

Civil Advice & Assistance/ABWOR and legal aid Keycard 2026



About the Keycard

This Keycard sets out the various eligibility limits, contributions and clawback levels in civil advice and assistance and civil legal aid in force from 6 April 2026.

There are also separate Keycards for:

- Children’s advice and assistance/ABWOR and legal aid which can be accessed [here](#).
- Criminal advice and assistance/ABWOR which can be accessed [here](#).

During the course of this year there may be further updates and changes to this Keycard.

For more information on eligibility, contributions and clawback, please refer to the Legal Assistance guidance available on our website at www.slab.org.uk.

Last updated: 6 April 2026

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Definitions used

Partner

In this Keycard, the word “partner” means someone the applicant normally lives with as a couple, whether or not they are married and of the same or different sex.

The resources of the applicant’s spouse or partner must be included in the assessment of the applicant’s eligibility unless:

- there is a contrary interest in the matter for which the advice is sought
- the applicant and their spouse or partner are separated – by “*separated*” we mean that they consider the marriage or relationship to be at an end
- In all cases where the applicant is a prisoner, “*living separate and apart*” would only apply where the marriage or relationship is at an end
- it would be inequitable or impracticable to aggregate their resources - if you consider it to be “*inequitable*” you must provide details of why you consider that the resources should not be aggregated which must include details of any exceptional financial difficulties the applicant or partner may be facing during the assessment period of seven days up to the grant of advice and assistance. If you consider it to be impracticable, you should also explain why it is not possible to contact the partner to obtain information on their resources where this is not known by the applicant.

Further information on these aspects of aggregation of partners’ resources can be found in the [Advice and Assistance guidance](#) on our website.

Child

The definition of a child, for the purposes of assessment of disposable income and capital, given in the Advice and Assistance (Scotland) Regulations 1996 and the Civil Legal Aid (Scotland) Regulations 2002 is the definition of a child as that given in section 1(5) of the Family Law (Scotland) Act 1985 (“the 1985 Act”).

When assessing the financial eligibility of children seeking civil advice and assistance and civil legal aid, the resources of any person who owes an obligation of aliment to that child, within the definition given in section 1(1)(c) or (d) of the 1985 Act, must be included, along with the child’s resources in establishing financial eligibility, unless:

- in the particular circumstances it would be unjust or inequitable to do so. If you consider this is the case, please contact us for advice before admitting the applicant to advice and assistance. When making an application for legal aid, please address the reasons why we should not take such resources into account, having regard to our published guidance
- the child has a contrary interest with the person who owes a duty of aliment as described in section 1(1)(c) or (d) of the 1985 Act.

This does not apply when assessing the financial eligibility of children seeking children’s advice and assistance.

Further details can be found in the [Children’s Legal Aid Keycard](#).

Subject matter of dispute

Subject matter of dispute means property which is at issue in the dispute or proceedings, and may not be available to the client at the conclusion of the matter.

It is not enough to show that a global crave for payment of a sum of money is being made. Rather, it is ownership of the property or asset that must be at issue in the proceedings. Simply because an asset which could be used to satisfy the opponents claim exists, does not necessarily mean that an asset is in dispute. We will consider whether the opponent is disputing ownership of the assets, or that ownership will only be resolved by the court action.

Detailed guidance can be found in the Financial Assessment section of the [Civil Legal Aid guidance on our website](#).

Assessing eligibility

A client's income and capital must be within the current financial limits to qualify for advice and assistance.

We recommend you assess their disposable capital before assessing income, since if they do not qualify on capital, they are ineligible for advice and assistance – even if they receive “passport” benefits (that is, Income Support, income-related employment and support allowance, income- based jobseeker's allowance or Universal Credit).

Assessing eligibility on capital

Disposable capital

£1,716 maximum for eligibility*

A person whose disposable capital exceeds the capital limit of £1,716 is **NOT eligible** for advice and assistance, whatever their disposable income or eligibility for a passport benefit.

To calculate disposable capital, you should:

- calculate your client's total capital
- deduct from the total capital the standard allowances
- disregard the level of capital shown in the section below if the applicant or their partner is of pensionable age (60 or over).

*There is no financial eligibility test where advice and assistance is provided in a police station for a Section 44 consultation or a Section 32 interview under Part 1 of the Criminal Justice (Scotland) Act 2016, so this limit does not apply.

Working out your client's total capital

Capital means savings and anything else of value the client and their partner, if appropriate, own.

