



Legal Aid  
Agency

# Criminal legal aid

## Non-means tested funding

### Guide to help providers identify and submit non-means tested applications

All proceedings in the magistrates' court are means tested.

Any case that is transferred or sent to the Crown Court is means tested. If a representation order already exists, it may already cover additional work.

Appeals to Crown Court against conviction, sentence or order are also means tested.

Proceedings in civil venues are not means tested.

Refer to the Criminal Legal Aid Manual for further guidance, in particular the following sections:

- Section 6.4 – Scenarios where CCMT does not apply
- Section 22 Annex E - Criminal funding in proceeds of crime matter
- Section 25 Annex H – Prescribed proceedings

We advise you consult the guidance before submitting an eForm. This will avoid rejection.

### Contempt of court and breaches of anti-social behaviour injunctions

Full guidance can be found at:

<https://www.gov.uk/guidance/apply-for-legal-aid-for-civil-contempt-cases>


<https://www.gov.uk/guidance/apply-for-legal-aid-for-anti-social-behaviour-injunction-breaches>

Only breaches of ASBCPA injunctions are criminal legal aid. Defending the making of an injunction is a civil matter and you should apply through CCMS.

## Submitting a non-means tested application

You do not require any means information from your client. On the first page of the eForm select 'No' to the question 'Is this application subject to the usual means / passported test?':

3) Is this application subject to the usual means / passported test?

- Yes 
- No

This box should only be ticked 'No' for proceedings that are exempt from the usual means test (please see Criminal Legal Aid Manual).

This should be ticked 'Yes' for passported and youth clients where the proceedings are subject to the means test.

This will automatically remove any means questions and direct your application to a specialised queue processed by trained caseworkers in the National Crime Team.

Please be aware of the evidence requirements for civil contempt and breaches of ASBCPA injunctions.

**No specific higher court venues are available in the eForm, but you can select a generic court venue from the drop-down list as follows:**

County Court

High Court

Family Court

Court of Protection

Chancery Division

Any queries concerning non-means tested applications should be directed to:

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