

# **Eligibility for Legal Aid**

**Report by Professor Brian Main**

**University of Edinburgh Management School  
and  
The David Hume Institute**

July, 2001

# **EXECUTIVE SUMMARY**

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- **Since 1993, there has been a dramatic decline in the number of cases supported under civil legal aid in Scotland. Civil Legal Aid applications fell in number by 34% between 1992/3 (a high point) and 1998/9 (by 36% to 1999/0 and by 42% by 2000/1).**
- **After an initial tightening in eligibility rules introduced on April 12 1993, the upper limits on capital and income more than recovered their original values in terms of both prices and earnings.**
- **Lower limits on capital and income remained at reduced levels thus making it more difficult to qualify for full eligibility for civil legal aid.**
- **Allowances for spouse and dependant children were also reduced after April 1993, these remained at their reduced level, save in the case of children '18-or-over' which was reduced yet further and children 'under 11' which was increased.**
- **When measured in terms of the 1993-94 Family Resources Survey (FRS), between 1993 and 1998, benefit units fully eligible for civil legal aid reduced after the 1993 changes and never recovered their original level ( 36% to 30%) but partially eligible benefit units rose (21% to 34%).**
- **When measured in terms of the 1998-99 Family Resources Survey (FRS), between 1993 and 1998, benefit units fully eligible for civil legal aid reduced after the 1993 changes and never recovered their original level ( 28% to 26%) but partially eligible benefit units rose (21% to 29%).**
- **Both of the above estimates of change are susceptible to index number problems.**
- **The estimated proportion of benefit units fully eligible for civil legal aid declined by 10 percentage points between 1993 (36%) and 1998/9 (26%), but the proportion qualifying for partial support (subject to contribution) rose by 8 percentage points (from 21% to 29%). The net impact is a decline of 2 percentage points (57% to 55%).**

- **In terms of full eligibility, between 1993 and 1998, approximately half the fall was due to tightening qualification hurdles and half due to rising benefit unit income and wealth. Giving a total 10% reduction in benefit units qualifying.**
- **For partial eligibility, between 1993 and 1998, some 11 percentage point increase in benefit units qualifying due to wider qualification hurdles (lower and upper) is partially offset by a 3 percentage point decline owing to rising benefit unit income and wealth. Giving an 8% increase in benefit units qualifying.**
- **Amending the 2001 qualification rules to allow for earnings changes between 1998/9 and 2001, and using the FRS 1998/9 data it appears that the current rules have not altered the situation since 1998 regarding benefit units qualifying for civil legal aid, although the number of civil legal aid accounts paid continues to fall.**

July, 2001

## 1. Introduction

There has been a significant decline in the volume of legal work being supported under the civil legal aid programme in Scotland between 1993 and 1999/2000. A representation of the effect is available in the attached Figure 1, which shows the number of civil legal aid applications made between 1992/3 and 2000/1. These data are taken from the Scottish Legal Aid Board Annual Reports.

The post 1993 effect can be due to several reasons, and two of these form the basis of the investigation reported here. First, the change in the eligibility and contributions rules introduced in April 1993 (primarily: the reduction of the lower income limit from £3060 to £2293; the reduction in the level of personal allowances for spouse and children<sup>1</sup>; and the increase in the extent of contributions expected) may have placed a significant number of individuals in a disadvantaged position relative to the previous set of qualifying financial limits. Second, the composition of benefit units<sup>2</sup> and the distribution of income across these units in Scotland may have shifted in a way that combines with a general increase in prosperity to leave fewer individuals eligible for support under the civil legal aid programme. It is clear that both of these forces can be at work but it is a straightforward, if computationally complex, matter to disentangle the effects. This report attempts to quantify the impact of these two distinct effects.

The third type of possibility that can arise is that there has been a change in the propensity among those individuals who qualify for legal aid to actually apply for legal aid, or a change in the propensity to pursue a case under legal aid once granted (for reasons that can be articulated but cannot be investigated further here with the data to hand<sup>3</sup>).

Work in this area has already been conducted by Alexy Buck and Graham Stark (2001) for England and Wales, and by Percival and Fischer (1997) for Australia. Both of these research teams employed the technique of microsimulation, whereby detailed survey data describing the composition of household finances is used to investigate the impact of various means-tests in terms of who does and does not qualify for legal aid in various legal jurisdictions (England and Wales and Queensland, Australia respectively). We adopt a similar approach here in the analysis for Scotland that follows.

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<sup>1</sup> With effect from 12 April 1993, the allowance for a spouse is reduced from £2122 to £1304; for a child under 11 from £948 to £785, for a child between 11 and 15 from £1395 to £1155, for a child between 11 and 17 from £1665 to £1379, and for a child in further education and age 18 or over from £2190 to £1815.

