

# Legal Aid

## Access to Justice in Scotland

These factsheets are to be used as a tool to outline your rights and to help improve access to justice here in Scotland.

They explain key ideas, definition, rights, and laws so that people and organisations know how to use the law to defend themselves and others.

They contain general information, not legal advice.



## What is Legal Aid?

Legal aid is public money that is available to some people to help them meet the costs of legal advice and representation.

It is the money the Scottish Legal Aid Board can use to help you with legal costs if you cannot afford them. This is not available for everyone – you must meet the financial requirements to qualify for legal aid.

There are different types of legal aid you can apply for, depending on the kind of legal help needed. At the Scottish Just Law Centre, we work with clients whose legal cases fall under:

*Legal aid is available for other cases – such as criminal cases. More information on this can be found [on the Scottish Legal Aid Board website](#).*

### 1– Advice and assistance

It can pay for initial legal advice from a solicitor about your legal rights and general legal problems. It will not pay for representation by a solicitor in court but can cover correspondence and negotiations.

### 2 – Civil Legal aid

It can help pay some or all of the costs of legal representation by a solicitor in the civil courts. It can also cover other related costs, such as the cost of instructing an Advocate, where reasonable. An [Advocate](#) is a specially trained lawyer who can work in the Court of Session. It can also cover court fees, for time spent in court.

## Who can apply?

Before applying for legal aid [you may wish to consider other options for legal help](#), as they may be better or cheaper.

Anyone in Scotland can apply to SLAB for legal aid, it is not restricted by nationality or residence.

To apply for legal aid, you need to find a solicitor that does legal aid work. To find a solicitor, you may want to contact a Law Centre such as:

- [Dundee Law Centre](#)
- [Ethnic Minorities Law Centre](#)
- [Fife Law Centre](#)
- [Govan Law Centre](#)
- [Legal Services Agency](#)
- [Scottish Child Law Centre](#)
- [Castlemilk Law Centre](#)



You can also look on the Scottish Legal Aid Board's (SLAB) [solicitor finder tool](#) to find registered solicitors who can help you. You can use the Law Society of Scotland's [solicitor finder tool](#) to search for solicitors who specialise in specific areas of law (just remember to select the legal aid box).



## Eligibility for Legal Aid

Legal aid is only available to those on a low-income or benefits, with little savings, who therefore cannot pay for the legal costs themselves. SLAB must also be satisfied that the case is serious and has merit.

We recommend that you use the [SLAB eligibility calculator](#) to determine whether or not you are able to get legal aid. It can be difficult to work out if you are able to get Legal aid, but below are some guidelines that may help.

## You may be able to get legal aid if:

- You receive a 'passport benefit'. Passport benefits can mean that you are automatically entitled to legal aid if on these benefits: Income Support; Income related Employment and Support Allowance; Income related Jobseekers Allowance; and Universal Credit.
- For Advice & Assistance, you have to have less than £1,716 in capital (which includes savings), and earn less than £245 per week.
- For full Civil Legal Aid, if your annual disposable income is below £3,521 and your disposable capital is less than £7,853 you should be eligible. If your yearly earnings are more than £3,521 but less than £26,239, you could still be eligible, but you may have to pay a contribution to legal costs. However, if you have capital worth over £13,017

you may not be eligible for civil legal aid, unless it appears to SLAB you can't afford to proceed without legal aid.

You may still be able to get legal aid even if you do not meet the above requirements, but you may need to pay money towards your legal fees – known as a contribution. This is all explained on the [SLAB website](#).

SLAB will look into your finances, and you will need to provide proof of your financial situation – this will include three months of bank statements and any official letters outlining your benefit entitlement. This may feel intrusive, but it has to be done if you wish to apply for legal aid. Your lawyer should help you with the documents needed, and then make the application on your behalf.

If you get legal aid, you may have to pay something towards your legal costs if:

- your income and savings are above a certain level, or
- you win your court case or gain money or property at the end of your case (this is called 'clawback').

If you are granted civil legal aid, SLAB will inform you if you have to pay anything towards the costs of your case

and, if so, how long you have to make the payments.

If you raise a court claim and are unsuccessful, the court may order you to pay a substantial proportion of the defender's legal costs. This is a risk that puts a lot of people off raising a court claim. If SLAB has granted you civil legal aid, you can ask the court to reduce the amount you have to pay to nil. However, that is not guaranteed. It is important to talk to your solicitor about the risks.

JustRight Scotland identified a need in the community for better information and resources on access to justice.

Read our other factsheets on:

**Equality Act**  
**Claims**

**Judicial Review**

**Discrimination**

*(Direct and Indirect)*

**Human**  
**Rights Act Claims**

**For more help and information**

Advice & assistance and civil legal aid keycard –  
**[Scottish Legal Aid Board \(slab.org.uk\)](http://slab.org.uk)**

## JustRight Scotland

JustRight Scotland is a Scottish Charitable Incorporated Organisation (SC047818) which provides legal services through its limited liability partnership, JustRight Scotland LLP which trades as JustRight Scotland (SO305962). This firm has been authorised to act as solicitors by the Law Society of Scotland (Registered No 53703).

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**WE DEFEND AND EXTEND  
PEOPLE'S RIGHTS**

