

Criminal Legal Aid

Keycard No 48 – Updated November 2024

General

This card is intended as a quick reference point only when assessing financial eligibility for those Units of Work for which the Provider has responsibility: Advice and Assistance and Advocacy Assistance.

Providers should have regard to the general provisions set out in the guidance, particularly those regarding the documentation required when assessing means.

Please see:

[Part 2 Regulation 5-15 The Criminal Legal Aid \(Financial Resources\) Regulations 2013](#);

[Regulation 11\(3\) The Civil and Criminal Legal Aid \(Financial Eligibility and Contributions\) \(Amendment\) Regulations 2016](#))

[Regulation 3 The Legal Aid \(Financial Resources and Contribution Orders\) \(Amendment\) Regulations 2022](#) for information on how to undertake the financial eligibility assessment.

[The Criminal and Civil Legal Aid \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#) – Means Test Review Phase 1 changes to assessments

[Annex B Criminal Bills Assessment Manual](#) may also be of assistance.

Please note that any payments made to an individual in line with Section 13 or 15 of the Energy Prices Act 2022 and/or Social Security (Additional Payments) Act 2022 should be disregarded when assessing a client's financial eligibility. These payments are related to the cost-of-living financial aid provided by the Government.

Other payments that should be disregarded from the means test calculation can be found in [Regulation 11\(3\) The Civil and Criminal Legal Aid \(Financial Eligibility and Contributions\) \(Amendment\) Regulations 2016](#))

As of 20 November 2024, the following compensatory payments should be treated as mandatory or discretionary disregards when calculating a client’s financial eligibility for Advice and Assistance and/or Advocacy Assistance:

Mandatory Disregards:

- 1) Any Modern Slavery Victim Care Contract (MSVCC) or equivalent payment.
- 2) Any payment of compensation for a Miscarriage of Justice made under section 133 of the Criminal Justice Act 1988.

Discretionary Disregards:

- 1) Any compensation payments made to victims of Grenfell Tower
- 2) Any compensation payments made under the Victims of Overseas Terrorism Compensation Scheme 2012

More information about these specific payments can be found in

[Regulation 3 The Civil and Criminal Legal Aid \(Financial Resources and Contribution Orders\) \(Amendment\) Regulations 2024](#)

Section 2 of The [Guidance on determining financial eligibility for criminal legal aid under The Civil And Criminal Legal Aid \(Financial Resources And Contribution Orders\) \(Amendment\) Regulations 2024](#)

Eligibility Limits

From 3 August 2023 any applicant aged under 18 at the time of completing the CRM1 Form will not be subject to means testing for Advice and Assistance and/or Advocacy Assistance

The summary of the main eligibility limits from 10 April 2023 are as follows:

Level of Service	Income Limit	Capital Limit
Advice and Assistance	Disposable income not to exceed £99 per week	£1,000 for those with no dependants
	Passported if in receipt of Income Support, Income Based Job Seekers’ Allowance, Income Related Employment and Support Allowance, Guarantee State Pension Credit, Universal Credit; or where gross income does not exceed £14,213	£1,335 for those with one dependant
		£1,535 for those with two dependants with £100 increase for each extra dependant

Level of Service	Income Limit	Capital Limit
	passported if in receipt of Working Tax Credit plus Child Tax Credit or Working Tax Credit with disability element	No passporting – capital must be assessed in all cases
Advocacy Assistance	<p>Disposable income not to exceed £209 per week</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, Income Related Employment and Support Allowance, Guarantee State Pension Credit, Universal Credit; or where gross income does not exceed £14,213 passported if in receipt of Working Tax Credit plus Child Tax Credit or Working Tax Credit with disability element</p>	<p>£3,000 for those with no dependants</p> <p>£3,335 for those with one dependant</p> <p>£3,535 for those with two dependants with £100 increase for each extra dependant</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, Universal Credit or Guarantee State Pension Credit</p>

STEP BY STEP GUIDE TO ASSESSMENT

Step One Determine whether or not the client has a partner whose means should be aggregated for the purposes of the assessment.

Step Two (a) Determine whether the client is directly or indirectly in receipt of either Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit in order to determine whether the client automatically satisfies the relevant financial eligibility as indicated by the 'passporting' arrangements stated in the table above.

Step Two (b) Assess gross income for all other cases. Determine whether the client is directly or indirectly in receipt of Working Tax credit along with Child Tax Credit or Working Tax Credit with a disability element. The client will be 'passporting' on income where the gross income does not exceed £14,213.

Remember to disregard any payments that a client receives in relation to section 13 or 15 of the Energy Prices Act 2022 and/or Social Security (Additional Payments) Act 2022 (from 10 January 2023 onwards)

Step Three For any cases that are not 'passport' determine the client's disposable income. Fixed allowances are made for dependants, and these are set out in the table below. Other allowances can be made for: tax; national insurance and maintenance paid. Certain sources of income can be disregarded. If the resulting disposable income is above the relevant limit, the application should be refused without any further calculations being necessary.

Fixed Rate Allowances (per week) from 10 April 2023

Dependants Allowance	Partner	£48.50
Dependants Allowance	Child aged 15 or under	£77.78
Dependants Allowance	Child aged 16 or over	£77.78

Step Four Where a client's disposable income is below the relevant limit then it is necessary to calculate the client's disposable capital. If the resulting capital is above the relevant limit, then the application should be refused.

Step Five For those clients whose disposable income and disposable capital have been assessed below the relevant limits, the client can be awarded funding (subject to the Sufficient Benefits Test being met).