



Legal Aid  
Agency

# Hardship and eligibility reviews

## A quick guide to submitting form CRM16

### Introduction

This quick guide is intended to help you know when to use the CRM16 form, how to complete it, and what evidence to provide. It will help avoid us having to return the form and delays to the hardship review due to lack of evidence. We cannot consider any allowable items of extra expenditure until suitable evidence is provided.

Your client may wish to submit a CRM16 hardship form if we have decided that your client has sufficient income for any of the following:

- to pay privately in the magistrates' court
- to pay privately in the Crown Court
- to pay a monthly income contribution for their legal aid in the Crown Court

If your client's financial circumstances have changed since they applied for legal aid you should not use this form. You must complete a fresh CRM14 eForm instead.

If they wish to apply for a hardship review at the same time as applying for legal aid or reporting a change, you can upload a CRM16 to the eForm.

In all other cases, you should email the paper CRM16 to:

[Nationalcrimeteam@justice.gov.uk](mailto:Nationalcrimeteam@justice.gov.uk)

# Form completion

## Signatures

The client must sign page 4 and any relevant partner must sign page 3. This is unless the Covid-19 contingency guidance has been followed.

You must sign page 6 if you have provided an estimate of likely private costs.

## Likely private costs

Providing the likely private costs of the case can make the difference to eligibility.

### Magistrates' court hardship reviews

You must complete pages 5 and 6 in full, with your estimate of the likely private costs of the case. Refer to the guidance notes on the left-hand column on the form.

### Crown Court eligibility reviews

You must complete pages 5 and 6 in full, with your estimate of the likely private costs of the case. This should include an estimate of advocate costs. Refer to the guidance notes on the left-hand column on the form.

**You must submit a CRM16 for a Crown Court Eligibly Review within 21 days of the refusal notice.**

Where it has been more than 21 days since we issued the refusal notice, or there has been a change in circumstances, you must submit a new eForm.

You should provide the original MAAT reference number or USN. Also, in the message facility, tell us that it's a New Application Following Ineligibility. It may otherwise look like a duplicate.

# Evidence required

## Evidence of debt and required payments

For all items of extra expenditure, your client wishes us to consider, they should provide evidence.

This needs to show:

- the outstanding balance
- when the payments first started

- the amount and frequency of the ongoing payments

In the case of Hire Purchase agreements, we require the full terms and conditions along with the signed and dated agreement.

Bank statements showing debits from a bank account are not proof of the debt.

## **Proof of payment in the magistrates' court**

If the trial is not being heard in the Crown Court, they will also need to show that they are making the payments.

## **Expenditure we cannot allow**

### **Expenditure covered by the living allowance**

We cannot allow any items of expenditure that are covered by the living allowance such as food, utilities, transport and insurance - see Section 9.4 of the Criminal Legal Aid Manual.

### **Expenditure allowed in the means assessment**

Items already allowed as deductions in the main assessment do not need to be included on the CRM16 form. Please refer to the means assessment sent to you with the contribution order or refusal notice.

### **Non-essential expenditure**

We cannot allow for costs like TV subscriptions or cigarettes as these are considered non-essential.

## **Further guidance**

See Section 15 and Annex Q of the [Criminal Legal Aid Manual](#) on GOV.UK.

Annex Q includes the CRM16 form completion guidance, which is also available as a stand-alone document on the [CRM16 form page](#) on GOV.UK.