

FACTSHEET No 14:



Legal Aid

Since April 2013 almost all legal aid for private family law cases has been stopped. However public money is still available to fund Family Mediation for those who are eligible. Eligibility for public funding is best checked on the UK Government website calculator: <https://www.gov.uk/check-legal-aid>

Benefits

You should be eligible for legal aid if you receive any of the following benefits: Income support, Income-based Jobseeker's Allowance, Universal Credit, Guarantee Credit element of Pension Credit or Income-based Employment and Support Allowance.

Income

To be eligible for legal aid your income before tax should be £2657 or less. Or if you have more than 4 children you add £222 to this figure for your fifth child and any other children.

You will be eligible for legal aid if your disposable income (i.e. after tax, some housing and child-care costs are taken away) is £733 per month or less.

The deductions you can make from your gross monthly income are:

£45 if you are employed

£179.46 if you have a partner who is dependent on you

£288.22 if you have a child aged 15 or under

£288.22 if you have a child aged 16 or over

Rent/mortgage payments (capped at £545 if you have no dependents)

You can also deduct tax, national insurances, maintenance you pay, child-care costs if you are working any contributions you are making to criminal legal aid.

If after making these deductions you have less than £733 disposable income per month you may be eligible for legal aid.

FACTSHEET No 14:



Legal Aid

Capital

If you have property or savings of more than £8000 you will not be eligible for Legal Aid.

However if you have a mortgage of £100,000 or more you can ignore up to £100,000 of your value of the property (this is known as a mortgage disregard).

You can also ignore another £100,000 of the value of your property (this is known as an equity disregard).

If your home is the subject matter of your mediation you can use the mortgage disregard and the equity disregard plus you can disregard another £100,000 of your share of the equity in the property (this is known as the Subject Matter of Dispute or SMOD disregard). If your share in the equity of your home is worth £100,000 or less after you have taken £100,000 of the value of the property for a mortgage disregard and £100,000 off for the equity disregard you may be eligible for legal aid.

Example 1:

House value:	£500 000
minus mortgage disregard:	£100 000
Total Equity:	£400 000
Client's share (if owned in joint names):	£200 000
Minus SMOD disregard:	£100 000
Minus Equity disregard:	£100 000
Equity:	nil

In this example the client would be eligible (providing other capital when added to this figure does not exceed £8000)

Example 2:

House value:	£600 000
minus mortgage disregard:	£100 000
Total Equity:	£500 000
Client's share (if owned in joint names):	£250 000
Minus SMOD disregard:	£100 000
Minus Equity disregard:	£100 000
Equity:	£50 000

In this example the client's disposable income would be assessed at £50 000 and they would not be eligible for legal aid.

FACTSHEET No 14:



Legal Aid

New Partners

If you have a new partner who you live with or are financially dependent on their income and capital will need to be included in the above figures.

All these figures are correct as of April 2014.

For more information go to <https://www.gov.uk/civil-legal-aid-means-testing>

Evidence Needed

If you think you are eligible for Legal Aid you will need to bring evidence to your first appointment with us. You must provide evidence relating to the period of one month up to the date of the application.

We will need:

- Your National Insurance number
- If you have a bank account you should bring a printed statement showing payments received and made during the period one month up to the date of the application

INCOME

If you are employed you should provide pay slips showing pay received in the month up to the application. If you receive monthly pay slips your most recent pay slip will be sufficient. If you are paid weekly your four most recent pay slips will be necessary. Pay slips are needed as well as bank statements because they show gross income and deductions (PAYE, National Insurance and Pension contributions) not shown on the bank statement.

If you are self-employed you will need to bring, in addition to the bank statement, a complete set of financial accounts . the most recent available. A self-assessment tax return and a cash book showing any drawings in the last calendar month not recorded in the bank statement.

If you receive other income you will need to bring evidence of this:

- Pension: Statement from the pension provider showing payment in the last month and tax deducted.
- Rental income: current tenancy agreement showing evidence of rent received.
- Income from family/friend; letter from family/friend confirming this
- Student grant/loan: letter showing amount of most recently received payment
- State benefits: Original notification letter.
- Latest letter advising of any change in benefit amount
- Letter from Department for Work or Pensions, Jobcentre Plus, Pension Service confirming receipt of benefit at the date of application (Government departments will provide this on request if advised that it is needed for the purpose of an application for legal aid. This letter must be less than six months old
- Tax credits: Recent Tax Credit Award Notice or other recent HMRC letter confirming amount received (letter must be less than six months old)

FACTSHEET No 14:



Legal Aid

- Other: any other income must be declared and evidence of the amount received within the previous month provided.

EXPENDITURE

You must provide evidence of expenditure unless you are in receipt of Income Support; Income based Job Seekers Allowance, Income-related Employment and Support Allowance, Guarantee or Universal Credit.

Evidence of expenditure on items below will affect your eligibility

- Income Tax and National Insurance . usually shown on wage slips. Self - employed should bring most recent available tax return.
- Housing costs: Rent book, mortgage statement, bank statement.
- Child care costs: evidence needed only if these exceed £600 per month.
- Maintenance: receipts, bank statement, copy of Order.

CAPITAL

You must declare any capital/savings.

If you are a homeowner you need to be able to state the approximate current market value of the house (and any other houses you own). You also need to know the value of any outstanding mortgage(s).