

Civil news: amendments to legal aid eligibility criteria

News story

Compensation provided to claimants of specific compensation schemes will now be disregarded when assessing civil legal aid eligibility.



Legal aid eligibility criteria has changed and will now allow more people to access justice in civil cases of law.

The Legal Aid Agency (LAA) has implemented the changes made to the regulations to ensure that claimants of specific compensation schemes are not disadvantaged in applying for legal aid.

LAA Chief Executive, Jane Harbottle said:

I welcome this change as it will ensure that many more people are able to access the justice they need.

The Legal Aid Agency has worked to implement these important changes as quickly as possible and I would like to acknowledge this work to support families experiencing difficult circumstances.

There will now be a mandatory disregard for these 6 schemes, when applying for civil legal aid:

- Relevant Infected Blood Support Schemes covering [England](#), [Wales](#), [Northern Ireland](#) and [Scotland](#) (and earlier support schemes)
- Payments under the Vaccine Damage payment Act
- Compensation for person diagnosed with variant Creutzfeldt-Jakob disease (vCJD)

In addition, there will be a discretionary approach applied to these 4 schemes:

As a result of receiving a compensation payment from these compensation schemes or any connected payment (e.g. to a relative) some individuals applying for legal aid would have failed the financial eligibility criteria if the change to the means test had not been made, due to such payments being considered as income or capital.

Mortgage cap removal

The legislation also removes the existing cap on the amount of mortgage debt that can be deducted from a property's value, so that all mortgage debt will be deducted. This means that more individuals will pass the financial eligibility criteria for civil legal aid. This change will come into effect from 28 January 2021.

Further information

[Disregard of payments from Infected Blood Support Schemes \(and other specified compensation payments\) guidance](#) – full information for legal aid providers

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