

# A Guide to Civil Legal Aid

## Prescribed Amounts - 2008

This guidance document should be read in conjunction with our main guidance document entitled "A Guide to Civil Legal Aid – General Guidance".

All of our guidance documents have been issued to provide general guidance only. You should not treat any of our guidance documents as an authoritative statement of the law which governs the administration of civil legal aid.

We have endeavoured to provide a good level of guidance and scenarios which will be of assistance to as many of our customers as possible, however if you have any queries which are not answered within our guidance documents or you feel that further guidance should be included please contact the Legal Aid Office on 685977 for assistance.

If your enquiry cannot be dealt with by phone we will be more than happy to meet you in person to discuss your enquiry with you. Please ensure you contact our office in advance to arrange a prior appointment in this regard, this will ensure that the appropriate staff member is available to see you when you attend our office.

Please note that the prescribed amounts are reviewed on an annual basis, however they are not always increased after review. If you are unsure as to whether this guidance document contains the current prescribed amounts, please either contact the Legal Aid Office for confirmation or access our guidance documents on-line at [www.gov.im/registries/legal](http://www.gov.im/registries/legal).

The prescribed amount is made up of 4 parts.

## **Part 1 – You and your family**

An amount for you, your partner and your family, (if you have one).

**£149.27 per week** for a single person

**£229.65 per week** for a married couple with no children

**£243.70 per week** for a family with one child under the age of 20 or a disabled adult

An extra

**£35.40 per week** for each additional child under the age of 19 or additional disabled adult

**£33.60 per week** for a disabled child

## **Part 2 – Hours of Employment**

Persons working for 24 hours or more each week are entitled to an additional **£27.45 per week**. Please note that this does not apply to people who are self-employed.

## Part 3 – Housing Costs

If you are responsible for housing costs (rent or loan interest) an additional amount is allowed. This is subject to a maximum amount in respect of those who own their property or are in privately rented accommodation.

The maximum amounts are as follows:

<b>£108.00 per week</b>	For a single person or couple with no children
<b>£127.00 per week</b>	For a lone parent or couple with 1 child
<b>£138.00 per week</b>	For a lone parent or couple with 2 children
<b>£151.00 per week</b>	For a lone parent or couple with 3 or more children

You will also be given an additional allowance if you are responsible for the payment of rates. This will be 95% of the annual rates charge which will be divided by 52 to give a weekly amount.

If you live in your own property and are responsible for the maintenance and insurance of that property, a further amount of **£11.05 per week** is allowed.

If you live as a lodger with someone else, the amount allowed for your housing costs is **£45.90 per week**.

If you live with a family (for example a single mother living with her parents) the amount allowed for housing costs is **£12.45 per week**.

If you have a non-dependant or group of non-dependants living within your home we will deduct **£22.30 per week** from your housing costs allowance.

## Part 4 – Child Care Charges

If you are paying a registered childminder, nursery or other DHSS approved organisation, subject to certain conditions, we may include an allowance in this regard when calculating your prescribed amount. Please contact the Legal Aid Office on 685977 for further details in this regard. The allowance is subject to the following maximum amounts:

For people who work **less** than 24 hours per week

**£104.00 per week** for 1 child

**£168.00 per week** for 2 or more children

For people who work **more** than 24 hours per week

**£150.00 per week** for 1 child

**£221.00 per week** for 2 or more children

# Financial Determination - Examples

## Example 1

A single person who pays rent at £475.00 per month. Works 37 hours per week at £7.00 per hour.

<b>Income</b>	Per week
Earnings (after NI and Income Tax deductions)	£230.50
Income Total	£230.50
<b>Prescribed Amount</b>	
Basic Amount	£149.27
Housing Costs (limited to a maximum)	£108.00
Additional amount for working plus 24 hours	£27.45
Prescribed Amount Total	£284.72
<b>Net Resources</b>	
Income Total minus Prescribed Amount Total	<b>-£54.22</b>

This person would qualify for free legal aid as their total income is less than the prescribed amount total.

## Example 2

A single person who lives with their Mother and is in receipt of Incapacity Benefit.