<sup>2</sup> The term benefit unit is used here as opposed to the more intuitive term households. The means assessment exercise for qualification for legal aid is conducted on the benefit unit not the household. In Scotland 80% of benefit units are households with 16% of benefit units forming two-benefit-unit households (e.g., a couple plus school-age child as one benefit unit and an older child in employment, say, comprising the other benefit unit)

<sup>3</sup> Given information regarding the socio-economic composition of applicants to the Scottish Legal Aid Board in the two time periods (1992/3 and 1999/2000) some estimate of the extent to which the propensity to apply for civil legal aid has changed could be made. Equally, case-specific data on the propensity of type of individual electing to pursue a case once legal aid is granted would be susceptible to similar analysis.

The remainder of the paper is organised as follows. Section 2 details the nature of the data sources utilised and describes how the analysis was conducted. Section 3 presents the initial findings, and section 4 offers some policy conclusions.

## 2. Data Sources and Analysis

Several sources of household data were considered. The obvious candidates are the Family Expenditure Survey (FES), the Family Resources Survey (FRS) and the Scottish Household Survey (SHS). Of these only the Family Resources Survey contained the necessary range of data and detail of data to allow the means test applied by the Scottish Legal Aid Board to be simulated. The key consideration was sufficient detail on income, allowable expenses and financial assets.

In terms of the timing of the changes of interest, the nearest version of the FRS that is publicly available is the 1993-94 version of this data. In terms of an up to date picture of the situation, the most recently available data set (released towards the end of May 2001) is the FRS for 1998-99. As the most marked change in civil legal aid financial limits occurred in April 1993 (when the lower income limit was lowered from £3060 to £2293, and various dependency allowances were made less generous), the 1993-94 data set offers a useful benchmark.

The April 1993 to March 1994 FRS aimed at producing a sample of 25,000 responding households in Great Britain, but excluding the Western Isles and areas north of the Caledonian Canal (and, thereby, excluding some 3% of households in Scotland). At the end of the day, a total of some 26263 households were successfully interviewed, this representing a response rate of 66.2%. The response rate was slightly above this level for Scotland (at 68.6%) with a total of 2449 households. The average length of an interview was 1 hour and 23 minutes. The latest released FRS (the 1998-99 FRS) targeted a 24,000 household sample size and achieved 22,913 with a 66% response rate among households approached.

Although a Scottish based survey, and, indeed, one which includes all of Scotland, might have been preferred, the only available alternative is the Scottish Household Survey (SHS) whose first version covers the later period of 1999, and thus misses the key 1993 changes to the civil legal aid system. While this survey achieved a response rate of 65% and includes 14680 households throughout the entirety of Scotland, it is explicitly not designed to capture benchmark economic variables, and does not have the coverage to allow the simulation of the Scottish Legal Aid Board's means tests. It was, therefore, ruled out. The Family Expenditure survey is a long established survey but focuses on the detail of household expenditure and lacks key variables on household financial assets. It, too, was ruled out.

Between April 1992 and April 1998 there were seven distinct sets of qualifying financial limits and allowances used by the Scottish Legal Aid Board (SLAB) to define qualification for civil legal aid (both with and without financial contributions). These are detailed in Tables 1 and 2, as are the subsequent three sets of changes that bring the picture up to 2001 (although we shall say less about the impact of these later changes owing to the household data to hand). The impact of these changes is investigated by applying the various sets of means-testing rules successively to the households described in the 1993-94 FRS. In this way it is possible to measure the changing proportion of households qualifying under Civil Legal Aid variously for full support (fully eligible) or qualifying for support subject to a contribution (partially eligible). This can be done for each of the seven sets of rules under consideration.

Clearly the further from 1993-94 is the set of rules under consideration, the less appropriate is the distribution of household finances as described in the 1993-94 FRS in terms of reflecting a representative picture of what is happening in Scottish households. Household composition and household income and wealth change with the passage of time. It is, therefore, important to use a more recent version of the FRS to check for these effects. To this end we also use the 1998-99 FRS to provide a more up to date picture.

To summarise, we use the Family Resources Survey (FRS) data both for 1993/94 and for 1998-99 to examine what proportion of individuals would have qualified for civil legal aid (either unrestricted or with a contribution) under the new rules imposed in post April 1993 period by applying the various qualifying financial limits and allowances in place at each time period between 1992 and 1998. The difference in the number or proportion of benefit units qualifying will reveal the impact of the changes.

One important distinction between the work of Buck (2000) and that presented here, is that whereas Buck takes a given population and asks what would happen if the rules were changed, the analysis here combines the complication of a rule change or rule changes and the very real possibility of a population change. It is, therefore, necessary to also repeat any analysis at a later point in time to examine the extent to which the very real and empirically significant change in the uptake of civil legal aid can be decomposed into a change due to changing rules and a change due to a changing population. In addition, of course, there remains the possibility of any unexplained change being due to the alternative causes discussed above.

