

How to...seek the Domestic Abuse Waiver

Thursday 22 January 2026
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- Background to the Domestic Abuse Waiver
- Introduce the updated Guidance on seeking the Waiver
- Clarify the process for seeking the Waiver
- Discuss the financial proofs required
- Worked examples

Legislative Framework

- Section 28 of the Domestic Abuse and Civil Proceedings Act (NI) 2021 (“the Act”) amended Regulation 10 of the Civil Legal Services (Financial) Regulations (NI) 2015 (“the Financial Regulations”).
- Introduced a new discretionary power to disapply the upper income and capital financial eligibility limits set out in Regulation 6 of the Financial Regulations.

Regulation 6 of the Financial Regulations

Representation Lower

- Upper Income - £234 per week
- Upper Capital - £3,000

Representation Higher

- Upper Income - £9,937 per annum
- Upper Capital - £6,750

Regulation 10(1A) of the Financial Regulations

(1A) This regulation applies to an application by a client for the funding of representation in proceedings for an order that is an Article 8 order within the meaning of the Children (Northern Ireland) Order 1995 if—

(a) the client is the respondent in the proceedings, and

(b) the Director is satisfied that—

(i) the client is or appears to be the victim of abusive behaviour perpetrated or apparently perpetrated by the applicant seeking the order, and

(ii) the applicant seeking the order is someone to whom the client is personally connected.

(2) Where this regulation applies the Director may, if the Director considers it equitable to do so, disapply the eligibility limits in regulation 6.

Stakeholder Engagement

- Feedback via Law Society
- Feedback from LSA staff
- Engagement with Victim of Crimes Commissioner Designate and support organisations
- Engagement with solicitors directly
- Departmental engagement on operation of legislation
- Departmental engagement regarding Foundational Civil Legal Aid Review

- [LSANI Guidance on seeking the Domestic Abuse Waiver v2.0, January 2026](#)
- Introduced under [Circular LSA 02-26](#)
- Revised [LSANI Financial Assessment – Domestic Violence/Abuse Waiver form](#) published for use in all applications for the Waiver

**Is Waiver
available?**

**Confirmation
Applicant is a
Victim**

**Financial
Calculation**

The Waiver can only be applied where the applicant:

- is **not** in receipt of passporting benefit;
- is or appears to be a victim of domestic abuse;
- is seeking funding to **defend** Article 8 proceedings brought by their perpetrator; and
- is personally connected to the person bringing the proceedings.

The practitioner must take the following steps:

- Make the appropriate level of service application on LAMS;
- Select the nature “Children Order Article 7-41”;
- Select the relevant matter type:
 - Contact Order Article 8 Domestic Abuse Waiver
 - Residence Order Article 8 Domestic Abuse Waiver
 - Prohibited Steps Order Article 8 Domestic Abuse Waiver
 - Specific Issue Order Article 8 Domestic Abuse Waiver

The practitioner must take the following steps:

- Upload documentary proof that the applicant is a victim of domestic abuse;
- Upload the required financial proofs and the 'Financial Assessment – Domestic Violence/Abuse Waiver form';
- Upload the proceedings to be defended; and
- Upload the relevant declaration signed and dated by the applicant and practitioner.

- If applicant is in receipt of passporting benefits or seeking to only take proceedings and a Waiver Nature/Matter is requested this will be queried back to select the correct Nature/Matter.
- Applications to both take and defend proceedings will have the taking element refused (if the applicant is financially ineligible) and the defending element will be considered against the criteria.
- If a Waiver is granted to defend proceedings, any element of work claimed in the Report on Case, for taking proceedings will be queried.

