



Ministry
of Justice

Legal Aid Means Test Review

LAPG conference presentation

February 2021

Means Test Review – summary

- Launched in February 2019 as part of the Legal Support Action Plan
- Looking at the means tests for civil and criminal legal aid in the round – including income and capital thresholds
- Specific commitment to look at treatment of capital for domestic abuse victims
- Laid an accelerated civil legal aid SI in December 2020, lifting cap on mortgage allowance and adding some additional disregards

Legal Aid Means Test Review - Scope

In Scope	Out of Scope
All criminal and civil legal aid schemes and Exceptional Case Funding (ECF)	Whether specific areas should be in or out of scope for legal aid
Income and capital thresholds including disregards	The merits tests governing civil (including ECF) legal aid
Income and capital contributions	The interests of justice tests governing criminal legal aid
Evidential requirements	LAA operational/digital systems
Passporting arrangements, including in relation to Universal Credit	Fee schemes
Discretionary powers of the Director of Legal Aid Casework (DLAC) at the Legal Aid Agency	
Non-means tested areas of legal aid	

Means Test Review – strategic aims

Fair: ensuring that the legal aid means test delivers fair outcomes, enabling people to access justice based on what they are able to contribute towards their legal costs

Efficient: delivering public value; saving cost, time and resource where appropriate for all users

Sustainable: future-proofed and adaptive, protecting access to justice in the short, medium and long term

Timeline

- Originally scheduled to publish consultation in Summer 2020, but pushed back by Covid
- Now hoping to publish consultation late spring 2021
- Following consultation, we hope to publish a response by end 2021
- Regs laid then LAA implementation from spring 2022 (likely to be a staggered process)

Who we are talking to

- Our Stakeholder Advisory Group – including LAPG, Law Society, Bar Council and many other civil and criminal legal aid provider representatives
- Third sector organisations, including those representing specific groups of legal aid applicants – e.g. immigrants, domestic abuse victims
- The judiciary
- Legal Aid Agency and HMCTS
- Other government departments
- Other jurisdictions (including Scotland and N. Ireland)



Key workstreams



- Income thresholds
- Capital thresholds
- Benefits passporting
- Contributions
- Disregarded income and capital
- Non-means tested areas

Other considerations

- Interaction with other legal aid policy programmes – such as CLAR
- Wider market effects and sustainability
- Alignment with cross-government approaches (e.g. on debt)

Any further questions or comments?

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