

LEGAL AID IN NATIONAL LAWS: England and Wales

England and Wales

<p>Is legal aid available? Who is eligible for it?</p>	<p>Under the <i>Legal Aid, Sentencing and Punishment of Offenders Act 2012</i>, anyone who qualifies for financial assistance is entitled to receive legal aid in criminal and certain types of non-criminal ('civil') cases.</p> <p>For civil cases, eligible matters include (among others) those relating to mental health; community care; domestic violence; clinical negligence; eviction; sexual offences; discrimination; some immigration matters and also claims that a public authority has breached an individual's rights under the European Convention on Human Rights (through the UK <i>Human Rights Act 1998</i>).</p> <p>For criminal cases, people who have been arrested on suspicion of committing an offence are entitled to a lawyer at the police station and, if charged, throughout court proceedings.</p> <p>Legal aid may be available for judicial review proceedings, provided that the proceedings have the potential to benefit the individual bringing the proceedings or a member of their family, or the environment.</p>
<p>What is the criteria to be eligible for legal aid?</p>	<p>The claimant will usually need to show that their case is eligible for legal aid, the problem they are facing is serious, and that they cannot afford to pay for legal costs. If an applicant has a gross monthly income of over £2,657, they will not be eligible for legal aid. If the person's gross monthly income is £2,657 or less, a solicitor or adviser can check the applicant's disposable income. 'Disposable income' is the amount of income left after deductions have been made for national insurance, tax, maintenance, housing costs and certain other expenses. To qualify for legal aid, an applicant's disposable monthly income should not be more than £733.</p> <p>Further factors affecting eligibility for legal aid include the likely cost and benefit of providing legal services, the nature and seriousness of the act or circumstances at issue, as well as the prospects of success.</p>
<p>Where can you file the application for legal aid?</p>	<p>A legal adviser will usually apply for legal aid on the claimant's behalf.</p> <p>It is possible for claimants in civil cases to check online (at https://www.gov.uk/check-legal-aid), or via telephone (+44 345 345 4345) whether they are eligible for legal aid. A final decision will not be made until the applicant speaks to an adviser.</p>

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	<p>It is not possible to use the online service to check whether legal aid is available in criminal cases (i.e. where a person has been charged with a crime). In this situation, the person should speak to a solicitor or barrister about whether they are able to access legal aid.</p>
What expenses are covered?	<p>Legal aid helps to cover the cost of:</p> <ul style="list-style-type: none">• legal advice;• legal representation in a court or tribunal for serious problems;• family mediation. <p>Civil courts in England and Wales charge various filing and administrative fees, but it is possible to receive reductions or waivers on these fees in certain circumstances. Further information is available here: https://www.gov.uk/get-help-with-court-fees</p>
Is there freedom to choose a lawyer?	<p>Yes – information on choosing a legal adviser is available here: https://www.citizensadvice.org.uk/law-and-courts/legal-system/taking-legal-action/using-a-legal-adviser/</p> <p>However, only organisations which have a contract with the Legal Aid Agency can provide legal aid services.</p>
Further information	<ul style="list-style-type: none">• https://www.gov.uk/legal-aid• https://www.gov.uk/guidance/civil-legal-aid-means-testing• https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/572927/paying-for-your-civil-legal-aid-leaflet.pdf• https://www.citizensadvice.org.uk/law-and-rights/legal-system/taking-legal-action/help-with-legal-costs-legal-aid/