



Ministry  
of Justice

The Right Honourable  
**Robert Buckland QC MP**  
Lord Chancellor & Secretary of  
State for Justice

**Sir Robert Neill MP**  
Chair of the Justice Committee  
House of Commons  
SW1A 0AA

27 May 2021

Dear Bob,

### **MEANS TEST REVIEW CONSULTATION PUBLICATION DATE**

As you are aware, in February 2019 the Ministry of Justice announced a review of the means test for legal aid. The review is assessing the effectiveness with which the means test protects access to justice, particularly for those who are vulnerable. In doing so, we are considering the full range of means-testing criteria, including not only the income and capital thresholds for civil and criminal legal aid, but also areas such as the passporting provisions for people receiving certain benefits and the level of contributions individuals are required to pay towards their legal costs. We are also considering the experiences of particular groups of legal aid applicants – such as victims of domestic abuse – with the aim of ensuring our proposals work for everyone. As part of the review, we are bringing together data, evidence and expertise from across government and we are engaging with legal practitioners, representative organisations and third sector bodies to explore the issues. We are enormously grateful to the many individuals and organisations from across England and Wales who have contributed their expertise so far.

The Means Test Review is making good progress. As you will be aware, in December last year we laid a Statutory Instrument widening access to civil legal aid. This removed the £100k cap on the amount of mortgage debt that can be deducted from the value of a person's property in the means test, and also disregarded some compensation and ex-gratia payments for the purpose of civil legal aid eligibility.

We previously stated, following an unavoidable delay caused by the Covid-19 pandemic, that the review would be published, alongside a consultation paper, in Spring 2021. In discussion with HM Treasury, we have agreed to push this date back to align more effectively with the Government-wide Spending Review later this year. We currently plan to publish the means test review in Autumn 2021. We will also be contacting key stakeholder groups to inform them of the delay and the reasoning behind this as well outlining our continuing commitment to the review.

We recognise that the conclusion of the Means Test Review is eagerly awaited and apologise if this delay has caused disappointment. I can assure you that Ministers remain committed to the Means Test Review. Let me know if you would like to discuss this issue, or any other issues connected to the Means Test Review, in further detail.

Yours ever

**RT HON ROBERT BUCKLAND QC MP**