do so). The information may be held within the Applicant's organisation, or by a third party (including but not limited to subsidiaries, affiliates, the broker, or any other parties. The Insurer expects that the Applicant will have included them in its enquiries, and that the Applicant will inform the Insurer if it has not done so. The reasonable search may be conducted by making enquiries or by any other means.

If the Applicant becomes aware that the information provided is incorrect or incomplete please contact us immediately.

## A1. THE APPLICANT – private individual(s)

Please complete this section if the Applicant is a private individual, then please go to Section B. If the Applicant is not a private individual, please move straight to Section A2.

i. Full Name(s):			
ii. Date(s) of Birth:			
iii. Contact Details:	Email Address	Telephone Number	
iv. Full Address:			
v. Time at Current Address:	Years		Months
vi. If less than 3 Years please provide details of the previous Address:			
vii. Value of Current Property:	£		
viii. Outstanding Mortgage on the Property:	£		
ix. Applicant's gross annual income:	£		

## A2. THE APPLICANT – not a private individual

i. Name(s):			
ii. Contact Details:	Email Address	Telephone Number	
iii. Full Address:			

iv. What is the Applicant's legal Status?:		
v. Is the Applicant registered for VAT?	YES	NO
vi. Company Registration Number (if applicable):		
vii. Description of business:		
viii. List the shareholder Directors:		
ix. The last completed Financial Year details:	Turnover:	£
	Pre-Tax Profit:	£
	Net Asset Value:	£
x. Please provide Estimates for the current Financial Year:	Turnover:	£
	Pre-Tax Profit:	£
	Net Asset Value:	£
xi. Details of any parent and/or subsidiary Companies:		

## B. THE APPLICANT'S APPOINTED REPRESENTATIVE

1) Please advise the details of the Appointed Representative who will be acting for the Applicant in the Legal Action:	
i. Name of Solicitor Firm/Practice:	
ii. Address:	
iii. DX Address:	
iv. Telephone No:	
v. FCA/EPF Registration number:	
vi. Case Handler:	
vii. Case Handler's email address:	
viii. Case Reference:	
ix. Name of Assistant:	
x. Assistant's email address:	

2) Please provide details of Counsel instructed on the Applicant's behalf:	
i. Name:	
ii. Chambers:	
iii. Counsel's experience and area of speciality:	

## C. THE OPPONENT

1) Please provide the following details with regard to the Opponent(s):	
i. Name(s):	
ii. Address(es):	
iii. Legal status:	
iv. Company Registration Number(s):	
2) Is the Opponent registered for VAT?	YES NO
3) Does the Opponent(s) have an address for service in England or Wales or a process address?	YES NO
4) Would there be a need to enforce against assets in another jurisdiction?	YES NO
	If 'YES', are there reciprocal enforcement arrangements in place? YES NO
5) Solicitor details (if known):	
6) Counsel details (if known):	
7) Does the Opponent have the means to satisfy any judgement obtained?	YES NO
	If 'YES', please supply supporting documentation

## D. THE LEGAL ACTION (CLAIM/CASE/PROCEEDINGS)

1) Is the Applicant the claimant in the legal dispute?	YES	NO		
2) Type of case:				
3) Date of Breach/Incident:				
4) Jurisdiction				
5) Forum (Court, Tribunal etc.):				
6) When was the case first referred to the Applicant's Appointed Representative?				
7) What stage have the proceedings reached?				
8) Is it arguable that the limitation period for the claim has expired?	YES	NO		
	If 'YES', please supply full details			
9) Is there a counterclaim or is there likely to be a counter-claim in relation to this legal Dispute?	YES	NO		
	If 'YES', please supply full details			
10) When might the Trial reasonably commence?				
11) What is the expected length of the Trial?				
12) What is the approximate Quantum?	General Damages:	£	Special Damages:	£
13) What figure might the Applicant agree to settle at?	General Damages:	£	Special Damages:	£
14) Have legal proceedings been issued?	YES	NO		
	If 'YES', when:			
15) Has a Defence been received?	YES	NO		
	If 'YES', when:			
16) Has the Opponent made any offer or payment in settlement of all or part of the claim?	YES	NO		
	If 'YES':			
	i. When:			
	ii. Amount:		£	
17) Has the Applicant made/does the Applicant intend to make a Part 36 offer, payment or any other offer of compromise in respect of all of, or part of, the claim?	YES	NO		
	If 'YES', please provide full details; if 'NO', please explain why not.			
18) Has liability been admitted?	YES	NO		
19) Is the Opponent insured?	YES	NO	NOT KNOWN	

