



# Civil legal aid – information for applicants

**Solicitors:** you must give this leaflet to your clients  
**before** they complete a financial eligibility form.

If you are involved in a civil court case – for example, a divorce case or trying to get damages after an accident – you may apply for legal aid (officially called “civil legal aid”). Legal aid is financial help from public funds. It helps people who qualify to get legal advice and the help of a solicitor to put their case in court. This leaflet explains how to apply for legal aid, what you would be entitled to if we granted you legal aid, and what your responsibilities would be.

## Contact us

Do you want to:

- find your nearest legal aid solicitor
- find out more about legal aid
- order our leaflets?

Call our **Legal Aid Helpline** on **0845 122 8686** (open 7 days a week from 7am to 11pm), or visit our website **[www.slab.org.uk](http://www.slab.org.uk)**. Our website also contains details of our service standards.

If you have questions about the forms you need to fill in or your **financial eligibility**, call our financial assessment unit on **0845 123 2330** (weekdays 8.30am to 5pm).

Our general telephone number is **0131 226 7061**.  
Calls by BT Text Direct are welcome.

Our address is 44 Drumsheugh Gardens, Edinburgh EH3 7SW.

Our email address is **[general@slab.org.uk](mailto:general@slab.org.uk)**.

We do **not** provide legal aid – we manage the legal aid system.

## Other useful contacts

Law Society of Scotland, 26 Drumsheugh Gardens, Edinburgh EH3 7YR.  
Telephone: 0845 113 0018. Website: [www.lawscot.org.uk](http://www.lawscot.org.uk)

To find your local Citizens Advice Bureau, please look in Yellow Pages or go to the Citizens Advice Scotland website, at [www.cas.org.uk](http://www.cas.org.uk).

## Our leaflets

- A guide to civil legal aid
- Civil legal aid – information for applicants
- Civil legal aid – what you may have to pay
- Guidance for opponents in civil legal aid cases
- Legal aid for children
- Do I qualify for advice and assistance – in criminal or children’s cases?
- Criminal legal assistance if you are in custody
- Criminal legal assistance if you are not in custody
- Complaints and comments about the Scottish Legal Aid Board
- Access to information.

## Some important things to remember:

- Answer all the questions on the application forms for legal aid – and any other questions that we or your solicitor ask you – honestly and in full.
- Tell us or your solicitor immediately about changes that affect your case or your finances – see section 6.
- Tell us about any change to your address or name.
- Keep in touch with your solicitor, and deal promptly with any requests for information from them or us.
- Have your reference number to hand when you contact us, and quote it in any correspondence.
- Legal aid is not always free – you may have to pay towards it through a contribution, or if you get or keep anything as a result of your case.
- You must pay us, on time, any contributions we ask for.
- You may have to continue paying towards your case even after it has ended or we have withdrawn legal aid.

## Contents

1. What is civil legal aid?
2. How do I get legal aid?
3. What if I need my solicitor to do urgent work?
4. How will you decide if I qualify financially?
5. What else do you consider in deciding if I should receive legal aid?
6. What if my circumstances change after I complete the form or after you grant legal aid?
7. Will the opponent in my case know I have applied for legal aid?
8. What happens if you refuse legal aid?
9. If you refuse legal aid, can I apply again?
10. What will happen if you grant legal aid?
11. Will I have to pay anything for my solicitor's work?
12. How much will I have to pay as a contribution towards my legal aid?
13. What may I have to pay at the end of the case?
14. Will I have to pay my opponent's costs?
15. Can I change solicitor?
16. What can I expect from you?
17. What are my responsibilities?
18. What can I expect from my solicitor?
19. What if I am unhappy with the way you or my solicitor has acted?
20. How will you use the information I give you?

## **This leaflet explains:**

- how to apply for legal aid
- what you would be entitled to if we granted you legal aid
- what your responsibilities would be.