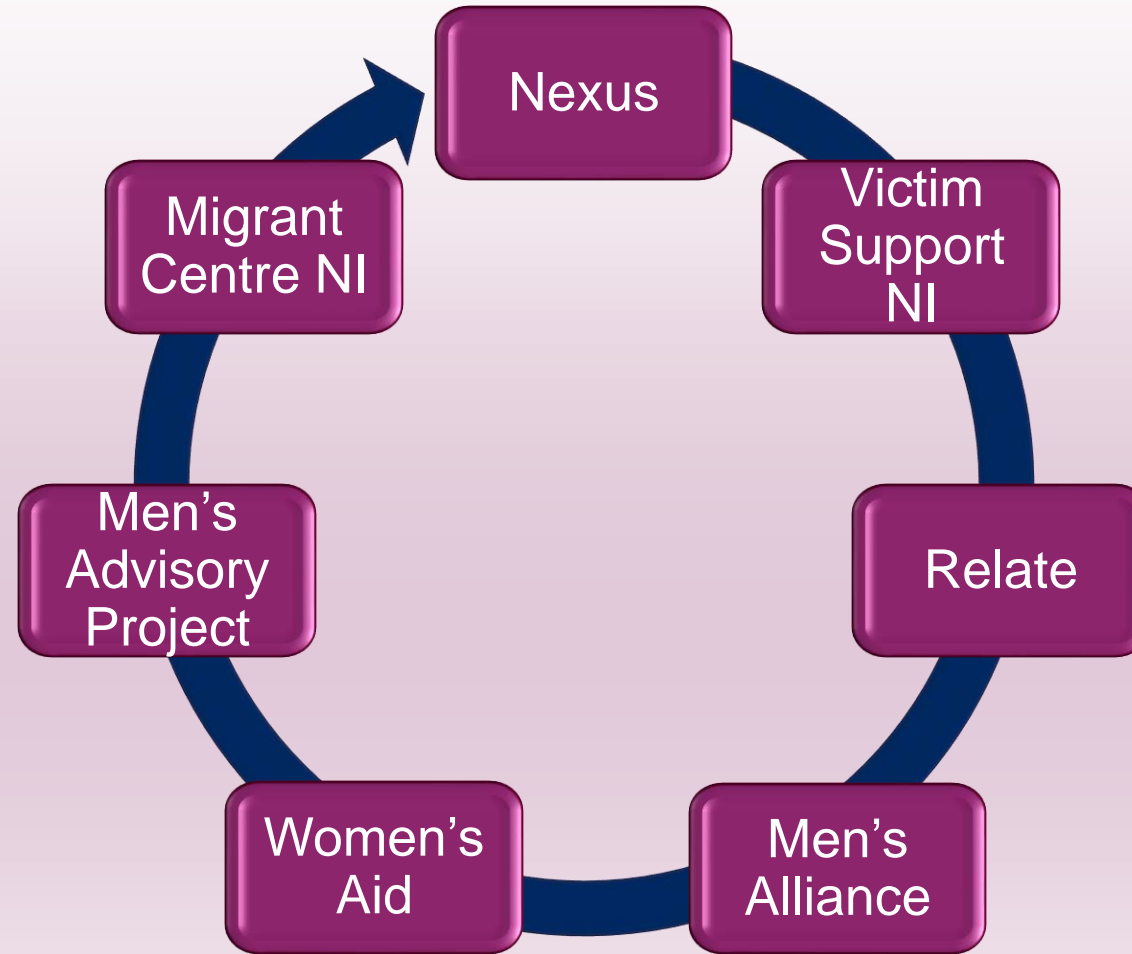
What documents are required to evidence that the applicant has been a victim of domestic abuse?

- Evidence of a conviction or caution for domestic abuse or a crime aggravated by domestic abuse;
- Evidence of a conviction or caution for a crime of violent behaviour;
- Evidence of an inter-partes non molestation or occupation order being granted;
- Evidence from PSNI confirming that the applicant has been a reported victim of domestic abuse; or
- Other evidence providing equivalent assurance that the applicant is eligible for the Waiver.

Where to get evidence?

- NICTS can provide a certificate of conviction – fee payable unless exemption applies;
- PPS can provide a victim with confirmation that a person has been convicted of a crime against them;
- PSNI can provide a letter of confirmation.
Note: a fee will not be payable for this letter but may be payable if additional information is sought such as OCMT records or police reports; or
- Other Agencies can provide confirmation letters.

Which other Agencies can provide evidence?



What financial documentation is needed?

- Waiver provides a discretion to waive the upper income/capital limits
- A full financial assessment is still required in every case
- Para 14 of the Guidance:
“.... in recognition of the particular circumstances of applicants for the Waiver, the Agency is committed to working flexibly with practitioners in relation to the financial proofs which are used to make financial determinations.”
- Significant amendment to the requirement for capital proofs contained in Paras 17 and 22 of the Guidance.

What financial documents are needed?

