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Legal aid means testing to hit the Crown court in January

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Defendants convicted in the Crown court will have to pay a contribution towards their legal expenses under government plans to redirect legal aid funds more appropriately. The announcement follows a consultation on the proposal to introduce means testing in the Crown court.

Under the proposed scheme, all Crown court defendants who submit a form will be granted legal aid. They will have to provide details of their income and capital assets to determine whether they are able to pay some or all of their legal costs.

The Ministry of Justice says the assessment will be 'very sensitive to individual circumstances, and take into account a range of actual expenses and cost of living allowances and individual family circumstances to establish disposable income'.

A hardship unit will act as an additional safeguard for those who believe they cannot afford to make a contribution.

The scheme will begin at five courts in January 2010. Early adopters are Bradford, Preston, Swansea, Blackfriars and Norwich. The MoJ will consult on draft regulations shortly.

Justice Minister Lord Bach said: 'The government strongly believes that those convicted of a crime, and who have been ordered to make a contribution, should pay some or all of the cost of their publicly funded defence. In these tough economic times it makes sense that those who can afford to pay for their legal representation should do so.'

'The reforms we are making to legal aid ensure this happens, and are part of our promise to deliver real help now to those most in need, while developing an economically sustainable system that ensures fair and equitable access to all.'

He added: 'We have been listening to those involved in the criminal justice system and the general public, who in the majority support this approach.'

Carolyn Regan, chief executive of the Legal Services Commission, said: 'We have carefully considered the concerns of the public and professionals working in the system and have addressed their needs where we can. We are confident that the way forward will deliver significant savings enabling us to ensure the legal aid system remains sustainable in the future.'

The government also announced it is to press ahead with controversial plans to cap the amount that acquitted defendants who pay for representation privately can recover. The MoJ says that capping reimbursements to legal aid rates will save up to £25m a year.

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