This excludes the client's main residence and the value of any disputed assets which are part of the subject matter of the advice.

Examples of capital include:

- the amount that could be borrowed against all land and buildings the client or their partner own, other than the client's main home, including interests in timeshares

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- money in the bank, building society, post office, premium bonds, national savings certificates etc.
- investments, stocks and shares, including ISAs
- money that can be borrowed against insurance policies
- the value of other non-essential possessions, such as a boat, a caravan, second car, jewellery (but not wedding or engagement rings), antiques or items bought for investment
- money owed to the client or their partner
- money due from the will of someone who has died
- money due from a trust fund
- money that can be borrowed against business assets
- redundancy payments.

You should **NOT** include in capital:

- the home in which the client and their partner live
- the client's household furniture and clothing
- the client's tools and equipment they need for work
- the value of any property or item that is the subject of the dispute.

Advice and Assistance Income and Capital Disregards

In addition, you should **NOT** include any of the following payments and benefits as capital, but where benefits have been accumulated by your client as savings, they should then be assessed as capital in the normal way:

- Adult disability payments and short term assistance given in accordance with the Disability Assistance for Working Age People (Scotland) Regulations 2022
- Armed forces independence payments under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011
- Back to work bonus (payable under the Jobseekers Act 1995)
- Carer's Allowance Supplement under section 81 of the Social Security (Scotland) Act 2018
- Care Experienced Student Bursary paid under regulation 3(1) of the Student Support (Scotland) Regulations 2022
- Carer Support
- Child disability payments and short term assistance given in accordance with the Disability Assistance for Children and Young People (Scotland) Regulations 2021
- Child maintenance bonus
- Child support maintenance (paid through the Child Maintenance Service)
- Community Care (Direct Payments) Act 1996 payments or any direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013
- Cost of living crisis payments via the Social Security (Additional Payments) Act 2023 and Social Fund Winter Fuel Payment (Temporary Increase) Regulations 2023
- Employment and Support Allowance – Contributory
- Grenfell Tower compensation scheme payments
- Human trafficking or exploitation victim payments (payments made in terms of s.9 of the Human Trafficking and Exploitation (Scotland) Act 2015, regulations made under s.10 of that Act or by way of support provided under a Modern Slavery Victim Care Contract)
- Infected Blood Compensation Scheme payments (UK scheme)
- Jobseeker's Allowance - contribution-based

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- Miscarriage of justice payments
- Pension age disability payment and short term-assistance given in accordance with the Disability Assistance for Older People (Scotland) Regulations 2024.
- Personal Independence Payments under Part 4 of the Welfare Reform Act 2012
- Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 payments (financial redress for historical child abuse), or any relevant payments made or due to be made prior to the date of commencement of the redress scheme
- Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025
- Short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations
- Scottish Child Payments
- Scottish Infected Blood Support Scheme payments
- Severe Disablement Allowance
- Social Security (Additional Payments) Act 2022 (cost of living)
- Social Security Contributions and Benefits Act 1992 (except statutory sick pay) including:
 - Adoption pay
 - Attendance allowance
 - Bereavement allowance
 - Bereavement payment
 - Child benefit
 - Christmas Bonus for pensioners
 - Council tax benefit
 - Disability living allowance
 - Guardian's allowance
 - Housing benefit
 - Incapacity benefit
 - Industrial injuries disablement benefit including Exceptionally Severe Disablement Allowance and Constant Attendance Allowance
 - Invalid care allowance (carer's allowance)
 - Statutory maternity pay (non-occupational)
 - Statutory shared parental pay (non-occupational)
 - Widowed parent's allowance
- State Pension Credit under the State Pension Credit Act 2002
- State retirement pension
- Tax Credits under the Tax Credits Act 2002
- Universal Credit
- Victoria Cross or George Cross payments
- War widow's and widower's pension, and war disablement pension
- Welfare Fund payments
- Windrush Compensation Scheme payments
- Windrush connected payments – any other payments made.
- Winter fuel payments paid by virtue of the Social Fund Winter Fuel Payments (Temporary Increase) Regulations 2022 (cost of living).

Do not assume that an applicant has no capital when they are in receipt of benefits – in certain circumstances a person can have up to £16,000 in capital and still receive benefits.

