



Legal assistance update - annual changes

1 April 2010

Legal aid changes effective from 12 April 2010

This mailshot contains important information about changes to legal assistance coming into force on Monday 12 April 2010. Please ensure that all staff involved in providing advice and assistance and ABWOR, summary criminal legal aid and/or civil legal aid are made aware of its contents.

We have issued a new [Keycard](#) and [category codes card](#) reflecting these changes, and these are on our website at www.slab.org.uk in the *Legal Profession* section. **We no longer print hard copies of these cards.** Similarly, we have issued a new Equality card, with revised ethnic classifications - you can order supplies of this using the enclosed order form.

The mailshot covers changes to

1. advice and assistance/ABWOR - civil, children's and criminal
2. summary criminal legal aid - eligibility limits we use
3. civil legal aid - eligibility and clawback limits
4. category codes
5. the order form for getting printed copies of forms, leaflets etc.

1. A&A and ABWOR - annual changes to financial eligibility and clawback limits

On Monday 12 April 2010, financial eligibility and clawback limits change, and are reflected in the updated Keycard, on our website.

Changes to capital eligibility limits

- the capital limit, above which a person is not financially eligible for advice and assistance or ABWOR, has been increased from £1,639 to £1,664 [section 8 of the Act]

Changes to income eligibility limits

- the limit above which advice and assistance/ABWOR is not available has been increased from £234 to £238 [section 8(a)]

- the lower limit above which a contribution is payable has been increased from £100 to £102 [section 11(2)(a)]
- the amended table to be used in assessing the contribution, depending on the client's disposable income, is in the Keycard
- the amended abbreviated table for use in providing diagnostic advice is in the Keycard
- the allowances have also been updated - see Keycard.

Increases in "clawback" limit

- the figure prescribed in regulation 16(2)(b) of the Advice & Assistance

For more information about legal aid and the Board, go to www.slab.org.uk

(Scotland) Regulations 1996 has been increased from £5,259 to £5,338

- detailed advice is contained in the Keycard on the appropriate figure to apply in the circumstances of each case.

Legal Aid Online

- for the many firms using our Legal Aid Online service, these changes to eligibility will be included in our online service from Monday 12 April.

2. Summary criminal legal aid

In summary criminal legal aid cases, we conduct the financial test. From 12 April 2010, the initial eligibility thresholds will be £215 for disposable weekly income, and £1,664 for disposable capital.

In assessing disposable income we take into account:

- income from all sources, including benefits
- essential household expenses such as rent or mortgage payments, and make allowances for any dependants
- any additional expenses incurred if a client has special needs such as a disability.

As the test is one of "undue hardship", clients whose income and capital exceed these limits may still be eligible, if it can be shown that it would cause undue hardship to expect the applicant to pay for their own legal costs. We have to look at a number of factors in this assessment, including: the number of witnesses involved; the likelihood that expert evidence will be needed; any legal complexities involved; and any aspects of the case likely to lead to a need for significant preparation time.

Further information on the financial test for summary criminal legal aid is available in the legal profession section of our website.

3. Civil legal aid - annual changes to financial eligibility and clawback limits

On Monday 12 April 2010, the following annual changes to financial eligibility and clawback limits come into effect.

Changes to capital eligibility

- the lower disposable capital limit, on or below which a client is financially eligible on capital without payment of a contribution, has been increased from £7,504 to £7,617 [section 17(2)(b)]
- the upper disposable capital limit, above which the applicant may not be financially eligible for civil legal aid unless we consider they cannot afford to proceed without legal aid, has been increased from £12,439 to £12,626 [section 15(2)(a)]

Changes to income eligibility limits

- the lower disposable income limit, on or below which a client is financially eligible on income without payment of a contribution, has been increased from £3,355 to £3,415 [section 17(2)(a)]
- the upper disposable income limit, above which the applicant is not financially eligible for civil legal aid, has been increased from £25,000 to £25,450 [section 15(1)]
- As set out in the Keycard, the tapered system of contributions is in four bands where disposable income is:
 - below £3,415 - no contribution from income to pay
 - £3,415 to £11,193 - 33% of income in that range
 - £11,194 - £15,270 - 50% of income in that range
 - £15,271 - £25,450 - 100% of income in that range.

Increases in "clawback" limit

- the figure in regulation 33(b) of the Civil Legal Aid (Scotland) Regulations 2002 has been increased from £5,259 to £5,338
- detailed advice is in the Keycard on the appropriate figure to apply in the circumstances of each case.

Special urgency forms

To do work as a matter of special urgency under regulation 18, you have to complete the special urgency form CIV/SU or the special urgency sections in the application forms CIV/SOL/FAMILY or CIV/SOL/NON-FAMILY (or use Legal Aid Online). You can order these forms from our printers, Stewarts, on the enclosed order form.

4. Changes to the category codes card for advice and assistance/ABWOR

An updated category codes card, for use from 12 April 2010, is available on our website www.slab.org.uk in the legal profession section. The main changes are shown below. All of these changes will be included in our Legal Aid Online service.

You can order printed copies of the categories code card can be ordered from our printers, Stewarts - see enclosed order form - or download it from our website.

Civil advice and assistance/ABWOR

Changes to names of existing codes

- BEN - benefits - changed to BEND
- CGA - Civic Government Act - changed to CVGA
- CON - conveyancing- changed to CONV
- DBT - debt - value £500 and above - changed to DBTS

Change to description

- ASY - asylum application - changed to asylum application/appeal

Criminal advice and assistance/ABWOR

New codes

- BIA - breach of interdict and power of arrest
- CLA = Criminal Law (Consolidation) Scotland Act
- COMM - Communications Act
- CULP - culpable and reckless conduct
- EWA - Emergency Workers Act

Changes to name of existing codes

- BPO - breach of a probation order - changed to BPRB
- FTA - breach of bail conditions - 27(1)(a) - changed to FTAP
- WIT - witness citation - criminal - changed to WITR

5. Order form and equality card

Enclosed is the order form to get forms, materials and leaflets from our printers, Stewarts. You can also download this from our website. Orders will be sent to you within 5 working days, but please remember that many forms and materials are also available in the legal profession section of our website www.slab.org.uk.

You should now use the new equality card, containing a revised set of ethnic classifications. You can order supplies using the enclosed order form.

We are revising leaflets and other materials for the public and we will tell you when these are available.

Order forms to download and fax to our printers are available on the legal profession section of our website, www.slab.org.uk.

The public can use our financial eligibility calculators to see if they qualify for legal assistance. These are available at www.slab.org.uk in the Getting Legal Help section.

Who to contact if you have any questions

For further information or questions on:

- advice and assistance - financial eligibility or category codes
 - civil and children's advice and assistance - contact Alison Smith
tel 0131 240 1958
 - criminal advice and assistance/ABWOR - contact Alison Craig
tel 0131 240 2098
- civil legal aid - financial eligibility - contact our Financial Assessment Unit on
tel 0845 123 2330.
- Legal Aid Online:
 - using the online service or getting started using it - Diane Ireland 0131 240 2013 or
email online@slab.org.uk
 - for technical help or problems contact us by email online@slab.org.uk or call our Legal
Aid Online helpline on 0131 240 2037.