

Civil news: changes to mortgage debt in eligibility calculations



An important change to the eligibility criteria is happening with the removal of the mortgage cap as part of the means test for civil legal aid.

Recent legislation has removed 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.

We are in the process of implementing the necessary changes made to the regulations to make sure that claimants with a mortgage over a specific value are not disadvantaged in applying for legal aid.

Legal Aid Agency (LAA) Chief Executive, Jane Harbottle said:

The LAA is working to implement these important changes as quickly as possible and I would like to acknowledge this work to support families experiencing difficult circumstances.

This change, together with specific compensation schemes being excluded from our calculations for legal aid will help to widen access to justice in civil cases of law.

Forms update

The changes to eligibility regulations have been reflected in the civil legal aid application forms.

Previous versions of the application forms will continue to be accepted until 31 March 2021.

However, the previous forms will still refer to the mortgage cap and providers must ensure that the correct regulations are applied in the calculation of an individual's means and therefore the full mortgage/secured

loan must be deducted.

Please make use of the new forms as soon as possible.

Further information

[Civil news: amendments to legal aid eligibility criteria](#)

[Civil legal aid: means testing](#)

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1. 28 January 2021

Edit to remove the section on CCMS contingency arrangements now that the change has been made to operational software.

2. 28 January 2021

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