Standard allowances

Standard allowances against capital are deductible for the following persons:

- a partner whose resources have to be aggregated – who is considered as the first dependant *and/or*
- a dependant person who is wholly or substantially maintained.

| | |
|-------------------------------|------|
| For the first dependant | £335 |
| For the second such dependant | £200 |
| For each other such dependant | £100 |

No allowances should be made for any children where the applicant receives Foster Care Allowance or Kinship Carers' Allowance.

Disregards for applicants of pensionable age

Where the applicant or their partner is of pensionable age (60 or over in all cases), with a weekly disposable income (excluding investment income **and any of the disregarded benefits listed at pages 6 & 7**) below £105, you should **disregard capital** as follows:

| | |
|-------------------------------------|-------------------|
| Weekly disposable income up to £10 | Disregard £25,000 |
| Weekly disposable income £11 - £22 | Disregard £20,000 |
| Weekly disposable income £23 - £34 | Disregard £15,000 |
| Weekly disposable income £35 - £46 | Disregard £10,000 |
| Weekly disposable income £47 - £105 | Disregard £5,000 |

Examples

Applicant of a pensionable age, with no dependants, capital of £21,500 and a weekly disposable income of £20 is entitled to a disregard of £20,000. This leaves them with Disposable Capital of £1500, which is below the eligibility limit of £1,716 so they are financially eligible for advice and assistance.

Applicant of pensionable age, with no dependants, capital of £25,000 and a weekly disposable income of £20 is entitled to a disregard of £20,000. This leaves them with Disposable Capital of £5,000 which exceeds the eligibility limit of £1,716 so they **are not** eligible for advice and assistance.

Assessing eligibility on income

Disposable income

£245 a week maximum for eligibility*

A person whose disposable income exceeds the income limit of £245 a week is NOT eligible for advice and assistance, whatever their disposable capital, unless they receive a passport benefit (Income Support, an income-related employment and support allowance, income-based jobseeker's allowance or Universal Credit).

“Income” means the total income, from all sources, which the client and their partner received or became entitled to during or in respect of the seven days up to and including the date of the application.

This excludes income that is the subject matter of the dispute – for example, maintenance being claimed which is part of the subject matter of the advice. Deduct income tax and national insurance contributions from income.

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*There is no financial eligibility test where advice and assistance is provided in a police station for a Section 44 consultation or a Section 32 interview under Part 1 of the Criminal Justice (Scotland) Act 2016, so this limit does not apply.

Calculating eligibility on income

To calculate eligibility on income, you should:

- check if your client receives a passport benefit (see below)
- calculate your client's net weekly income
- deduct from the net weekly income the standard allowances
- calculate if they qualify and if they have to pay a contribution.

When calculating monthly income, multiply it by 12 and then divide by 52 to work out the weekly figure.

To make assessment easier, round the figure up or down to the nearest pound.

Passporting benefits – automatically eligible on income

If the client is in receipt of, or included in their partner's award of, one of the following passporting benefits:

- Income Support
- an income-related employment and support allowance
- income-based jobseeker's allowance
- Universal Credit

they qualify automatically on income for advice and assistance and will not have to pay a contribution. However, you must still assess your client's disposable capital.

We will verify a client's receipt of one of the passporting benefits named above with the Department of Work and Pensions (DWP). To assist us in doing so, we have provided some information about what is required.

Applicant's names

Please do not provide two surnames like "Smith or Jones". Our automatic link with the DWP will not be able to confirm the benefits where two names are provided. Please check the spelling of the name, for example McDonald or MacDonald. Again, the DWP automatic link will not confirm passport benefits where the name is spelt incorrectly.

Remember, if benefits are claimed in the name of the applicant's partner, we also need the partner's details (forename, surname, date of birth and National Insurance number) for the DWP check.

Other benefits and the DWP link

Our link with the DWP only checks the position with passport benefits. Many solicitors state "SLAB link to check" on cases where the applicant is not in receipt of a passport benefit. **We are not able to check these cases.** Tax credits cannot be verified by the automatic DWP link – working tax credits and child tax credits are awarded by HMRC.

Always make sure that passport benefits (Income support, Job Seeker's Allowance, Employment and Support Allowance, and Universal Credit) are entered in the correct place to allow the automatic link to check these with the DWP. Do not enter these benefits as "Other benefits" as this will not be checked with the DWP, and we will come back and ask you to confirm what verification you have seen.

Calculating net weekly income

You must include:

- earnings (including any tips), drawings or profits from business
- maintenance payments (unless paid through the Child Support Agency)
- private or employee pensions
- occupational sick pay
- occupational maternity pay
- student grants or bursaries (but do not include student loans)
- National Asylum Support Service (NASS) payments
- money received from friends and relatives (other than loans)
- income from savings and investments
- dividends from shares.