There is an index number problem in our approach that must be confronted. Thus, one distinct answer will be obtained if one starts with the 1993-94 FRS and asks what would happen if that population had maintained its features but been subjected to the rule applying in 1998/1999. Another answer will very likely be obtained if one starts with the population in 1998/1999, and asks what would have been the qualification for legal aid if the pre-change 1992-3 rules had applied. Referring to Figure 2, the first approach takes the x-axis position of '1993' income and compares the typical shift between point A (the actual 1993 out-turn, percentage  $X_{1993}$ ) and point A' (percentage  $X_{1993}$  as if 1998) and ascribes this to the change in rules. Then the move A' to B represents the change due to population change.

It is equally possible to base the comparison at the 1998 level of income and compare point B (the actual 1998 out-turn, percentage  $X_{1998}$ ) with the counter-factual point B' (percentage  $X_{1998}$  as if 1993) taking this difference to be due to the change in rules. Then the difference between point B' and point A is due to different populations. It is necessary to examine both results to obtain a robust evaluation of the importance of the rule as opposed to population changes.

### 3. Results

At the outset, it is interesting to examine what happened to the major parameters of the qualifying tests for civil legal aid under the Scottish Legal Aid Board scheme. There are two key aspects. First, the qualifying levels of the benefit unit's income and liquid capital, both at a lower level (for full support) and then at the higher level<sup>4</sup> (above which even the contributory level of support is withdrawn). Second, the allowances that are made against disposable income for the presence of a spouse or dependent children in various age ranges.

The nominal data have already been presented in Tables 1 and 2. Charts 1 and 2 reproduce this information but do so deflated for changes in average UK earnings over the period<sup>5</sup>. Thus the figures are expressed in a base of 1992 £s where the £s are an indication of what an average hour of work would have earned in 1992. It is clear that, after the initial squeeze in April 1993, the upper qualifying levels have held roughly constant relative to earnings. The lower limits have, however, never recovered their pre-April 1993 levels being at some 20 to 30% less in terms of average earnings by 1998. Thus in terms, respectively, of the lower income, upper income, lower capital and upper capital limits, the April 1993 changes reduced them to 73%, 96%, 96%, and 96% of their original (April 1992) values relative to the change in earnings. By 1998 they stood at 68%, 100%, 79% and 101% of their 1992 levels – suggesting that civil legal aid was available to as many households albeit the full-coverage version was now more difficult to obtain. By April 2001 these values had declined somewhat to 63%, 93%, 70%, and 89%.

Chart 2 records that the allowances for a spouse, children under 11, children 11-15, children 16-17, and children 18 and over, the April 1993 changes reduced these allowances in terms of earnings to 59%, 80%, 80%, 80% and 80% of their April 1992 values. By 1998, these had fallen relative to earnings to 56%, 76%, 75%, 75% and 57% of their April 1992 values. This suggests a restriction on the availability of civil legal aid. By April 2001 a further reduction in the generosity of the allowances for spouses and children 16 and over was somewhat compensated by increased support for children under 16 such that these values had changed further to 52%, 121%, 82%, 71% and 54% relative to their 1992 values.

Charts 3 and 4 repeat this analysis for the, perhaps more intuitive but, actually less useful, case of prices. Thus, relative to the change in retail prices, and in terms, respectively, of the lower income, upper income, lower capital and upper capital limits, the April 1993 changes reduced them to 74%, 99%, 99%, and 99% of their original values relative to the change in prices. By 1998 they stood at 73%, 108%, 85% and 108% of their 1992 levels, suggesting, once again, that from this perspective civil legal aid had become more difficult to qualify for in a full-eligibility sense, but

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<sup>4</sup> Those below both the lower income limit and the lower capital limit (and those assessed as eligible with no further enquiry into income or capital through having qualified via the Westminster Government run means tested benefits of income support and income-related Job Seekers Allowance) qualify for full support with all legal fees paid and those failing either of these test but being below both the upper income and the upper capital limits qualify for government support towards their civil legal costs but subject to a contribution, which could be paid over a number of months).

<sup>5</sup> At the time of the computations reported here, the most recently available index number for earnings was for January 2001 and for prices was February 2001.

that civil legal aid subject to a contribution was, if anything, slightly easier to qualify for by this measure. In terms of prices, the April 2001 limits stood at 73%, 107%, 81% and 102% of their 1992 values.

