



Legal Aid
Agency

Civil Representation

CIVMEANS2 - The Guide

Version:	Issue date:	Last review date:	Owned by:
4	3 August 2023	3 August 2023	LAA Legal

Version History

Version:	Date:	Reason:
4	August 2023	Form changes – phase 1, Means Test Review.
3	January 2021	Legislation changes – disregards and removal of mortgage cap.
2	August 2014	Updates to Other People section.
1	April 2014	Legal Aid Reforms.

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1. Overview

When do I need to fill in Form CIVMEANS 2?

You need to fill in CIVMEANS 2 if you are on Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Guarantee Credit or Universal Credit. These are also called passporting benefits.

If you are not in receipt of one of the state benefits listed above, you need to fill in CIVMEANS1 if you live in the United Kingdom and are over 18.

If you live outside the United Kingdom you need to fill in CIVMEANS3.

Reporting a change:

If you are already getting legal aid you must advise us of any changes in your financial circumstances:

Fill in CIVMEANS 2 if you or your partner are now receiving Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Guarantee Credit or Universal Credit.

Fill in CIVMEANS 2 if your capital has changed but you remain in receipt of passporting benefits.

If you no longer receive passporting benefit, fill in CIVMEANS 1 instead.

How do I fill in Form CIVMEANS2?

This booklet is designed to help you fill in the Form CIVMEANS2. It is important to answer all the questions on the form, unless the instructions tell you that you can ignore the question.

If you do not answer all the relevant questions, we cannot grant you legal aid. We will return the form to you for you to complete properly. Remember, your solicitor cannot do any work until legal aid is granted.

Please do not cross out, alter or write "not applicable" to any of the questions.

Please ensure that the information you supply is correct. If you give us false information or you do not tell us about any part of your finances, any legal aid granted may be revoked i.e. cancelled and you will be required to repay all of your solicitor's costs.

You are also under a duty to tell us if your financial circumstances change. If your circumstances change and you do not tell us, any legal aid granted may be revoked i.e. cancelled and you will be required to repay all of your solicitor's costs.

If you are granted legal aid, we will periodically check that your circumstances have not changed.

2. You and Your Partner's Details

- You must complete the form providing details for both you and your partner. If you do not have a partner please just give us your details.
- By partner we mean someone you are married to, in a civil partnership with or normally live with as a couple. If you are living apart from your partner due to, for example, illness, imprisonment or working away (and not because the relationship has broken down) you must include their details.
- If you have separated from your partner because the relationship has broken down or if your partner is the opponent in the proceedings for which you need legal aid, fill in the form giving your details but do not include your partner's details.
- If you are separated from your partner and living with someone else, please give details of the person you are living with now.

Passporting benefits

- We need to know which passporting benefit is received. Tick the relevant box i.e. Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Guarantee Credit or Universal Credit. If you are NOT receiving any of the above benefits and receive other benefits or tax credits, you need to fill in form CIVMEANS 1.
- We need to know who receives the benefit. Tick the relevant box on the form to confirm whether you, your partner or someone else receives the benefit (i.e. who is the benefit claimant). If someone else other than you or your partner has claimed benefits, you will need to state that person's full name and national insurance number. (You will have stated these details for you and your partner where applicable, in the previous section).
- You will need to state the address of the local office or jobcentre paying the benefit.
- If you are not working please state what was your last job.
- Please state when the person claiming the benefit i.e. you, your partner, or someone else identified on the form, first received the passporting benefit.

Other people

We need to know about people who live with you

- We may require a contribution to be paid by other people who will also benefit from your legal case.

Financial Help from a third party

- You may be receiving support from someone who allows you free use of their assets e.g. a car or provides you with money (i.e. capital lump sums). This could be a person, a company, a voluntary organisation or a trust fund.
- If you receive money or support from a trust fund you must send a copy of the trust deed, attached to Form CIVMEANS2. If this is not attached we will request it and your application for legal aid will be delayed. If the figure you are likely to get this year is different from what you received last year, please tell us how much and why it has changed in the Extra Information section on page 10 of the CIVMEANS 2 form.

3. Capital and other assets

C1 What sort of capital do we count

- We need to know about all forms of capital that you or your partner own.
- Remember to attach statements for all bank/building society/other financial accounts that you or your partner hold.

C2 Joint accounts

- Please indicate all accounts held by you and your partner
- If you have a joint account and your partner's means are also being assessed we will count the total in the account.
- If your partner's means are not being assessed (e.g. if you are separated) we will still include the total amount in the account unless you provide proof that you do not have access to the whole amount.

C3 Fixed term investments

- We assume that the current capital value of the investment can be realised by you. If this is not the case please provide documents that show the terms and conditions of the investment.