- Previously, all accounts holding capital sums needed to be uploaded in support of the application.
- However, the capital contribution is capped to £100 where an applicant has more than £3,000 in capital, regardless of the excess.
- Now, where the applicant provides documentary confirmation that they have £3000 in any account(s), we will no longer seek sight of any further capital accounts provided the applicant and Solicitor confirm that there are no income streams in any undisclosed capital accounts.
- Such confirmation is included in the Declaration signed by the applicant and Solicitor on the 'Financial Assessment – Domestic Violence/Abuse Waiver form' which is now required in **every** Waiver application case.

Financial Assessment - Domestic Violence/Abuse Waiver (Representation Lower and Higher Courts only)

In accordance with Regulation 10(1)(a) and 10(1A) of the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 (“the Financial Regulations”).

Contributions payable where the disposable income or disposable capital of the applicant for funding exceeds the relevant limit described in Regulation 6 of the Financial Regulations.

Depending on the assessment an applicant may be required to make a contribution in respect of income or capital, or in respect of both income and capital.

Contribution in respect of capital (Rep Lower and Higher Courts):

Where the person’s disposable capital exceeds £3000, a one-off contribution of £100 shall be payable.

Contribution in respect of income:

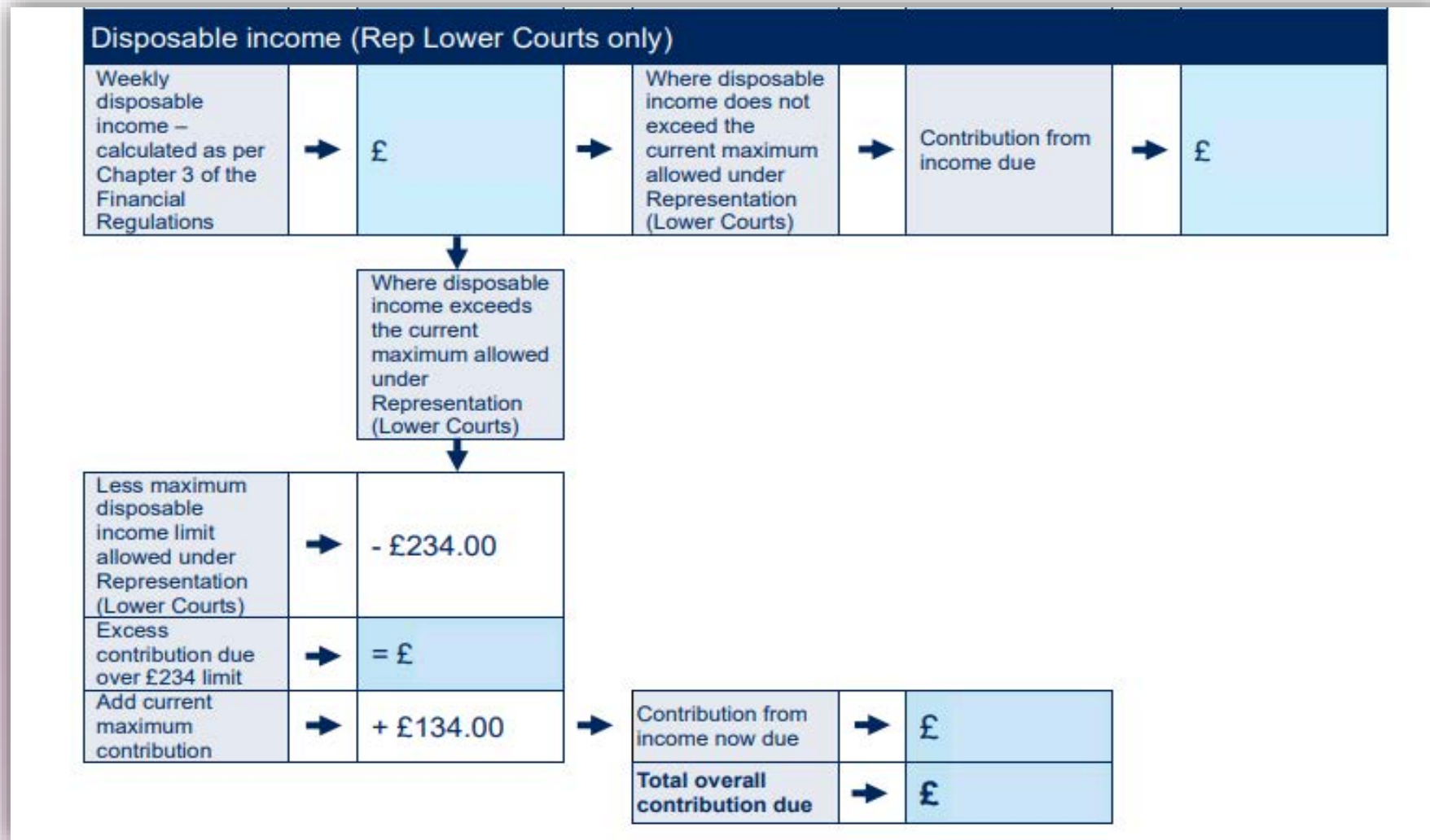
Representation Lower Courts - Where the person’s disposable income exceeds £234 a week, the contribution payable shall be the excess plus £134 (the current maximum contribution).