Chart 4 records the allowances for a spouse, children under 11, children 11-15, children 16-17, and children 18 and over, and it can be seen that the April 1993 changes reduced these allowances in terms of prices to 61%, 82%, 82%, 82% and 82% of their original value. By 1998, these had fallen relative to earnings to 60%, 81%, 81%, 81% and 62% of their 1992 values. This, again, suggests a restriction on the availability of civil legal aid. In terms of prices, the April 2001 allowances stood at 60%, 139%, 95%, 81%, and 62% of their 1992 values.

When the various versions of the means test are applied to the households in the 1993-94 Family Resources Survey, the results in Table 3 are obtained. It is important to recall that the actual unit of analysis here is not the household but, rather, the benefit unit. Thus, a couple living with a child age 15 who is at school and a second child aged 19 who is in employment would represent two benefit units, with the two adults and the 15-year-old child comprising one benefit unit and the 19 year old child constituting a second benefit unit within the household. It is precisely these distinctions that the Family Resources Survey is designed to address. It is also worth recording the fact that none of the rule changes affects which benefit units qualify for full civil legal aid on the basis of receipt of benefits. This qualification is dependent on the benefit unit being in receipt of Income Support and or Income-based Job Seekers Allowance (JSA), which are both means tested benefits<sup>6</sup>. Thus, the changing minimum income or maximum capital hurdles applied in the SLAB means test do not affect our measure of those on qualifying benefits, as they are either recorded as being on such benefits in the Family Resources Survey for that year (here, 1993-94), or they are not.

Table 3(i) displays the results for those Scottish households in the survey (2372 benefit units) and, for comparison, the same Scottish Legal Aid Board tests are applied in Table 3(ii) for the households in England and Wales in the survey (24922 benefit units). The two parts of the Table are broadly similar, save that a relatively lower proportion of benefit units in England and Wales qualify for civil legal aid as compared with Scotland. This is due to the relative affluence of the two locations. It is, clearly, the Scottish data that demands our attention here.

The first two rows of Table 3(i) demonstrate that the major impact of the tightening on the rules for qualification for civil legal aid that occurred on April 12 1993 had the major impact of reducing the number of benefit units qualifying for full legal aid (from 36% to 28%) while the number qualifying for civil legal aid subject to a contribution increased (from 21% to 27%) to an extent that almost, but not quite, left the overall total unchanged (at 56% in after April 12 1993 as compared to 57% before

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<sup>6</sup> It is worth noting also that there is a wider range of means tested benefits in the UK social security system than the two utilised by the Scottish Legal Aid Board. They include: Council Tax Credit, Disability Working Allowance, Family Credit, Housing Benefit, Income Support, and various tax credits such as Working Families Tax Credit, Disabled Person's Tax Credit, and Child-care Tax Credit). In addition there are means tested grants such as child maintenance, housing renovation grants, and financial help for students.

that date). Give that the data used here were collected from households in 1993-94, these are relatively timely data and the predicted impact of the April 1993 change can therefore be expected to be reasonably accurate.

Applying the later versions of the means test to these same data ( in a counter-factual experiment, as these benefit units would never have been subject to these means tests) yields ever greater proportions of benefit units qualifying for legal aid as we are, in effect, applying increasingly generous nominal allowances to benefit unit income and wealth as measured in 1993-94. Even so, however, it is interesting to note that those qualifying for full eligibility under civil legal aid do not reach the 1992 proportions even under the 1998-99 means test (rising to only 30% compared to the original 36%). Chart 5 demonstrates these trends over time. We shall also see below that the final row in Table 3(i) is useful in terms of gauging the impact of the rules versus the changing distribution of household income and wealth over time. We shall return to this below.

But, first, it is interesting to examine the results in Table 4 which replicates all versions of the means test in the period to the benefit unit disposable incomes and wealth as recorded in the 1998-99 Family Resources Survey. Here, of course, it is the final row (the 1998-99 rules) that reflects reality. The other rows represent a counterfactual experiment of asking what proportions of these 1998-99 benefit units would have qualified under the means test as they existed at various earlier periods.

Once again the impact of the April 12 1993 change is noticeable, although owing to the extent benefit unit income and wealth has increased by 1998-99 relatively fewer are qualifying for civil legal aid at any point. In the final row of Table 4(i) we find the results of applying the SLAB means test relevant to 1998-99 to households surveyed in 1998-99. Thus, 26% of benefit units would qualify for full civil legal aid and 29% would qualify subject to a contribution, giving a total of 55% who qualify, one way or another, for civil legal aid. Charts 5 and 6 present the data for Scotland from Table 3(i) and table 4(i) respectively.