C4 Your main home and any other property you own

- We need to know about where you live.
- If you own or have a financial interest in your home you will need to provide full details. We need to know its current market value, the outstanding mortgage amount (include the amount of any loans secured on the property), details of any linked endowment policies and what type of accommodation you live in.
- You must also tell us about any other property that you or your partner own or have an interest in.
- If you own your home:
 - The first £100,000 of equity in your main home is not counted as disposable capital.
 - By equity we mean the sale value of your home less any outstanding mortgage or loan secured by a charge on the property. We will compare your valuation of the property with our independent valuation and may take the higher figure.
- If you do not tell us about where you live and complete all questions you are asked we will return this form to you and your application for legal aid will be delayed.

Any other property you own

- If you own any other properties we will count any equity as capital.

C5 Life assurance or endowment policies

- By 'loan value' we mean the amount the company with whom you have taken the policy will lend on the security of it. The relevant company will be able to give you this figure.

C6 Cars

- We include the value of cars as capital in some circumstances. If we do so in your case, you will be informed when we notify you of the result of your assessment.

C7 Interests in a trust

- An interest in a trust is counted as capital and we need a copy of the trust deed to value that interest.

C8 We need to know if you are self-employed or a company director

- If you are a company director, we will need Form CIVMEANS1C and company accounts for each company of which you are a director.
- If you are self-employed or in partnership, we will need you to complete Form CIVMEANS2A. Additional information is requested on these forms and you should read these carefully as they tell you what other documents / forms to send with your application.

About your case - what is the dispute about?

C9 We need to know what you or your opponent are disputing

- We do not count the value of any assets that are in dispute in the case where your interest in these assets does not exceed £100,000, so if your opponent or you are in dispute about the ownership of something specific we need to know about it.

4. D1 Extra information

- If you know of an event that is going to happen in the next 12 months which will affect your income or capital, you should tell us so that if necessary we can review your circumstances at that time.
- You should use this section to tell us about anything in your circumstances that has not been covered elsewhere on Form CIVMEANS2.

5. Declaration

Declaration and authority by person receiving the benefit

- If the person receiving the benefit indicated at the beginning of the form is NOT the person applying for legal aid, i.e. if it is your partner or someone else who receives the benefit rather than yourself, that person must sign this declaration.
- If you are applying for legal aid and you are the person who receives the benefit you will only need to sign the 'Declaration and authority by applicant'.

Declaration and authority by partner

- If you have a partner whose details have been completed on this form who has NOT signed the declaration above (i.e. they are not the person receiving the benefit), then they must sign this declaration.

Declaration and authority by applicant

- You must sign and date the declaration or the form will be rejected.
- Do not attempt to alter the statements within the declaration or the form will be rejected.

6. E1 Evidence of your declared circumstances

- You need to provide evidence to support what you have told us
- On page 17 of the form there is a checklist to help you and your solicitor identify which documents you need to include with your application.
- There are also notes in bold throughout the form where a question lends to evidence being required.
- If you do not submit the evidence we may reject your application outright

7. Additional information

- You must return the CIVMEANS 2 form to your solicitors. They will send it to us with your application. (Please check that you have attached all the other documents that we have asked for to the CIVMEANS2).
- The form and all other documents we need must be sent to us within two months of the date the form is signed. Otherwise we will reject the application.
- We will write to you to tell you if legal aid has been granted, how you have been assessed and whether you will have to pay a contribution towards the cost of your case.

8. Summary - Step-by-Step Guide to Assessment for passported applicants

Step One

If you have a partner from whom you are not separate and who is not your opponent in the case (contrary interest), we will aggregate your means i.e. include both of your resources in the assessment.

Step Two

If you and your partner are in receipt of Income Support, Income-Based Job Seekers'

Allowance, Income-related Employment and Support Allowance, Guarantee Credit or Universal Credit you will automatically satisfy the income test but your capital will still need to be assessed. These benefits are also called 'passporting benefits'. If you are not in receipt of a passporting benefit do not submit form CIVMEANS 2, submit form CIVMEANS 1 instead.

Step Three

We will calculate your disposable capital (including any equity held in your home above the £100,000 limit). Your interest or share of any assets that are part of the dispute will be disregarded, up to an overall maximum of £100,000 (see notes C1 - C8). If your disposable capital is assessed to be above the upper limit, then the application will be refused.

Step Four

You may be required to pay contributions from capital. If capital contributions apply in your circumstances, they are payable immediately as a lump sum. If a contribution is payable, an offer of legal aid will be sent to you setting out the contribution amounts. Details of current income and capital limits can be found at the following address: <https://www.gov.uk/guidance/civil-legal-aid-means-testing>

End of Document