Disregarded Benefits

Various benefits which the client may receive are disregarded in the financial assessment.

Do NOT include any of the payments shown in the Capital disregards on pages 6 and 7 above.

Particular situations

Adults with Incapacity

You must assess all income and capital for the adult concerned, not those of the person making the application. However, the applicant's resources should be included in cases where they are the partner of the adult. Please refer to our earlier guidance on the definition of a partner. Unlike civil legal aid, there are no circumstances where the application of the financial eligibility test has been waived.

Applications from children

The resources of any person who owes an obligation of aliment to that child, within the definition given in section 1(1)(c) or (d) of the 1985 Act, must be included, along with the child's resources in establishing financial eligibility unless it would be unjust or inequitable to do so (see page 4 above).

Mental Health ABWOR

Where you grant ABWOR, no means assessment is required. There is a means test for A&A.

Allowances

You should deduct the following standard allowances against income for the maintenance of:

| | |
|--|--------|
| Partner living with the applicant. | £54.60 |
| Any dependant person, adult (other than partner) or Child, who is wholly or substantially maintained, being a member of the applicant's household. Do not make an allowance for any child for whom Foster care or Kinship care allowance is paid. | £87.88 |

Deduct the actual maintenance paid for the last seven days, not the standard allowance, if:

- the applicant and partner are living apart
- the applicant is paying maintenance for a dependant who is not part of the household.

Clients' contributions

This applies to criminal, children's and civil advice and assistance, except diagnostic civil advice and assistance, see the next table for these contributions. For information about diagnostic civil advice and assistance, see the next section.

| Disposable income range | Maximum contribution |
|--|----------------------|
| Disposable income not exceeding £105 a week | £0 |
| Exceeding £105 but not exceeding £112 a week | £7 |
| Exceeding £112 but not exceeding £119 a week | £14 |
| Exceeding £119 but not exceeding £126 a week | £21 |
| Exceeding £126 but not exceeding £133 a week | £28 |
| Exceeding £133 but not exceeding £140 a week | £35 |
| Exceeding £140 but not exceeding £147 a week | £42 |
| Exceeding £147 but not exceeding £154 a week | £49 |
| Exceeding £154 but not exceeding £161 a week | £56 |
| Exceeding £161 but not exceeding £168 a week | £63 |
| Exceeding £168 but not exceeding £175 a week | £70 |
| Exceeding £175 but not exceeding £182 a week | £77 |
| Exceeding £182 but not exceeding £189 a week | £84 |
| Exceeding £189 but not exceeding £196 a week | £91 |
| Exceeding £196 but not exceeding £203 a week | £98 |
| Exceeding £203 but not exceeding £210 a week | £105 |
| Exceeding £210 but not exceeding £217 a week | £112 |
| Exceeding £217 but not exceeding £224 a week | £119 |
| Exceeding £224 but not exceeding £231 a week | £126 |
| Exceeding £231 but not exceeding £245 a week | £135 |

Civil advice and assistance – diagnostic cases

A different contribution scale applies to diagnostic civil advice and assistance.

Diagnostic civil advice and assistance is where the client's problem is not among the specific categories approved for standard advice and assistance, and you are providing advice and assistance by way of a diagnostic interview, deciding whether further assistance can be offered, or if the client needs to be advised to contact another agency for help.

Where there is a diagnostic interview, the maximum contribution payable is £45.

| Disposable income range | Maximum contribution |
|--|----------------------|
| Exceeding £105 but not exceeding £134 a week | £7 |
| Exceeding £134 but not exceeding £163 a week | £14 |
| Exceeding £163 but not exceeding £193 a week | £21 |
| Exceeding £193 but not exceeding £222 a week | £28 |
| Exceeding £222 but not exceeding £245 a week | £35 |

Initial limits of authorised expenditure

Civil advice and assistance

The standard initial limits of authorised expenditure in civil advice and assistance are:

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- Diagnostic - **£50**
- Standard - **£135**

The initial limit of **£180** applies in certain specified situations where either advice and assistance or ABWOR is given. The £180 initial limit for advice and assistance applies where:

- (a) you are satisfied the matter is likely to be resolved only by preparing for proceedings in a civil court for which legal aid is available, *and*
- (b) it is likely (on the information provided to you) the applicant will qualify on financial grounds for civil legal aid, *and*
- (c) it is reasonable in the circumstances of the case.