20) Is there any need for interim remedies? (e.g. freezing injunctions)	YES	NO
21) Is any non-financial remedy sought?	YES	NO
22) Has mediation or another form of ADR been requested?	YES	NO
	If 'NO', will it be requested?	YES NO
23) Please indicate in percentage terms what you consider the prospects of success are for:	LIABILITY:	%
	QUANTUM (per question D.12)	%
	QUANTUM (per question D.13)	%
24) Are you (the Applicant's Appointed Representative) on a CFA or any other form of Special Fee Agreement?	YES	NO
	If 'YES':	When was it entered into? What amount is the CFA? %
	If 'NO', would you be prepared to enter a 50% or greater CFA?	YES NO
25) Is Counsel on a CFA (or any other form of Special Fee Agreement)?	YES	NO
	If 'YES':	When was it entered into? What amount is the CFA? %
	If 'NO', would Counsel be prepared to enter a 50% or greater CFA?	YES NO
26) Do you have a Counsel's Opinion?	YES	NO
	If 'YES', what are the prospects of success?	%
27) Are the Opponent's Solicitors acting under a CFA?	YES NO NOT KNOWN	
28) Please give details of how the case has been funded to date (e.g. A-t-E cover, B-t-E cover, Legal Aid Certificate, private retainer):		
29) Does the Applicant have access to all documents which are necessary to prove the claim?	YES	NO
30) Does there appear to be a need for forensic evidence to be collected?	YES	NO
31) Does the claim appear likely to require expert evidence?	YES	NO
	If 'YES', has the Expert provided an opinion?	YES NO
32) Have statements been taken, or proofs of evidence obtained?	YES	NO
33) Does the witness evidence appear to be supportive of the claim?	YES	NO
34) Does the case appear to turn on the evidence of key witnesses?	YES	NO
35) Are those witnesses currently co-operative, within the jurisdiction and compellable?	YES	NO

36) Are you aware of anything which may adversely affect the success of the Legal Action?	YES	NO
	If 'YES', please provide full details	
37) Is the Applicant likely to be involved in, or likely to be involved in, any other litigation before this legal dispute is concluded?	YES	NO
	If 'YES', please provide full details	

## E. LOAN / FINANCE SOUGHT

How much money is the Applicant seeking, whether it is for reimbursement of invoices already paid, due or overdue, or for future anticipated costs, or both? The amounts you show below should only include VAT if the Applicant is **not** VAT registered.

*In respect of any invoices already paid or due/overdue for which Finance is now being requested, please attach copies of the relevant invoices/fee notes to support the application.*

	up to <u>now</u>	from <u>now</u> until end of Trial
1) Solicitor's Fees:	£	£
2) Counsel's Fees:	£	£
3) Expert's Fees:	£	£
4) Other Disbursements or costs:	£	£
5) <b>Total Finance (Loan Amount) sought:</b>	£	
6) Preferred Loan period (in months):	12	24                      36
7) Please provide details of any other finance or funding that will be used to support this legal action:		

## F. LOAN SECURITY

ULP has access to Lenders who offer secured Loans. When applying for a secured Loan you will need to provide details of any unencumbered company or personal assets that you would like the Lender to consider as Loan security. Certain Lenders will, for example, accept a primary or secondary charge over a property (although not normally a principal private residence), or other company owned or personal asset, a charge over an investment account, debtor book, or a personal guarantee as security for the Loan. Some of the Lenders will require you to take out a loan protection insurance policy **in addition to providing your own Loan security**. In anticipation, **you are required to complete Section G of this Application Form regardless of whether or not you intend to take out a loan protection insurance policy.**

If you are applying for a Loan on behalf of a company, a copy of your most recent Company Accounts will be needed as a minimum to support your Application.

1) Please provide details of the asset(s) you would like the Lender to consider as Loan security:	
2) Please confirm the value of the asset(s) offered as security:	£



## G. FINANCE PROTECTION INSURANCE

ULP will only seek an offer of terms from a Finance Protection Insurer where you request cover as part of the Application or where the Lender insists on the cover as a condition of the Loan and you agree in principle to take out a policy (subject to you accepting the terms and conditions of the policy being offered).

1)	Would the Applicant like ULP to seek an offer of Finance Protection Insurance in any event?	YES	NO
2)	If 'NO' to Question G.1, would the Applicant like ULP to seek an offer of Finance Protection Insurance if it is a requirement of the Lender?	YES	NO

## H. ESTIMATED OPPONENT'S COSTS AND AFTER-THE-EVENT INSURANCE ('ATE')

The Applicant will be liable for their Opponent's Costs in the event that the claim is not successful and therefore should have considered how they will deal with this risk as part of their Application. It is not a condition of the Applicant either being offered, or not offered, a Loan that they take out ATE insurance, but we strongly recommend the Applicant considers doing so if they believe they would be unable to pay their Opponent's Costs should they become liable to do so.