Representation Higher Courts - Where the person’s disposable income exceeds £3,355 per year, the contribution payable shall be calculated as per the Guidance. Please complete income information on LAMS in the usual way.

Disposable capital

Disposable capital – calculated as per Chapter 3/4 of the Financial Regulations	→	£	→	Where disposable capital is over the current maximum limit of £3000*, a one-off sum of £100 is payable	→	Contribution from capital now due	→	£
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Financial Assessment – Domestic Violence/Abuse Form



Financial Assessment – Domestic Violence/Abuse Form

Applicant declaration

I accept I am liable under this Scheme to pay a contribution not exceeding that as calculated on page 1 (Rep Lower Courts only) or such contribution as is calculated during the Rep Higher Courts means assessment.

I confirm that, where I have provided evidence that I have capital exceeding £3000, any undisclosed capital accounts do not include any source of income.

Applicant's signature:

Date:

Print name:

Solicitor declaration

The applicant wishes to avail of legal aid provided under the Civil Legal Services (General) Regulations (Northern Ireland) 2015. I have explained the effect of this provision to my client and they accept their liability. I confirm that I am satisfied that any undisclosed capital accounts do not include any source of income.

Solicitor's signature:

Date:

Print name:

What financial documentation is needed?

- Test is the disposable income and capital for the 7 days up to and including the date of initial advice.
- In the usual way, financial proofs for the preceding 28 days are required in relation to all income accounts.
- Where capital of over £3000 is evidenced in any account(s), no further capital account proofs are required.
- Complete all parts of the 'Financial Assessment – Domestic Violence/Abuse Form' and upload on LAMS.

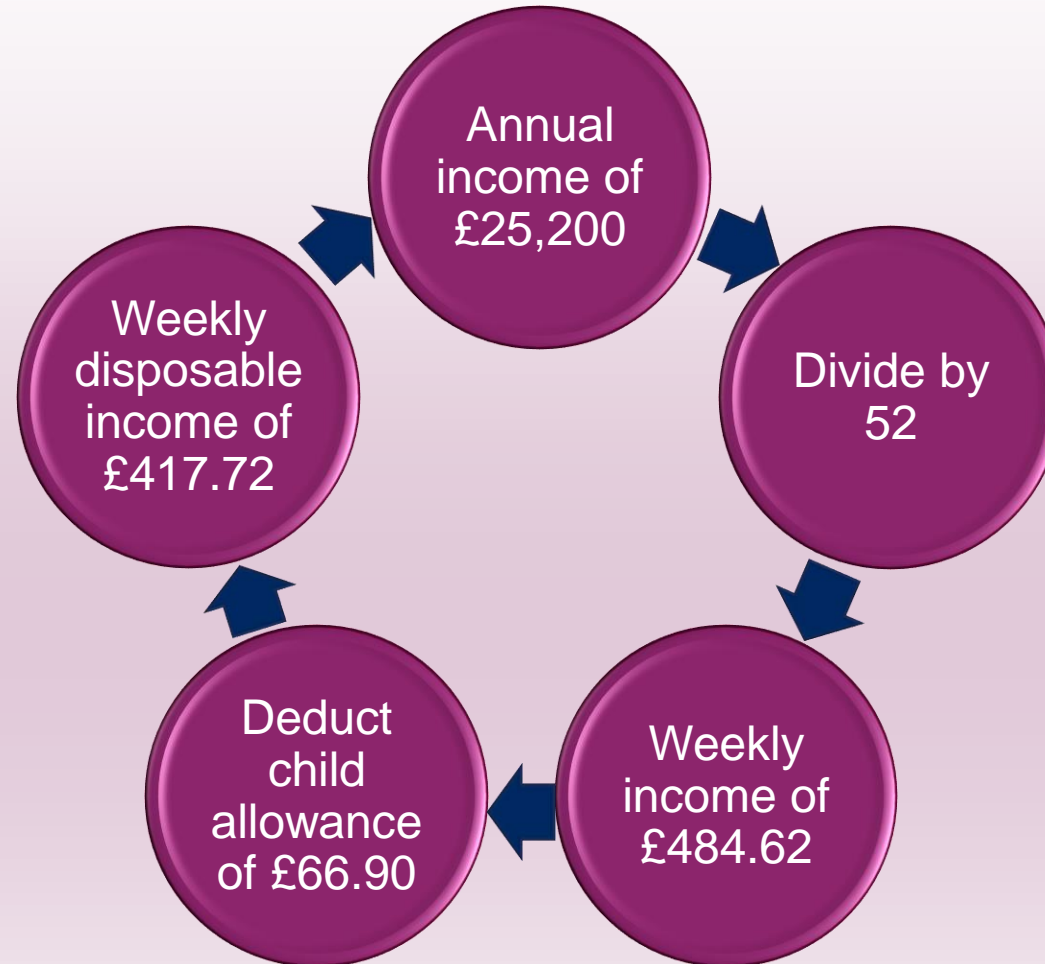
Worked Example:

