

Eligibility Changes from 10th April 2006 (CLS Support Contracting Email Bulletin no. 78)

1 Introduction

- 1.1 The purpose of this email bulletin is to brief agencies on the changes to eligibility which came into effect on 10th April 2006. This bulletin has been checked and agreed for accuracy by the Legal Services Commission (LSC).
- 1.2 The LSC published details of changes to eligibility for all levels of service in Focus 50 (April 2006). The new eligibility keycard ([Keycard No. 42](#)) sets out changes to eligibility for Legal Help, Help at Court and Controlled Legal Representation (CLR).
- 1.3 This bulletin covers the main changes to financial eligibility for 'controlled work' i.e. Legal Help, Help at Court and CLR.

2 New eligibility rates

- 2.1 The following changes apply **from 10th April 2006**:
 - the **gross income limit** is increased to **£2,350** per month (for clients with more than 4 children £145 is added to this limit for the 5th and each additional child);
 - the **disposable income limit** is increased to **£649** per month;
 - **dependants allowances** are increased as follows:
 - the **partner allowance** is increased to **£141.87** per month
 - the allowance for **a child aged 15 or under** is increased to **£198.06** per month
 - the allowance for **a child (or other dependant) aged 16 or over** is increased to **£198.06** per month
 - the monthly disposable income for the **pensioners capital disregard** increases to **£279** per month¹;
 - **Independent Living Fund payments** are added to the list of income which is **disregarded** when assessing financial eligibility (this includes payments from both the Independent Living (Extension) Fund and the Independent Living (1993) Fund);
 - **NASS payments** are now a **passporting benefit** for cases in the immigration and asylum category **only** (see below);

¹ For further information on the operation of the pensioners capital disregard, see CLS Support Email Bulletin no. 52, "Older People's Eligibility: the Pensioner Capital Disregard" (September 2005).

- the **capital limit for CLR in asylum** increases to £8,000 (in line with most other levels of service); however the limit for CLR in non-asylum immigration matters remains at £3,000 (see below).
- 2.2 The CW1 form has not changed from 10th April. The LSC intend to issue an updated CW1 form later in the year. Agencies should continue to use the current version of the CW1 (version 10 from July 2005) for the time being.

3 Eligibility in immigration & asylum cases

- 3.1 As stated above, NASS support (i.e. payments under s. 95 of the Immigration & Asylum Support Act 1999) is now a passporting benefit for clients seeking Legal Help or CLR in the immigration and asylum category.
- 3.2 This means that such clients are automatically eligible and you do not need to further assess their income or capital. Until the CW1 form is updated to reflect this, you should enter "Nil – NASS in payment" on the income & capital sections of the form for asylum and immigration cases. The CW2(Imm) has been updated and the LSC has sent a hard copy to immigration suppliers directly. It can also be accessed from the [LSC website](#) via their online eligibility calculator.
- 3.3 Note that NASS support does not automatically passport clients for eligibility in other categories of law. If a client in receipt of NASS support is seeking advice on a case not in the immigration and asylum category (e.g. on a housing or employment law matter), you will need to assess their income and capital in the usual way.
- 3.4 As stated above, the capital limit for CLR in asylum matters increases to £8,000 (in line with most other levels of service). However the limit for CLR in non-asylum immigration matters remains at £3,000. The LSC states that they intend to raise this to £8,000 but with a contribution from the client – they will be consulting on this later in the year.
- 3.5 Page 8 of [Focus 50](#) details these changes (and other issues of relevance to immigration advisers).

4 Further information and guidance

- 4.1 *Focus 50* can be downloaded from the LSC's website at http://www.legalservices.gov.uk/civil/focus/focus_newsletter.asp.
Keycard 42 is at pages 11 & 12 of *Focus 50* and is also attached with this bulletin. Alternatively it can be downloaded from the LSC's website at <http://www.legalservices.gov.uk/civil/forms/keycards.asp>.

² You will be able to claim other disbursements, apart from client travel, when conducting a case under tolerances.

³ Or to make a home visit, see NfP specification para 3.2.

⁴ See LSC Manual (Solicitor) 1D—060.

- 4.2 The LSC's online calculator has been updated with the new eligibility rates, however it does not yet reflect that NASS support is now a passporting benefit. The calculator is found at http://www.legalservices.gov.uk/civil/calc/whatis_calculator.asp.
- 4.3 CLS Support has published detailed guidance on all aspects of eligibility in our briefing "Eligibility – Principles and Practice" (Contracting Briefing no. 9, October 2005) and also specific information on the pensioner capital disregard in CLS Support Contracting Email Bulletin no. 52, "Older People's Eligibility: the Pensioner Capital Disregard" (September 2005). These can be downloaded from the User's Area of our website at <http://www.asauk.org.uk/clssupport>.
- 4.4 If you require further help or advice on any of the issues covered in this email bulletin, please contact the CLS Support consultancy service on **0870 7700 447 Monday to Friday 1pm–4pm** or email cls.support@asauk.org.uk at any time.