Increases in authorised expenditure

An increase in authorised expenditure is only effective from the date we grant it. We cannot authorise increases retrospectively and if you do any work not covered by the authorised expenditure at any given time, we cannot pay for it.

Documentary evidence of clients' financial circumstances

You are responsible for deciding if your clients are financially eligible for advice and assistance. You should refer to the regulations, this Keycard and the [Advice and Assistance guidance](#) on our website about assessing disposable income and capital.

If you apply the tests incorrectly, we can withhold or recover payments made to solicitors' firms for work done under an incorrect grant of advice and assistance. Our guidance is designed to avoid the risk of making an incorrect grant.

Most clients should be able to give you documentary evidence of their financial position. When arranging an initial meeting with you, the client should be asked to bring documentary evidence of their income and capital with the proof of identity you need to sign up new clients, whether legally aided or not. This advice applies equally to repeat clients. It is not safe for you to assume that your client's financial position has not changed since the last time you gave them advice.

It is expected that the following evidence is seen, and copies retained:

For income

- where the client is employed - a recent wage slip or bank statement
- where the client receives passport benefits – we will check this directly with the DWP
- where the client receives benefits - a letter of award or a bank statement/ATM receipt

For capital

- recent bank statements for any accounts held in the name of the applicant or their partner.
- a certificate of any investments held.

Keep a copy of the verification for the lifetime of the file, or details as to how you satisfied yourself that the client was eligible, on your file so that it can be seen by a quality assurance peer reviewer or a SLAB compliance auditor.

In Legal Aid Online, the available options include 'bank statement' and 'wage slip'. Only use the 'Other' option if the document you have seen is not listed. Otherwise, it will delay your application because we need to check it. Quite often we see 'bank statements' selected and then in the "Other" option something like "I have seen the client's bank statement". You don't need to duplicate the information.

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Where you have not seen a statement and you select the evidence option “Applicant has signed online declaration form” you should note in the file why it was not possible to see a statement(s) and what information your client gave about any capital savings they may have in those accounts. The declaration is not to be used as an automatic substitute for seeing statements.

No verification available

We appreciate that in some circumstances, clients may not have documentary evidence available when initially consulting a solicitor. For example:

- in an emergency
- where they are a victim of domestic abuse and cannot return home
- where they are part of an acrimonious dispute which prevents access to documentation; or
- where they are in custody.

Where they do not have access to documentary evidence, you may be satisfied from the limited information available that they are eligible and give them advice. However, this should be on agreement that they will provide the evidence at the earliest opportunity. You should obtain the verification before seeking an increase in authorised expenditure.

If the client doesn't provide evidence, you must show in your application that reasonable attempts have been made to contact them.

Where client is in prison

If the client is serving a sentence or on remand, and received no income during the previous seven days, you should enter their income as “Nil”, and at the question on how they are supported answer “Serving a sentence” or “On remand” as appropriate. However, you must be clear that they did not receive any income during this seven day period, especially if they are paid monthly. You must also ask them about any savings or other capital they could use to fund their case.

Where attempts have been made to obtain verification

If you have been unable to see verification but have taken every possible step to obtain this, make sure you let us know about this. You should also record details of this in your file. You should let us know what steps have been taken, such as the number of letters and/or phone calls at the question *‘If you have not been able to obtain financial verification for income, please explain how you were satisfied that you could grant advice and assistance and what reasonable steps you took or are taking to obtain this information’*.

The following are examples of the steps you can take:

- asking the applicant in person at court or in a meeting
- requesting evidence by telephone
- sending an email
- sending a text message
- sending a letter.

At least two attempts to obtain proof are normally considered reasonable. For example, a verbal request followed by a request by email or two letters to the applicant would be sufficient. If a request has been made, the applicant should be allowed at least 14 days to respond before a second request is intimated.

Nil Income and/or Capital

If your client tells you they have no income or capital, you should ask them why this is the case. If they are not in custody or on remand, then why do they not have any income? For example, have they

applied for benefits, and these have not been awarded yet? You need to be satisfied that there is a credible reason for having no income. In the online application, you must tell us:

- why they have no income
- how they were supported in the last seven days
- if they are supported by parents, family and/or friends.

If the applicant has a bank account, you should obtain a bank statement from the client to confirm the position. Again, if this is not provided by the client, make sure you tell us about the steps you have taken to obtain this.

