



## **YLAL STATEMENT ON THE GOVERNMENT PROPOSAL TO REMOVE THE MEANS TEST FOR LEGAL AID FOR INQUESTS**

Young Legal Aid Lawyers (YLAL) is pleased to note the [Government's announcement](#) that it is taking forward legislation to remove the means test for applications for Exceptional Case Funding in relation to legal aid for Inquests, for both Legal Aid Certificates and Legal Help.

In Inquest proceedings, attendance and advocacy at an Inquest is funded under a Legal Aid Certificate. Litigation in relation to an Inquest is funded under Legal Help. The removal of the means test where the European Convention on Human Rights is engaged will go a significant way toward reducing the burden of obtaining public funding.

Currently, it is possible to apply for a waiver of the means test where Article 2 of the European Convention on Human Rights - the right to life - is engaged. However, the process of applying for this waiver can be burdensome on bereaved families, who are required to provide significant evidence at what is a very difficult and traumatic time for them.

YLAL has been engaging with the Ministry of Justice on its review of legal aid for inquests and we believe that this announcement is a step in the right direction in ensuring that bereaved families are able to access justice. However, the Government needs to go further: non-means tested public funding should be available for all inquests where a state body is represented during proceedings.

Asserting that these are inquisitorial proceedings, and therefore there is no need for legal representation in most circumstances, is simply not good enough. Too often, bereaved families are required to represent themselves at proceedings where Article 2 has been deemed not to be engaged, but where state bodies are represented by esteemed solicitors and barristers.

Equality of arms is simply not possible where families are unrepresented and state bodies are. Where the parties to the proceedings are on such unequal footing, there can be no justice.

YLAL therefore welcomes the announcement that non-means tested legal aid will be available for inquests where Article 2 is engaged, but urges the Government to reconsider its decision not to extend this to all Inquest proceedings where public authorities are legally represented.

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**Young Legal Aid Lawyers**  
<http://www.younglegalaidlawyers.org>  
[ylalinfo@gmail.com](mailto:ylalinfo@gmail.com)  
[@YLALawyers](#)

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