1)	What are the Opponent's Costs incurred up to <u>now</u> :	£	
2)	What will the Opponent's Costs be from <u>now</u> until end of Trial:	£	
3)	Are these figures 'known' or 'estimates':	KNOWN	ESTIMATES
4)	Does the Applicant have any existing ATE insurance:	YES	NO
If 'YES', please supply full details			
5)	If the Applicant does not have any existing ATE insurance, would the Applicant like ULP to seek offers of ATE insurance?	YES	NO

## I. SECURITY FOR COSTS

1)	Is the Applicant facing or likely to face an application for Security for Costs:	YES	NO
2)	If 'YES', please confirm the likely level of Security required:	£	

## J. APPROACHING THE FINANCE AND INSURANCE MARKETS

ULP will analyse all the information provided before approaching any Lenders and, if requested, any Insurers.

1)	Have you already approached any Litigation Funder, Lender or Insurer with this case:	YES	NO
If 'YES', please give details including the outcome of any application(s)			

## K. ENCLOSURES

Please enclose as much relevant supporting information as possible.

CHECKLIST	YES	NO
Additional Information / Answers sheet(s)		
Case Summary (the facts and issues involved, plus the stage the legal dispute has reached):		
Applicant's Solicitor's advice on the merits of the legal dispute and quantum of claim:		
Counsel's advice on the merits of the legal dispute and quantum of claim including percentage chance of success:		
Particulars of claim/statement of case/letter before action:		
Defence statement:		
Relevant witness statement(s):		
Key Agreements - e.g. contract(s) which are the subject of the dispute:		
Experts' reports:		
Relevant correspondence with the Opponent:		
Costs budget:		
Invoices and Fee Notes to support a request for finance for costs incurred to date:		
Evidence of adequate security to support this Application:		
Your most recent Company Accounts (if applicable):		
Payment of the Application Fee of <b>£250</b> (no VAT) by BACS to: Account No: 36257974 Sort Code: 60-00-01 Account Name: Universal Legal Protection Ltd <b><i>Please use the Applicant's name as a reference when making the transfer</i></b>  Alternatively, a cheque made payable to Universal Legal Protection Ltd for <b>£250</b>		

## L. ADDITIONAL INFORMATION

Please use the space below for additional information (please continue on separate paper if there is insufficient space).

## M. DECLARATION (BY THE APPLICANT AND THEIR APPOINTED REPRESENTATIVE)

*This Application Form shall be completed jointly by the Applicant and the Applicant's Appointed Representative and both shall sign the respective Declarations where indicated.*

- (a) We have read the Frequently Asked Questions and the 8 Point Checklist on the ULP website ([www.ulpltd.co.uk](http://www.ulpltd.co.uk)) before submitting this Application Form.
- (b) We have read the 'Important Notice' on page 2 of this Application Form and are aware of our duty to make a fair presentation of the risk, which requires us to disclose all material facts.
- (c) We declare that the contents of this Application Form are true to the best of our knowledge and belief and agree that the contents of this Application Form, together with any further information and documentation provided to the Insurer(s) will be incorporated into and form the basis of any contract of insurance which may subsequently be entered into. In the event of a Finance Agreement also being entered into, this Application Form (and associated documents) may be relied upon by the Finance Provider and deemed to constitute part of that Finance Agreement and that any misrepresentation or non-disclosure of material facts may invalidate the Finance Contract and/or any Policy of Insurance.
- (d) I/We (the Applicant) authorise ULP to provide the Lender(s) and Insurer(s) and their representatives all such information as they may require and I/We agree that the Solicitor may give information to the Lender(s) and Insurer(s) notwithstanding that this would otherwise be in breach of privilege and confidentiality owed to me/us.
- (e) I/We (the Solicitor) believe that, together with the amount of finance requested in this Application, the Applicant has sufficient financial means to enable the legal dispute to be pursued to the end of Trial.
- (f) *(if ATE is not sought)* We confirm that we have considered fully the need for ATE insurance and understand the implication of not having such protection in place to protect the Applicant against their exposure to Opponent's Costs in the event that the claim is not successful.
- (g) *(if ATE is sought)* I/We (the Solicitor) believe that the level of Opponent's Costs shown in Section H of this Form, is adequate as a Limit of Indemnity should the legal dispute be pursued to the end of Trial.

SIGNED BY THE APPLICANT(S):		POSITION:	
NAME(S):		DATE:	

SIGNED BY THE APPOINTED REPRESENTATIVE:		POSITION:	
NAME:		DATE:	

### DATA PROTECTION

By signing this Application Form, you consent to Universal Legal Protection Ltd ('ULP') using the information we hold about you for the purpose of sourcing offers of Finance (Loans) and if you have requested us to source it/them After-the-Event Insurance and Finance Protection Insurance and to process sensitive personal data about you where this is necessary. This will mean passing on your details to third parties for the purposes of seeking such offers of Finance and/or Insurance. The information provided by you will be treated by us in confidence and, where appropriate, in compliance with the relevant Data Protection legislation (ULP's Data Protection Registration Number is Z8243277). You have the right to apply for a copy of your information (for which we may charge a small fee) and to have any inaccuracies corrected.

***When completed, please forward this Application Form together with the stated Enclosures to Universal Legal Protection Ltd (see front page for email, DX or postal address).***

ULP2017/1/FINANCE

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