

## **LSANI – Guidance on the Completion of Financial Eligibility in Advice and Assistance**

### **Purpose**

This guidance note concerns all solicitors as the assessing authority for Advice and Assistance under the Legal Aid Scheme in Northern Ireland.

### **Assessment of your client's financial eligibility**

1. To qualify for Advice & assistance your client's disposable income and disposable capital (for the seven days up to and including the date of application) must be verified by you and be below the specified limits as set out in [The Civil Legal Services Financial Regulations \(Northern Ireland\) 2015](#).
2. Advice and assistance is available for legal aid applicants, without a contribution, if they are directly or indirectly receiving one of the below passported benefits **and** are not over the specified capital limit:
  - Income support
  - Income-related employment and support allowance
  - an income-based jobseeker's allowance
  - Guaranteed Pension Credit
  - Universal Credit
3. Advice and assistance is also available, subject to payment of a contribution, to persons whose disposable income is within the limits specified in the above regulations. You must take into account their total income, net of tax and national insurance, from all sources for the seven days immediately preceding the application.

## **Eligibility limits**

3. The limits of disposable income and disposable capital, which determine whether your client is eligible and whether a contribution is due, are specified in the regulations.
4. If you cannot get documentary evidence when you admit the potential applicant to advice and assistance, you should ensure you obtain and produce it before or when submitting a request for payment.
5. We would recommend that you should see the following:

### **For income**

- Where the person is employed, a recent wage slip or bank statement
- Where the person is receiving benefits, a letter of award or a bank statement (which might simply be an ATM receipt showing the credit)

### **For capital** – even if the person is in receipt of a passporting benefit

- A bank statement, pass book and certificate for savings and/or investments. Where the person does not have any capital you must record that you have checked this and get a declaration to this effect from the person which you should upload onto LAMS.
6. We appreciate that in some circumstances the person may not have documentary evidence available when consulting you. You may be satisfied from the limited information available but you must still seek verification from the person at the earliest opportunity.
  7. Once you have this evidence you should upload it onto LAMS and keep a copy of this verification on file, so that it can be seen at review by us if we request your file.
  8. If you have not seen any evidence or provided a satisfactory reason for non-production, you will not be paid for the work undertaken.

## Further Guidance

9. To help you assess eligibility we have produced a number of [Frequently Asked Questions](#) that contain a summary of the assessment rules, the current income and capital limits and the table of contributions.

**LSANI**

**10 February 2022**