Table 5 brings together the key elements of Table 3(i) and Table 4(i) by using both the first and last rows of each table. Of course the first row of Table 3 can be said to be 'real' in the sense that it shows the impact of the 6 April 1992 - 11 April 1993 means test on data from households in 1993-94. (1992-93 household data would have been perfect but such data were not available, so this is a slight compromise). And, similarly, the final row of Table 4 can be said to be 'real' in the sense that it reflects the actual income and liquid wealth of households in 1998-99. But, when attempting to disentangle the effects of changing severity of means test from increasing prosperity of benefit units, it is helpful to use the construct of asking what would have happened in the 1993-94 population was subjected to the 1998-99 means test, and what would have been the experience of the 1998-99 population had they enjoyed the 1992-3 means test.

Table 5 can usefully be interpreted by use of the Charts 7, 8, and 9. In terms of full eligibility (Chart 7), the 10 percentage point effect of the changed means test can either be measured in the context of the 1993-94 survey data or the 1998-99 survey data. With the former, Chart 7 (and the first column of Table 5) shows that the move

from 36% eligibility under the 1992 rules (point A in Chart 7) to 26% eligibility under the 1998 rules (point B in Chart 7) can be decomposed to a move due to the rule change (A to A') of 6 percentage points from 36% to 30% and a move due to the population changes (A' to B) of 4 percentage points (30% to 26%).

Alternatively, using the 1998-99 population as the base, the same 10 percentage point shift can be decomposed to a move due to the rule change of 26% to 28% (B to B') and a move due to the population of 28% to 36% (B' to A). On average as the third column of Table 5 shows, the 10 percentage point drop in full eligibility for civil legal aid is half due to the change in the rules and half due to the change in the changed income and wealth profiles of benefit units.

The statistics on partial eligibility for civil legal aid (subject to a contribution) are shown in the middle three columns of Table 5 and in Chart 8. On this occasion the change in rule has increased the eligibility from 21% to 34% (if only by not increasing the lower income level sufficiently and thus causing benefit units who would otherwise have qualified for full civil legal aid to now require to make a contribution). The population effect is, on average, negative but more modest (from 34% to 29%). Of course, the population change based on the 1998-99 population (the move from A' to B in Chart 8) leads fewer benefit units to fall in the partial eligibility range. The net effect of these contradictory effects is an increase in partial eligibility from 21% to 29% (A to B).

Finally, the last three columns of Table 5 and Chart 9 examine total eligibility. Because of the shift of benefit units from full eligibility and owing to some increments in the generosity of the means testing rules, the estimated average net impact of the changes between 1992 and 1998 is a modest drop of 2 percentage points in the number of benefit units qualifying for civil legal aid of one type or another. Had there been no change in the population, then based on the 1993-94 FRS, a 7 percentage point increase would have occurred (from point A to A' in Chart 9), but owing to the changes in household composition, incomes and wealth 9 percentage point fewer benefit units qualified (from point A' to B in Chart 9) leaving a net outcome of a drop of 2 percentage points. Within the modest change there is, however, a shift from full eligibility to partial eligibility with 10% fewer benefit units qualifying for full legal aid albeit 8% more qualify for civil legal aid subject to a contribution.

All of these comparisons could have started using the 1998-99 population as the base in comparison with the 1992-93 out-turn (respectively columns 2, 5 and 8 in Table 5 and the moves B to B' and B' to A in Charts 7, 8, and 9). The average of both of these views is reported in columns 3, 6, and 9 of Table 5.

These statistics do not seem to explain the 42% fall-off in civil legal aid applications from 36,018 in the year ending 1993 to 21,018 in the year ending in 2001 (28,106 cases in 1999/0, a 36% drop, and 23,890 cases in 1998/9, a 25% drop).

Charts 10 through 14 attempt to address the most recent developments in qualification levels and dependants' allowances (as displayed in Tables 1 and 2 and in Charts 1 through 4), by plotting the implications combinations of these various factors in real

terms for several stereotypical benefit units. This is done by taking a typical benefit unit (say a single person) and calculating in real (£1992) the allowed lower and upper income levels in each of the 10 periods between April 1992 and the present. This figure is then expressed in terms on the lower income limit as of April 1992 (=100) and plotted. In this particular case, Chart 13, the lower limit on disposable income has fallen to 73% of its 1992 value in real terms but the upper limit has risen from 222% of the lower rate in 1992 to 238% of that rate. This would suggest a reduction in those qualifying for full support under legal aid but possibly a slight increase overall in total numbers qualifying.

In Chart 10, a slightly different story unfolds as the presence of young children allows this benefit unit to gain from the recent increase in allowances for young children through 13. Here the lower limit on disposable income falls to 87% of its 1992 level, but the upper limit rises from 153% of that limit to 158%.

In Chart 11, the lower income limit again falls, this time to 82% of its 1992 level but the upper income limit regains almost exactly (at 149%) its 1992 level.