- Mr. A was convicted of a domestic abuse offence against Mrs. A at Belfast Magistrates Court in August 2025.
- Mr. A and Mrs. A have 1 child together.
- Mrs. A earns £20,000 per year (net), receives £5,200 per year in Child Maintenance and has capital of £4,500 in her savings account.
- Mr. A has issued Art 8 proceedings seeking contact with the child of the family.
- Matter is before Belfast Family Proceedings Court on 02 February 2026.

Worked Example:

Disposable capital								
Disposable capital – calculated as per Chapter 3/4 of the Financial Regulations	→	£4,500.00	→	Where disposable capital is over the current maximum limit of £3000*, a one-off sum of £100 is payable	→	Contribution from capital now due	→	£ 100.00
Disposable income (Rep Lower Courts only)								
Weekly disposable income – calculated as per Chapter 3 of the Financial Regulations	→	£417.72	→	Where disposable income does not exceed the current maximum allowed under Representation (Lower Courts)	→	Contribution from income due	→	£
↓								
Where disposable income exceeds the current maximum allowed under Representation (Lower Courts)								
↓								
Less maximum disposable income limit allowed under Representation (Lower Courts)	→	- £234.00						
Excess contribution due over £234 limit	→	= £ 183.72						
Add current maximum contribution	→	+ £134.00	→	Contribution from income now due	→	£ 317.72		
				Total overall contribution due	→	£ 417.72		

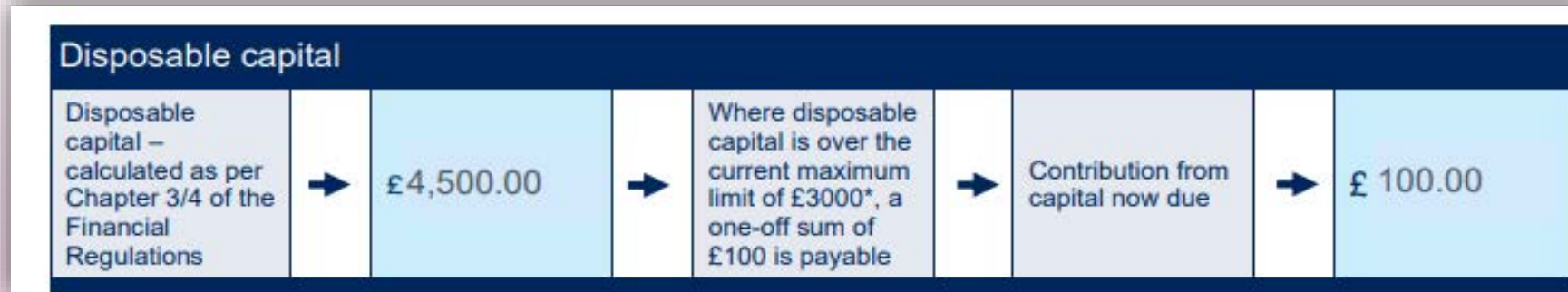
How was the disposable income calculated?



