
Fairbrother & Darlow

Solicitors

Legal Aid (Also known as the Community Legal Service Fund)

What Is Legal Aid?

In certain situations the government provides public funding in England and Wales to help people obtain legal advice and representation in order to:

- Protect their basic rights;
- Provide access the courts to sort out disputes;
- Enable people to get a fair hearing;
- Solve problems that contribute to social exclusion.

This is commonly called 'legal aid' and is provided through the Legal Services Commission (the "LSC"). The Community Legal Service promotes and provides civil legal services and the Criminal Defence Service provides advice and representation in criminal matters.

The LSC provides a number of free documents online, which give full details about legal aid.

Eligibility for Legal Aid

If you need help with the costs of legal advice and representation, you can apply for legal aid. Whether you will receive it depends on:

- the type of legal problem you have;
- your income (how much you earn) and how much capital (money, property, belongings) you have;
- whether there is a reasonable chance of winning your case and whether it is worth the time and money needed to win.

You can apply for legal aid for through legal advisers. These advisers have met the quality standards set by the LSC. At Fairbrother & Darlow we have a contract with the LSC to provide publicly funded services in all areas of family law and in criminal matters.

To find out if you are eligible for legal aid to be represented in court proceedings, you will usually need to complete a financial means form (which looks at your income and capital) and also a legal merits form (looking at factors such as the case's likelihood of success). You can even appeal if your application for legal aid is initially rejected and you do not consider that it should have been.

Legal aid is not always free. Depending upon your financial position you may be asked to pay some of the costs of your case to the LSC as it progresses. Also, if you win money or property in a civil case, you may be asked to repay some or all of your legal costs (this is called the "Statutory Charge"). In some circumstances you may be able to defer payment of your legal costs, for instance, until a property is sold, but this will carry interest. You can get a rough idea of your eligibility for legal aid by using the Legal Aid Calculator on the Community Legal Advice website.

If you would like any further information about your possible entitlement to legal aid please contact Fairbrother & Darlow.