Chart 12 is less encouraging, with both the lower income limit falling in relative terms (to 73% of its 1992 level in real terms) and the upper income limit falling (from 172% of the lower limit to 165%).

This exercise could be repeated indexing the nominal limits and allowances in terms of earnings. When this is done in a way that restates the April 2001 figures in terms of October 1998 and the Family Resources Survey benefit unit data for 1998-99 is analysed in terms of these levels, there is almost no difference in terms of those qualifying from the figures reported in the final row of Tables 4 (i).

#### 4. Summary and Policy Discussion

From the statistics presented above, it is difficult to ascribe the dramatic fall-off in civil legal aid cases to either the change in rules or the changing composition, income and wealth of households. This said, however, there has been a marked reduction in benefit units qualifying for full civil legal aid. It may well be that the prospect of making contributions - even modest and even stretched over a period of time -- is sufficient of a deterrent to explain some of the fall off. But only some.

It should also be borne in mind that there are other possible causes for the decline in civil legal aid cases that have not been addressed in this research exercise. For example, a change in the propensity among those individuals who qualify for legal aid to actually apply for legal aid, or a change in the propensity to pursue a case under legal aid once granted (for reasons that can be articulated but cannot be investigated further here with the data to hand). A further possible cause of the decline in cases supported by civil legal aid involves a possible change in the way that civil legal aid applications are treated at the Scottish Legal Aid Board.

While there remains considerable uncertainty as to the exact causes of the unambiguous decline in observed cases supported under civil legal aid, the work presented above does seem to suggest that while the number of cases under full eligibility has almost certainly declined - owing to restrictive disposable income and capital criteria and diminished allowances - the numbers qualifying to some support under civil legal aid is only predicted to decline by a modest 2 percentage points - a number far removed from the observed occurrence.

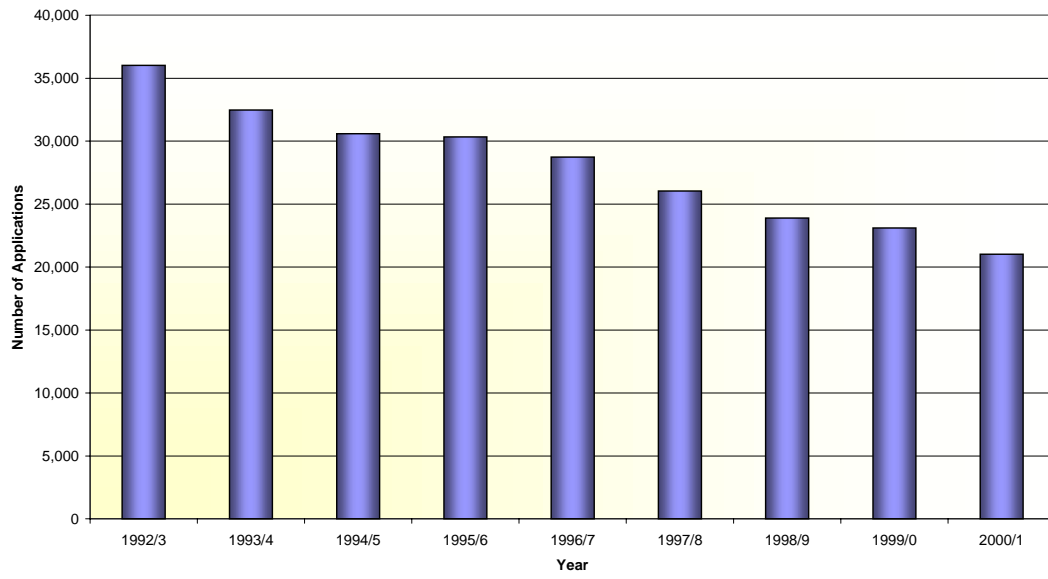
There does seem to be some justification to be found in the analysis presented above for easing the financial limits imposed for qualification for civil legal aid - particularly at the lower level.

## **References:**

Buck, Alexy (2000) **Assessing Means Assessment**. Legal Services Research Centre: Research Paper 5 (July).

Percival, Richard and Fischer, Simon (1997) **Simplicity versus Targeting: A legal aid example**. University of Canberra: NATSEM Discussion Paper No. 25 (December).