Worked Example:

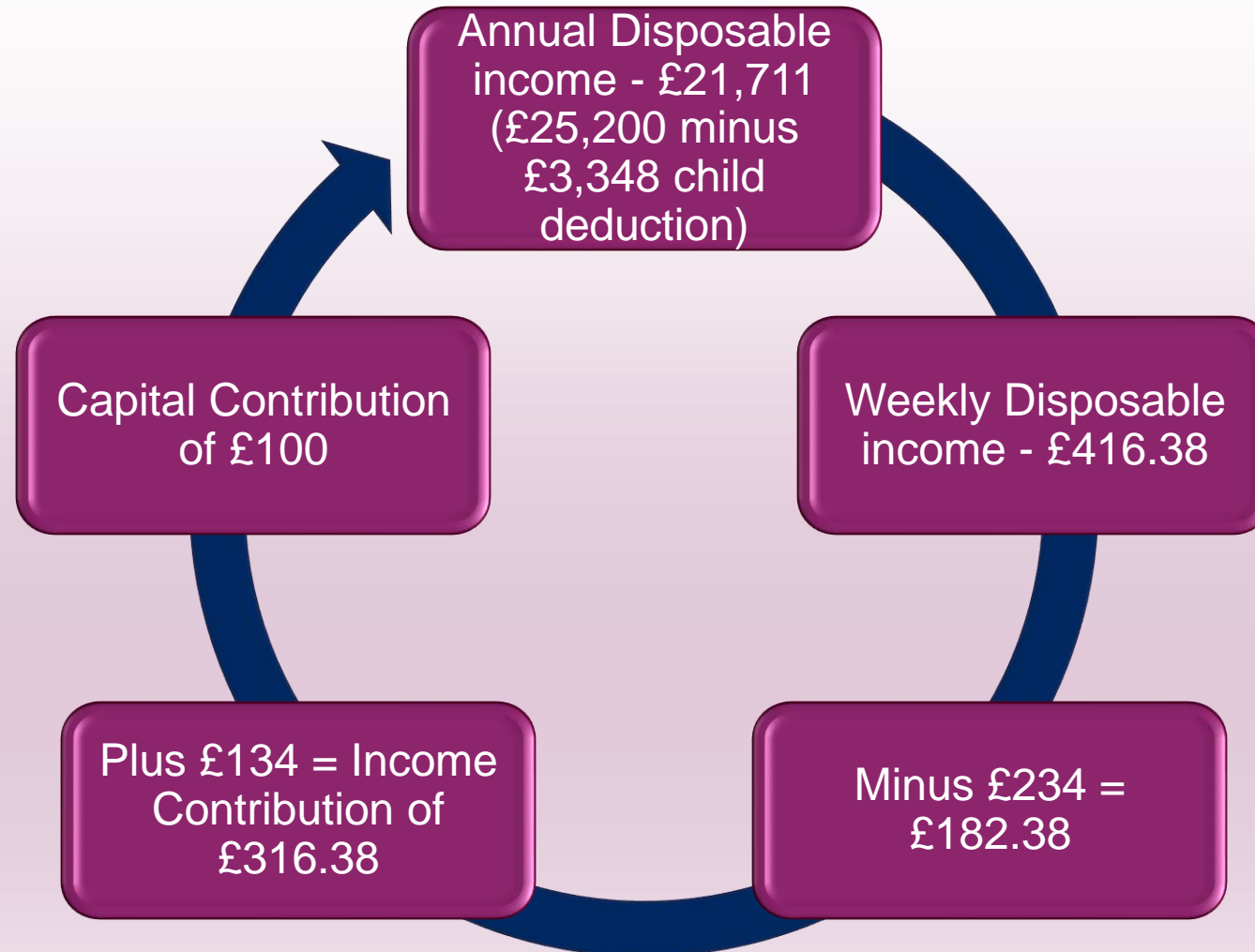
- Mr. A was convicted of a domestic abuse offence against Mrs. A at Belfast Magistrates Court in August 2025.
- Mr. A and Mrs. A have 1 child together.
- Mrs. A earns £20,000 per year (net), receives £5,200 per year in Child Maintenance and has capital of £4,500 in her savings account.
- Mr. A has issued Art 8 proceedings seeking contact with the child of the family which have been transferred up.
- Matter is before the Family Care Centre on 02 February 2026.