Most of the population have bank accounts now, especially if they are earning wages or receiving benefits. If your client tells you that they don't have a bank account, you should explore this further with them and ask them how they receive any wages or benefits payments they may receive. You need to be satisfied that there is a credible reason for not having a bank account and you should note this on the application.

Verification if there is no capital

If the client has no capital or savings, please do not say something like "cannot prove a nil". Most applicants will have at least one bank account, especially if they own or rent their home, have any regular outgoings which are paid by standing order or direct debit or receive a salary or state benefits.

The balance(s) held in these accounts should be recorded in the application as capital savings. Where the account is a current account or the only account held by the applicant, any excess balance held in the account once all monthly standing orders and direct debits have deducted should be recorded. You can then select "Bank Statement" from the capital verification options as evidence seen.

If your client has no bank account

Similarly, if your client tells you that they don't have a bank account, you should ask them how they receive any wages or benefits payments they may receive. If you are happy with the explanation you receive, you should record this as a note in your file. You should select 'Other' from the capital verification options and then provide information about how you satisfied yourself that your client does not have a bank account or any capital.

Relying on the Signed Declaration as Verification that an Applicant has No Capital

If your client tells you that they have no capital or savings and subsequently signs the declaration, you can use the signed declaration to verify that the applicant has no capital.

However, you can only state that you are relying on the signed declaration if your client has, in fact, signed the declaration. If verification of capital is not available at the initial meeting, you should try to get this later. You can then update us on what evidence you have seen, or in cases where you have been unable to obtain verification, the steps you have taken to obtain this by submitting a verification update.

Where your client has no capital, and you do not have a signed declaration, how you complete the online application will depend on whether she/he has a bank account. Where there is a bank account, you should normally see a bank statement for the qualifying period to verify the capital position. However, the following guidance should help you answer the online questions and submit the application where you have not seen verification, and you do not have a signed declaration.

No capital, and no signed declaration, applicant has a bank account

I have seen the most recent evidence of the applicant's capital – No

Awaiting Verification? Yes – submit the application and advise us later when verification is seen.

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Awaiting Verification? No – add free text to explain why applicant cannot provide any verification. For example, if the client is in custody or in hospital, or you can explain the steps you have taken to get verification.

No Capital, and no signed declaration, applicant has no bank account

I have seen the most recent evidence of the applicant's capital – No

Awaiting Verification? No – add free text to explain that the applicant has no bank account.

Verification update

Where you are updating us on the verification you have now seen or advising what steps you have taken to obtain verification then you submit a verification update. Please do not send this information via an online message.

Signing the declaration forms

Declaration forms are an important part of your client's legal aid application. They record a number of matters, including:

- Your client's confirmation that they have given accurate details of their personal and financial circumstances, and explain the consequences of failure to do so.
- Your client's permission to make the application and authority to us to make any necessary financial enquiries to verify your client's stated financial position.
- Your client's permission for their details to be shared for the purposes of quality assurance checking, fraud detection, and any other checks required to allow SLAB to deal with their application.

Solicitors' Signatures on the declaration forms

- you must sign all the declaration forms. All signatures should be recognisable as your signature. You can either sign and date the paper declaration forms that are printable from our website, or add a "wet" signature to the LAOL "printable summary", even where this has been pre-populated by the system
- you can use an electronic version of a paper form to apply a signature using a stylus (e.g. iPencil). However, you must save the form, and keep a copy of the PDF version in the file (whether paper or electronic). We expect this for peer review and compliance audits where checks are made for the signed declarations in the files being reviewed.

Applicants' Signatures on the declaration Forms

- where you are seeing clients face to face, you must get them to sign the declaration forms
- clients can also "sign" an electronic version of a paper form by applying a signature using a stylus (for example, iPencil) or other online signing platform such as DocuSign or Adobe Sign. Again, the electronic signature must provide sufficient authentication (that is, the signature should be recognisable as the applicant's signature and not simply an e-squiggle). You must be able to show an audit trail for the signing process.

Remote consultations

- if the client is not present, you can still note this on the online system, where you can use the reason for no signature - "*client not present and agrees with the declaration terms*", once you have confirmed with your client that they agree with the declaration terms. This reason can also be used for other remote situations such as prison VC links, the Glasgow Sheriff Court to HMP Barlinnie TV link, and in Parole Board cases when you are holding remote consultations

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- you should use - “*Other*” for all other reasons, with a full explanation given of the circumstances for us to consider.