Figure 1: Civil legal aid applications 1992/3 to 2000/1



**Figure 2**  
**Index Number Considerations**

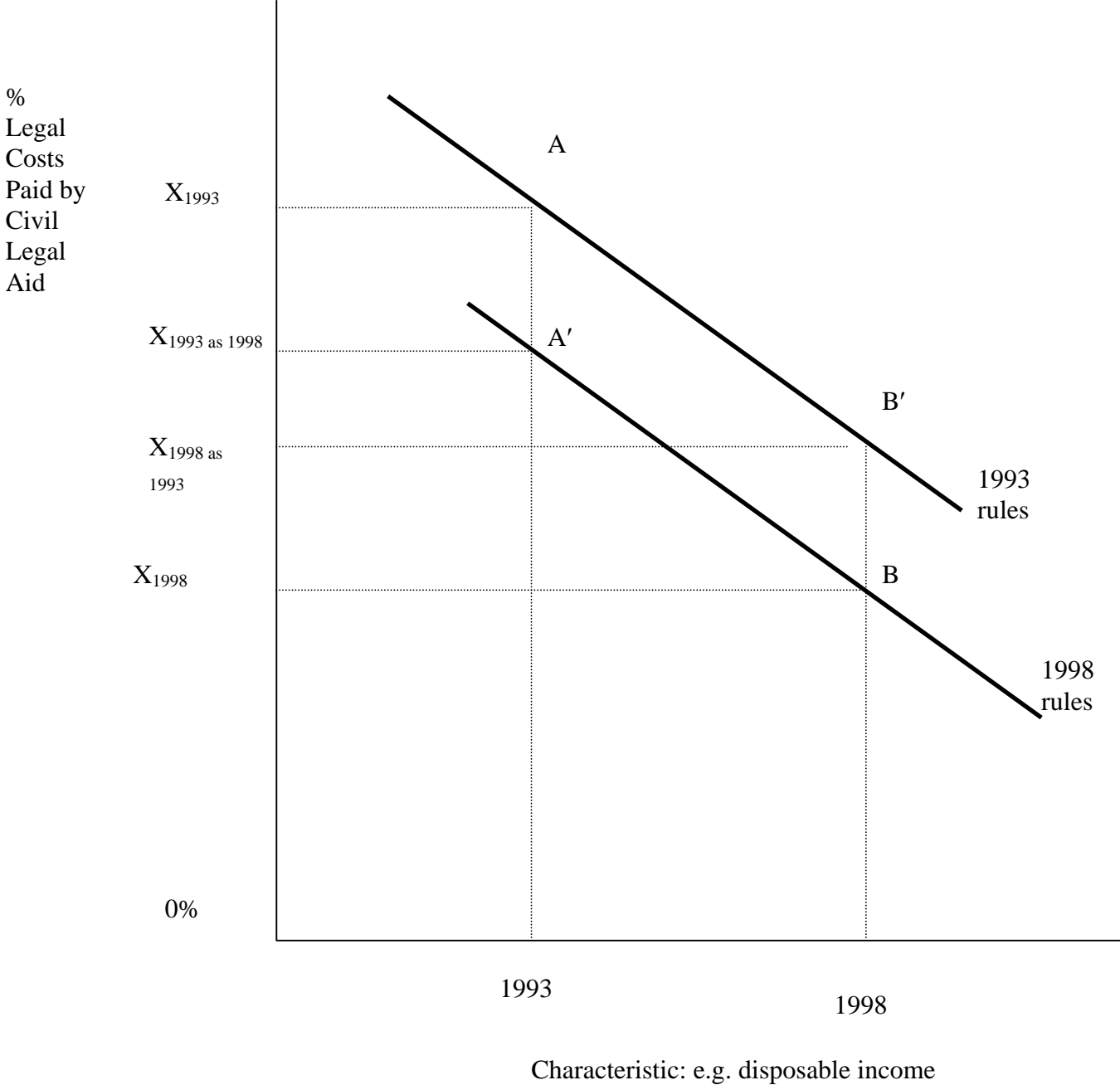


Table 1

## Financial Limits

Period:	Financial Limit			
	Lower Income	Upper Income	Lower Capital	Upper Capital
6 April 1992 - 11 April 1993	3060	6800	3000	6750
12 April 1993 - 10 April 1994	2293	6800	3000	6750
11 April 1994 - 10 April 1995	2382	7060	3000	6750
11 April 1995 - 7 April 1996	2425	7920	3000	6750
8 April 1996 - 7 April 1997	2498	8158	3000	8560
8 April 1997 - 7 April 1998	2563	8370	3000	8560
8 April 1998 - 11 April 1999	2625	8571	3000	8560
12 April 1999 - 11 April 2000	2680	8751	3000	8560
12 April 2000 - 8 April 2001	2723	8891	3000	8560
9 April 2001 -	2767	9034	3000	8560