<b>Income</b>	Per week
Incapacity Benefit	£68.20
Income Total	£68.20
<b>Prescribed Amount</b>	
Basic Amount	£149.27
Housing Costs	£12.45
Prescribed Amount Total	£161.72
<b>Net Resources</b>	
Income Total minus Prescribed Amount Total	<b>-£93.52</b>

This person would qualify for free legal aid as their total income is less than the prescribed amount total.

### Example 3

A married couple with no children. The wife works 16 hours per week and earns £86.40. They own their own house and are responsible for the payment of rates, maintenance and insurance only (rates are £300.00 per year).

<b>Income</b>	Per week
Earnings	£86.40
<b>Income Total</b>	<b>£86.40</b>
<b>Prescribed Amount</b>	
Basic Amount	£229.65
Housing Costs: Maintenance & Insurance	£11.05
Housing Costs: Rates ( $£300.00 \times 95\% \div 52$ )	£5.48
<b>Prescribed Amount Total</b>	<b>£246.18</b>
<b>Net Resources</b>	
Income Total minus Prescribed Amount Total	<b>-£159.78</b>

This person would qualify for free legal aid as their total income is less than the prescribed amount total.

## Example 4

A married couple with 2 children under 13. The husband works 37 hours per week and his net wage after National Insurance and Income Tax deductions is £320.00 per week. His wife works 21 hours per week and her net wage is £105.45. They pay an endowment mortgage of £620.00 per month and are also responsible for the payment of rates, maintenance and insurance. They have savings of £13,500.00 and they pay £170.00 per week child minding fees to a registered child minder.

<b>Income</b>	Per week
Husband's Earnings	£320.00
Wife's Earnings	£105.45
Assumed Income from Savings	£2.00
Income Total	£427.45
<b>Prescribed Amount</b>	
Basic Amount	£279.10
Housing Costs: Mortgage Interest (subject to a maximum)	£138.00
Housing Costs: Rates ( $£400.00 \times 95\% \div 52$ )	£7.31
Housing Costs: Maintenance and Insurance	£11.05
Additional amount for working plus 24 hours	£27.45
Child Care Costs	£170.00
Prescribed Amount Total	£632.91
<b>Net Resources</b>	
Income Total minus Prescribed Amount Total	<b>-£205.46</b>

This person would qualify for free legal aid as their total income is less than the prescribed amount total.

## Example 5

A couple with 3 children paying rent and rates to DOLGE of £52.00 per week. The man's Mother lives with them. The man is self employed and works, on average, 35 hours per week. He pays £10.00 towards a private pension. His common-law wife is receiving Incapacity Benefit of £61.25 per week. From the profit and loss accounts submitted to the Legal Aid Office it is ascertained that the weekly profit from self employment is £189.00 per week less National Insurance contribution of £2.20.

<b>Income</b>	Per week
Husband's Earnings – Profit from Self Employment	£186.80
Incapacity Benefit	£61.35
Less 50% contribution to occupational pension	-£5.00
<b>Income Total</b>	<b>£243.15</b>
<b>Prescribed Amount</b>	
Basic Amount	£314.50
Housing Costs: (52 week year)	£50.00
Less assumed rent contribution from Mother	-£22.30
Additional amount for working plus 24 hours <i>(not applicable as self employed)</i>	£0.00
<b>Prescribed Amount Total</b>	<b>£342.20</b>
<b>Net Resources</b>	
Income Total minus Prescribed Amount Total	<b>-£99.05</b>

This person would qualify for free legal aid as their total income is less than the prescribed amount total.

## Example 6

A single person who pays rent at £800.00 per month. Works full time and earns £425.75 per week after National Insurance and Income Tax deductions.

<b>Income</b>	Per week
Earnings (after NI and Income Tax deductions)	£425.75
Income Total	£425.75
<b>Prescribed Amount</b>	
Basic Amount	£149.27
Housing Costs (limited to a maximum)	£108.00
Additional amount for working plus 24 hours	£27.45
Prescribed Amount Total	£284.72
<b>Net Resources</b>	
Income Total minus Prescribed Amount Total	<b>£141.03</b>

This person would **not** be eligible for legal aid as their net resources equate to £7,333.56 per annum (ie £141.03 x 52) and are therefore above the maximum limit of £4,000.00 per annum.