## **To apply for legal aid, you and your solicitor will have to send us two forms:**

- An application form to explain the nature of your case – your solicitor should already have completed this. You will have signed a declaration on this form.
- Financial Eligibility Form 1 or 2 – the information you give on this form will help us decide if you qualify financially for legal aid. When you have completed the form, give it to your solicitor who will send it to us with the application form about the nature of the case.
- If you are employed, you will also have to get your employer to complete a statement of earnings form.

## **Please:**

- read this leaflet carefully before you complete the financial eligibility form
- discuss with your solicitor anything you do not understand about your case, as soon as possible
- discuss with us anything you do not understand about the financial eligibility form or how we decide if you qualify financially for legal aid
- keep this leaflet in a safe place, so you can refer to it later if you need to.

## 1 What is civil legal aid?

Legal aid pays for your solicitor to start or defend court proceedings for you. (Because this leaflet deals only with “civil legal aid”, when we refer to “legal aid”, we mean “civil legal aid”.) It covers the preparation work, as well as the hearing itself, and can provide funding for advocates and experts if needed.

If we grant you legal aid, it will cover all reasonable work your solicitor does for you and any other costs we approve. It can also cover the cost of mediation. Legal aid will cover work from the time we grant it until the case finishes (or until we stop your legal aid if, for example, you do not pay your contribution towards its cost).

Legal aid is not always free:

- you may have to pay a contribution (but you may get back some or all of it at the end of the case)
- in some circumstances, you may have to pay back money if you keep or gain anything as a result of your legal aid
- if you lose the case, you may have to pay your opponent's costs.

Sections 11 to 14 tell you more about what you may have to pay.

Legal aid is different from “advice and assistance”, which you may have already received from your solicitor. Advice and assistance does not usually cover putting your case in court; it may, for example, cover the cost of your solicitor:

- advising you on whether you have a legal case to take forward
- trying to negotiate with the other party to settle the matter
- advising you whether you should apply for legal aid to take the matter to court
- writing letters for you or getting reports.

Many people start the legal process with advice and assistance and then move on to legal aid.

## 2 How do I get legal aid?

We decide whether you qualify for civil legal aid. We assess all applications in the same way and we must follow rules set down by Parliament. You must qualify on all the tests before we can grant legal aid. We have to decide that:

- you qualify financially
- it is reasonable to grant you legal aid
- you have a legal basis for your case
- financial help is not available to you from someone else – like a trade union, insurance company or professional body.

## 3 What if I need my solicitor to do urgent work?

Before we decide about your application for legal aid, your solicitor may be able to do urgent work on your behalf in court – for example, to apply to the court for an order to prevent someone assaulting you. However, you may have to pay us a contribution for this work, whether or not your application for legal aid is successful. Any contribution we ask for will be

based on how much you can afford, so you must give us the information we need to work this out. If you don't give us this information, you may have to pay the whole cost.

You can usually pay any contribution in instalments. Your solicitor can give you more details (and see section 12).

## 4 How will you decide if I qualify financially?

### 4.1 Should I complete Financial Eligibility Form 1?

Make sure your solicitor has given you Form 1 to complete if:

- you are receiving income support, income-based jobseeker's allowance or income-related employment and support allowance (or someone else is receiving these for you) - we will check with the Department for Work and Pensions that these allowances are being paid, and if they confirm this, we will be satisfied that you qualify financially for legal aid
- you are receiving payments from the National Asylum Support Service
- you are applying on behalf of a child.

You must tell us immediately if you stop receiving these benefits (for example, if your benefit changes to working tax credit or incapacity benefit). You must do so even if your new benefit or wage comes to about the same amount, or is less. We will then have to ask you to complete a different financial eligibility form, Form 2, so that we can assess your new financial circumstances.

### 4.2 Should I complete Financial Eligibility Form 2?

Make sure your solicitor has given you Form 2 to complete if you are not receiving income support, income-based jobseeker's allowance, income-related employment and support allowance or payments from the National Asylum Support Service, or if you are not applying on behalf of a child.