- Complete the capital element on the 'Financial Assessment – Domestic Violence/Abuse Waiver Form'.



- Complete the income details on LAMS in the usual way and our Financial Eligibility assessors will undertake the computation.
- Financial proofs should be provided for the 3-month period prior to the date of the Declaration. However, the Agency will work flexibly on a case-by-case basis where this cannot be provided.

Rep Higher Courts





Things to remember

- Consider whether the Waiver applies;
- Choose the correct Nature/Matter;
- Upload evidence that the applicant is a victim;
- Complete the ‘Financial Assessment – Domestic Violence/Abuse Waiver form’;
- Upload the necessary financial proofs – with annotations to explain any issues which will prevent queries; and
- The Agency are committed to working flexibly with practitioners to ensure that all eligible applicant’s get the benefit of the Waiver.



Department of
Justice

An Roinn Dlí agus Cirt
Máinnystrie O tha Laa

Future Developments

LSA Legal Services Agency
NORTHERN IRELAND

The Department are engaging with stakeholders in relation to both means and merits testing as part of the wider civil legal aid reform programme. We would encourage you to feedback your experiences and views as part of this.

To provide impartial and transparent access to legal aid in support of a fair, just and safe community.



Department of
Justice

An Roinn Dlí agus Cirt
Máinnystrie O tha Laa

Questions

LSA Legal Services Agency
NORTHERN IRELAND



To provide impartial and transparent access to legal aid in support of a fair, just and safe community.

Question

- Is this waiver the one that now applies for bringing non-molestation orders(NMO)? If so, given that an application for a NMO is usually on an emergency basis, what documentary proof do you require apart from proof of finances?

Answer

- The waiver to bring a NMO order is separate to the Domestic Abuse one. It is also contained in Regulation 10 of the Financial Regulations. We do not require any proof of allegations of abusive behaviour. A full statement from the Applicant setting out the grounds for the application and how they are “associated parties” with the proposed Respondent and financial proofs are required. The Rep Lower Urgent Hearing notification process can also be used – [‘LSANI Representation lower courts Urgent hearing notification form’](#).

Question

- Are social services report accepted as proof of alleged abuse?

Answer

- The Agency can accept information from other sources that provides an appropriate level of assurance that the applicant is eligible for the waiver. If submitting social services evidence, it should be on headed paper or from a Trust email address. The Agency will consider all evidence provided on a case-by-case basis.

Question

- Why is the waiver not available for taking Article 8 proceedings?

Answer

- The Assembly approved the waiver for defending only. The policy intention behind the legislation was to mitigate the financial burden experienced by victims in having to defend Children's Order proceedings brought by their abuser as evidence showed that Court proceedings were often used to perpetuate the abuse even after separation.

Question

- Is there any advertising being undertaken to let people know that this is available?

Answer

- The Department of Justice issued communications when this waiver was enacted and the Agency has published Guidance on its website. In addition, the Agency has used all appropriate opportunities to remind practitioners of the availability of the waiver. The Agency would ask that all practitioners actively consider whether their clients would be eligible when taking initial instructions. In addition, the Agency and Department have and will continue to engage with support organisations to promote the use of the waiver.

Question

- Contribution payable – am I correct that this is paid directly to practitioners. Can you clarify?

Answer

- For Representation Lower Court matters the collection of the contribution is the responsibility of the practitioner. At payment stage the Agency will deduct the assessed contribution from the payment. For Representation Higher Court matters, the Agency collects the contribution. An offer of legal aid with a contribution schedule will be made directly to the applicant who must confirm acceptance by signing and returning the agreement and making the first installment of the contribution. On receipt of the acceptance and contribution a Certificate will issue. At payment stage the Agency will use the contribution and the Fund to pay the assessed bill.

Question

- Are PIP benefits taken into consideration as income?
- Contributions being paid to the practitioner, what is the practitioner to do with it?

Answer

- No, PIP is disregarded under Regulation 25 and 36 of the Financial Regulations for Representation Lower and Higher Court respectively.
- In Representation Lower Court matters, the contribution is held by the practitioner as part payment of the costs of the case. At payment stage, the Agency will deduct the value of the contribution from the assessed bill and pay the balance to the practitioner.