## Example 7

A married couple with 2 children under 13. The husband works 37 hours per week and his net wage after National Insurance and Income Tax deductions is £480.00 per week. His wife works 21 hours per week and her net wage is £150.45. They pay an endowment mortgage of £620.00 per month and are also responsible for the payment of rates, maintenance and insurance. They have savings of £21,500.00 and they pay £250.00 per week child minding fees to a registered child minder.

<b>Income</b>	Per week
Husband's Earnings	£480.00
Wife's Earnings	£150.45
Assumed Income from Savings	£34.00
Income Total	£664.45
<b>Prescribed Amount</b>	
Basic Amount	£279.10
Housing Costs: Mortgage Interest (subject to a maximum)	£138.00
Housing Costs: Rates ( $£400.00 \times 95\% \div 52$ )	£7.31
Housing Costs: Maintenance and Insurance	£11.05
Child Care Costs	£170.00
Additional amount for working plus 24 hours	£27.45
Prescribed Amount Total	£632.91
<b>Net Resources</b>	
Income Total minus Prescribed Amount Total	<b>£56.54</b>

This person would be eligible for legal aid as their net resources equate to £2,940.08 per annum (i.e. £56.54 x 52) and therefore fall within the contributory limits (please see guidance notes for details). This person would have to contribute a maximum total of £5,880.16, this total being double the amount of their net resources per annum.

## Glossary of Terms

Term	Definition
Amendment Certificate	This amends the terms/scope of your legal aid.
Assessment of Costs	A procedure generally undertaken once legal aid has ended to establish and certify the cost of the legal aid work, the amount payable to your Advocate and if applicable, your contribution towards that cost.
Assisted Person	The person in receipt of legal aid.
Client of Modest Means	A person who could afford the cost of an Advocate if it meant they had to sacrifice something such as a foreign holiday or the purchase of a new car.
Co-habitee	One of two persons living together as spouses <b>Note</b> two persons of the same gender are to be treated as living together as spouses, if (and only if) they would be so treated were they of different genders.
Contribution	The amount if any you are required to pay towards the cost of your Advocate.
Determination	The process to establish whether you qualify for legal aid.
Discharge	This is when your legal aid certificate ends or is stopped.
DWA	Isle of Man Disability Working Allowance.
Eligibility	Entitlement to legal aid.

<b>Term</b>	<b>Definition</b>
Emergency Legal Aid	Legal Aid which is required immediately for Injunctive Court proceedings and is usually granted prior to the calculation of whether the applicant is financially eligible to receive legal aid. Please note that emergency does not mean late.
FIS	Isle of Man Family Income Supplement.
Green Form Scheme	Legal Advice and Assistance Scheme, please see separate guidance document in this regard.
High Court	Cases heard by a Deemster (Judge), for example, divorce, personal injury, possession.
Income	The amount of money you receive from all sources.
IS	Isle of Man Income Support.
JSA	Isle of Man Income Based Job Seekers Allowance.
Legal Aid	Financial assistance towards the cost of legal representation.
Legal Aid Certificate	Document which describes the terms/scope of your legal aid.
Legal Aid Certifying Officer	The legal officer appointed by the Governor to decide the legal merit of your application.
Legal Aid Committee	The statutory body which oversees the provision of Legal Aid.
Legal Merits	Whether your application has reasonable grounds for being supported, both in terms of its chances of success and its cost effectiveness.

<b>Term</b>	<b>Definition</b>
Limitation	Any conditions or limits that restrict the amount of work an Advocate can do under a legal aid certificate.
Net Resources/Disposable Income	The amount by which your income exceeds the prescribed amount.
Next Friend	A person who has agreed to act as the assisted person's friend (e.g. when the applicant is a minor).
Nominated Advocate	The Advocate who is representing the assisted person.
Panel of Advocates	A list of Advocates who are prepared to represent clients who may be funded by a legal aid certificate. This list is maintained by the Legal Aid Office.
Revocation	Revocation is when your legal aid certificate is not only stopped but is deemed never to have existed. If a revocation certificate is issued, this means that the assisted person becomes liable for the cost of all the work undertaken by the Advocate under the legal aid certificate.
Spouse	Your husband or wife.
Summary Court	Cases heard by the High Bailiff, Deputy High Bailiff and Magistrates. For example, domestic proceedings, care proceedings.
Unassisted Person	A person involved in proceedings who is not legally aided. Generally the opponent of the legally aided person.

# Notes