Table 2

## Dependency Allowances

Period:	Dependency Allowance				
	Spouse	Child aged			
		Under 11	11-15	16-17	18+
6 April 1992 - 11 April 1993	2122	948	1395	1665	2190
12 April 1993 - 10 April 1994	1304	785	1155	1379	1815
11 April 1994 - 10 April 1995	1356	816	1199	1434	1885
11 April 1995 - 7 April 1996	1384	833	1222	1462	1921
8 April 1996 - 7 April 1997	1423	858	1257	1504	1976
8 April 1997 - 7 April 1998	1460	881	1291	1543	2028
8 April 1998 - 11 April 1999	1493	902	1322	1580	1580
12 April 1999 - 11 April 2000	1525	1053	1351	1614	1614
12 April 2000 - 8 April 2001	1552	1614	1614	1656	1656
9 April 2001 -	1575	1640	1640	1682	1682

Table 3(i)  
Impact of Means Tests on Eligibility for Civil Legal Aid  
(1993-94 Family Resources Survey - Scotland)

Period:	Percentage of Benefit Units Eligibility			
	Passported	Fully Eligible	Partially Eligible	Total Eligible
6 April 1992 - 11 April 1993	20.19	36.19	21.17	57.36
12 April 1993 - 10 April 1994	20.19	28.04	27.46	55.5
11 April 1994 - 10 April 1995	20.19	28.34	28.2	56.54
11 April 1995 - 7 April 1996	20.19	28.47	31.25	60.03
8 April 1996 - 7 April 1997	20.19	28.85	33.11	61.95
8 April 1997 - 7 April 1998	20.19	29.22	33.62	62.83
8 April 1998 - 11 April 1999	20.19	29.52	34.16	63.68

Rounding may cause the final column not to be the sum of the previous two.

Table 3(ii)  
Impact of Means Tests on Eligibility for Civil Legal Aid  
(1993-94 Family Resources Survey - England and Wales if treated by SLAB rules)

Period:	Percentage of Benefit Units Eligibility			
	Passported	Fully Eligible	Partially Eligible	Total Eligible
6 April 1992 - 11 April 1993	18.61	32.44	20.31	52.75
12 April 1993 - 10 April 1994	18.61	25.87	24.98	50.84
11 April 1994 - 10 April 1995	18.61	26.26	25.74	52.00
11 April 1995 - 7 April 1996	18.61	26.42	29.39	55.81
8 April 1996 - 7 April 1997	18.61	26.75	30.98	57.72
8 April 1997 - 7 April 1998	18.61	27.07	31.66	58.72
8 April 1998 - 11 April 1999	18.61	27.52	32.04	59.56

Rounding may cause the final column not to be the sum of the previous two.

Table 4(i)  
Impact of Means Tests on Eligibility for Civil Legal Aid  
(1998-99 Family Resources Survey - Scotland)

Period:	Percentage of Benefit Units Eligibility			
	Passported	Fully Eligible	Partially Eligible	Total Eligible
6 April 1992 - 11 April 1993	16.6	27.81	21.2	49.01
12 April 1993 - 10 April 1994	16.6	24.69	22.88	47.58
11 April 1994 - 10 April 1995	16.6	25.16	23.51	48.67
11 April 1995 - 7 April 1996	16.6	25.24	27.05	52.3
8 April 1996 - 7 April 1997	16.6	25.45	28.4	53.86
8 April 1997 - 7 April 1998	16.6	25.71	28.87	54.57
8 April 1998 - 11 April 1999	16.6	25.87	29.37	55.25

Rounding may cause the final column not to be the sum of the previous two.

Table 4(ii)  
Impact of Means Tests on Eligibility for Civil Legal Aid  
(1998-99 Family Resources Survey - England and Wales if treated by SLAB rules)

Period:	Percentage of Benefit Units Eligibility			
	Passported	Fully Eligible	Partially Eligible	Total Eligible
6 April 1992 - 11 April 1993	13.94	24.91	19.50	44.41
12 April 1993 - 10 April 1994	13.94	21.68	21.31	42.99
11 April 1994 - 10 April 1995	13.94	22.00	22.02	44.01
11 April 1995 - 7 April 1996	13.94	22.11	25.09	47.02
8 April 1996 - 7 April 1997	13.94	22.29	27.16	49.45
8 April 1997 - 7 April 1998	13.94	22.59	27.69	50.28
8 April 1998 - 11 April 1999	13.94	22.83	28.22	51.05

Rounding may cause the final column not to be the sum of the previous two.

Table 5									
Breakdown in Shift in Eligibility									
	% $\Delta$ Full Eligibility			% $\Delta$ Partial Eligibility			% $\Delta$ Total Eligibility		
	93-94 base	98-99 base	Average	93-94 base	98-99 base	Average	93-94 base	98-99 base	Average
$\Delta$ Due to Rule	-6	-2	-4	13	8	10.5	7	6	6.5
$\Delta$ Due to Population	-4	-8	-6	-5	0	-2.5	-9	-8	-8.5
Actual $\Delta$	-10	-10	-10	8	8	8	-2	-2	-2

$\Delta$  = change