

**For what kind of case is legal aid available?**

The following areas of law fall within "scope":

- Community care
- Debt and housing (where there is a threat of homelessness)
- Family (public)
- Mental health
- Asylum
- Actions against the police
- Discrimination
- Public

Judicial review can fall within any of these areas of law; for example, judicial review proceedings against a failure by a local authority to provide community care services.

Note: exceptional funding.

In April 2013, most matters in the following areas of law were removed from scope under the Legal Aid, Sentencing & Punishment of Offenders Act 2012:

- Welfare benefits
- Divorce
- Other housing (disrepair, L&T)
- Other debt
- Consumer law
- Employment
- Education (non special needs)
- Immigration (non detention)
- Wills
- Personal injury
- Clinical negligence (non CP)

**Who qualifies for legal aid?**

A client has to satisfy 2 means tests to qualify for legal aid.

1) The income test:

- A person receiving a "passported benefit" (Income Support, Income Related Employment and Support Allowance, Income Based Jobseeker's Allowance, Guarantee Credit, Pension Credit, Universal Credit) automatically passes the income test
- A person whose income (combined with their partner's income) is over £2,657 gross per month, is ineligible for legal aid
- A person whose disposable income is over £733 monthly is ineligible
- A person whose disposable income is over £315 monthly will have to make a contribution

2) The capital test:

- A person's capital includes their home, minus the mortgage up to £100k. The first £100k of equity is disregarded
- Note: pensioner's disregard
- A person left with more than £8k in capital does not qualify
- A person left with £3-8k will have to make a contribution
- A person left with less than £3k qualifies

For example, a single mother who has no savings, works part-time for minimum wage and rents her home will probably qualify for legal aid.

**Are there any other hurdles?**

The case must pass the "merits test" to qualify for legal aid. This means the solicitor running the case must believe the case has reasonable prospects of success.

**If a client qualifies for legal aid, what does this mean?**

The client will:

- Have their costs paid by the LAA
- Benefit from costs protection

The solicitor:

- Has an ongoing duty to the client and the LAA

**What future changes are proposed?**

The coalition is planning further cuts to legal aid. Judicial review is particularly under attack.

The "Transforming Legal Aid" proposals:

- Create a new residence test for all cases
- Remove prison law treatment cases from scope
- Remove funding for cases where the prospects of success are borderline
- Cut fees for lawyers and experts

The "Judicial Review: Proposals for Reform":

- Restrict the test for standing
- Make it harder to bring judicial review on the basis of procedural impropriety
- Create a separate system for PSED cases
- Transfer the financial risk of issuing cases onto lawyers

Judicial review consultation responses are due on 1 November 2013.

Take action to save legal aid! To respond, go to: [consult.justice.gov.uk/digital-communications/judicial-review](http://consult.justice.gov.uk/digital-communications/judicial-review)

To see the Young Legal Aid Lawyers' response: [www.younglegalaidlawyers.org/JR\\_Con\\_2](http://www.younglegalaidlawyers.org/JR_Con_2)