Covid 19 cases

- you can use the “*Other*” reason for genuine Covid cases, but you also need to let us know that the client agrees with the declaration. If you are seeing the client remotely, you should use the “*client not present and agrees with the declaration terms*” option.

Signatures in cases where your client is detained

If you cannot immediately get a signature from a client who is detained in custody, you should try to get the signature after the initial consultation where this is possible.

- if this is not possible, then, once you have confirmed that the client accepts the terms of the declaration, you can submit the application without the wet signature on the declaration form. You should use the category – “*Client unable to sign, and agrees with the declaration terms.*”

Further information on the declaration forms can be found in the legal aid guidance for [Declarations and financial verification](#) or on the [Legal Aid Online declarations](#) page.

Clawback and regulation 16(3)

Clawback limits

The solicitor’s right to prior payment of fees and outlays out of any property recovered or preserved for a client under advice and assistance does not apply to property recovered or preserved by virtue of certain family proceedings listed in regulation 16(2)(b) of the Advice and Assistance (Scotland) Regulations 1996, to the extent set out in the regulation.

Please note the exemption under Regulation 16(2)(b) affecting money or the value of property recovered or preserved by virtue of certain family proceedings, no longer applies where advice and assistance was provided on or after 1 April 2011.

The limits to be applied are:

| | |
|---|--------|
| Date of order or settlement prior to 1 December 2002 | £2,500 |
| Date of order or settlement on or after 1 December 2002 (and not covered below) | £4,200 |
| Date of application <i>for advice and assistance between:</i> | |
| 06 April 2003 and 11 April 2004 | £4,275 |
| 12 April 2004 and 10 April 2005 | £4,395 |
| 11 April 2005 and 09 April 2006 | £4,531 |
| 10 April 2006 and 08 April 2007 | £4,653 |
| 09 April 2007 and 06 April 2008 | £4,821 |
| 07 April 2008 and 05 April 2009 | £5,009 |
| 06 April 2009 and 11 April 2010 | £5,259 |
| 12 April 2010 and 01 April 2011 | £5,338 |
| On or after 1 April 2011 | NIL |

In relation to advice and assistance granted on or after 1 April 2011, **no exemption** can be applied to:

- any dwelling recovered or preserved for the client as a result of advice and assistance given to them by the solicitor

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- any money paid under an order made by the Employment Appeal Tribunal which continues in existence under section 20 of the Employment Tribunals Act 1996 or under any settlement arrived at to prevent or bring to an end proceedings in which such an order may be made
- any payment of money in accordance with an order made under section 21 of the 1996 Act by the Employment Appeal Tribunal
- any payment of money in accordance with an order made by an employment tribunal or under any settlement arrived at to prevent or bring to an end proceedings in which such an order may be made.

Regulation 16(3)

We pay fees and outlays according to the steps set out in section 12(3) of the Act. The Fund only pays as a last resort – you must first look to the client’s contribution, expenses paid by the opponent and property recovered or preserved by the applicant (subject to the exemptions set down in regulation 16(2) of the Advice and Assistance (Scotland) Regulations 1996.

If money or property is recovered, you can apply to us to waive this charge because either:

- it would cause grave hardship or distress to the client [regulation 16(3)(a)]; *or*
- payment of your account from the money or property could only be effected with unreasonable difficulty or after unreasonable delay, provided you have taken all reasonable steps to have your account paid out of the money or property [regulation 16(3)(b)].

If, after we have paid a solicitor’s account under regulation 16(3)(b), we find that the person who received advice and assistance has:

- either received expenses, or recovered or preserved property, *and*
- not told us about it,

we can recover the amount of fees and outlays paid, less any amount which would have been properly payable by way of fees and outlays under section 12(3)(d) of the Act had the person declared the expenses or property to us.

For further information about clawback under advice and assistance, and payment under regulation 16(3), you should refer to the guidance on [our website](#).

Civil legal aid

Passporting benefits – automatically eligible

If your client is the only “person concerned” (see meaning below) in terms of our regulations, and they are in receipt of or included in their partner or spouse’s award of any of the following benefits at the date of application, they will not have to pay a financial contribution towards their case if their application is successful:

- Income Support
- Income based Employment and Support Allowance
- Income based Jobseekers Allowance
- Universal Credit.

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Meaning of “person concerned”: this means the person whose disposable income, disposable capital, and maximum contribution are to be determined or the person whose resources are to be treated as the resources of any other person, under our Regulations.

We will verify a client’s receipt of one of the passporting benefits named above with the Department of Work and Pensions (DWP).

Our link with the DWP only checks passport benefits. We are not able to verify any other benefits in payment.

To assist us please do not provide two surnames like “Smith or Jones”.

Our automatic link with the DWP will not be able to confirm the benefits where two names are provided.

Please check the spelling of the name as the DWP link will not confirm the benefit where the name is spelt incorrectly.

Remember, if the benefit claimant is the applicant’s partner, we also need the partner’s details to be correct for the DWP check.

Receipt of a passporting benefit does not preclude us from investigating representations or carrying out verification checks to validate that the person concerned has made a full disclosure of their circumstances to the DWP.

Eligibility limits

To do work as a matter of special urgency under regulation 18, you must complete the online declaration form which is designed to assist you to assess your client’s financial eligibility. The form can be found either in section D of the CIV/SOL Family or CIV/SOL Non Family applications or in the Special Urgency application. To complete the form, you need to apply the current eligibility limits and allowances, which are:

Disposal income

| | |
|---|---------|
| The lower disposable income limit, on or below which a person will not have to pay a contribution from income | £3,521 |
| The upper disposable income limit, above which a person will be ineligible on income | £26,239 |

Allowances for a partner and dependants

| | |
|---|--------|
| Partner living with the applicant | £2,839 |
| For any dependant person who is wholly or substantially maintained, being a member of the applicant’s household, who is not entitled to any income from any source in their own right | £4,570 |

Particular situations

Adults with Incapacity

Where the applicant is seeking a guardianship order relating to the welfare of the Adult or a combined order dealing with welfare and the financial affairs of the adult, no assessment of financial circumstances is undertaken. If the orders sought deal solely with the financial affairs of the adult, or

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relate to other orders such as variation or recall of orders, you must assess the disposable income and capital of the adult concerned, not those of the person making the application.

However, the applicant’s resources should be included in cases where they are the partner of the adult. Please refer to our earlier guidance on the definition of a partner.

Pension credits

You should disregard any income from a state pension credit under the State Pension Credit Act 2002.

However, you should fully assess any other income.

Applications from children

The resources of any person who owes an obligation of aliment to that child, within the definition given in section 1(1)(c) or (d) of the 1985 Act, must be included, along with the child’s resources in establishing financial eligibility unless it would be unjust or inequitable to do so.

If you consider this to be the case, please seek further advice from us.

Calculating income contributions

If someone’s disposable income exceeds £3,521, they are eligible on income but will have to pay a contribution. The following table sets out how the contribution should be calculated:

| Disposable income | Contribution rates applied to income in that range |
|-------------------|--|
| Below £3,521 | 0% |
| £3,522 - £11,540, | 33% |
| £11,541 - £15,743 | 50% |
| £15,744- £26,239 | 100% |
| Over £26,239 | Not eligible |

Disposable capital

| | |
|---|---------|
| The lower capital eligibility limit, on or below which a person will not have to pay a contribution | £7,853 |
| The upper capital eligibility limit, above which SLAB may refuse a person legal aid if it considers they can afford to proceed without it | £13,017 |

If someone’s disposable capital is between £7,853 and £13,017 they are eligible on capital, but will have to pay a contribution. This contribution is equal to the difference between their capital and £7,853. Unlike advice and assistance there are no statutory allowances from capital for partners or dependants.

Clawback limits

You should refer to the Civil Legal Assistance guidance for information on clawback.

The requirement for someone receiving civil legal aid to pay any net liability to the Fund does not apply to property recovered or preserved under certain family proceedings listed in regulation 33(b) of the Civil Legal Aid (Scotland) Regulations 2002, to the extent set out in the regulation. **This exemption no longer applies to civil legal aid granted on or after 1 April 2011.**

| | |
|---|--------|
| Date of order or settlement prior to 1 December 2002 | £2,500 |
| Date of order or settlement on or after 1 December 2002 (and not covered below) | £4,200 |
| Date of application <i>for advice and assistance between:</i> | |

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| | |
|---------------------------------|--------|
| 06 April 2003 and 11 April 2004 | £4,275 |
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| 12 April 2010 and 01 April 2011 | £5,338 |
| On or after 1 April 2011 | NIL |

In relation to civil legal aid granted on or after 1 April 2011 no exemption can be made in respect of any money payable under an order made by the Employment Appeal Tribunal or under any settlement arrived at to prevent or bring to an end proceedings in which such an order may be made.