We assess your income and outgoings over one year, starting from the date we receive your application. We call this one-year period the "computation period".

On Financial Eligibility Form 2, you have to give us details of your income, savings, and any items of value you own, such as a second home or valuable jewellery. We do not need to take into account the house you live in or anything that the dispute is about, but you must tell us about these. We will need information about any dependants (for example, children or other people you support). If you are married or living with a partner, we will also normally need to know the same

information about their income and savings, unless:

- you are separated or
- your spouse or partner has a contrary interest to you (for example, if your partner is the opponent in your case).

### **4.3 Whichever form I complete, what else should I know?**

Before you fill in the form, please read the guidance on the form about completing it.

We check with people like the Department for Work and Pensions, councils, employers and banks to make sure the information applicants give us is accurate and complete.

We may contact you at any time after you apply for legal aid, and while you are still receiving it, to check that the information you gave us has not changed. But you must still tell us straight away about any changes we should know about.

If we find that you have deliberately reduced your income or disposed of any capital, we may still include its value in our assessment.

## 5 What else do you consider in deciding if I should receive legal aid?

We have to be satisfied that:

- it is reasonable to use public funds to support your case, and
- you have a legal basis for the case.

In considering whether it is reasonable to use public funds, we will look at, for example:

- your prospects of winning or defending the action – if these are only poor or fair, we may not grant legal aid
- whether you are using the right court
- whether you have fully considered other ways of sorting out the problem, before you take court action.

## **6** What if my circumstances change after I complete the form or after you grant legal aid?

You must tell us immediately if:

- your address, employment or any other personal details change
- a change of address significantly changes the amount you pay for accommodation, council tax, travel or childcare expenses
- anything else happens that affects your financial situation.

You must do this if:

- you have applied for legal aid and are still waiting for a decision, or
- we have granted you legal aid – whether or not you must pay towards it – even if your case has come to an end or we have since withdrawn your legal aid, or
- we have refused you legal aid but are asking you to pay a contribution towards any urgent work you instructed your solicitor to do before we decided about your application.

These changes could affect whether you qualify financially, and increase or decrease any contribution you have to pay towards the cost of the case, depending on the circumstances.

Usually we consider the financial circumstances of your partner or spouse, as well as your own. So you must tell us of any changes in their circumstances.

You should also tell us, or your solicitor, if anything happens that could affect your case. You must do this if you have applied for legal aid and are still waiting for a decision, or if we have already granted you legal aid.

When you contact us, please have your reference number to hand or quote it on any correspondence.

## 6.1 What if my income changes?

You must tell us immediately if your annual income increases by £500 or more, or decreases by £200 or more, during the one-year computation period.

Even if your case finishes before the end of the computation period, you must still tell us about changes to your income so we can make sure that we calculate your contribution correctly. The amount you have to pay us may fall or rise. If your income changes after the computation period, and you are still paying a contribution, you should tell us so we can consider whether we need to adjust your monthly payments. However, the total amount you have to pay will not change.

You must also tell us if you start to receive, or stop receiving, benefits such as income support or income-based jobseeker's allowance, even if this makes little or no difference to your financial circumstances.

Some examples of changes we need to know about are:

- changes to your income, or to expenses or benefits to do with your work
- someone starting or stopping living with you
- you, or someone over 18 who is living with you, getting or losing a job
- payments for rent, board, mortgage, council tax, maintenance or private pension schemes changing.

## 6.2 What if my capital increases?

You must tell us if your capital increases by £500 or more during the lifetime of your court case, or while you are paying contributions – whichever is the longer. Changes to capital during the lifetime of the case could affect any contribution you may have to pay towards the cost of your case.

By “capital”, we mean not only money, but also anything else of value. Examples of the sorts of things we need to know about are:

- the value of all land and buildings you or your partner own, except the home you live in, including interest in a timeshare
- redundancy payments
- money that can be borrowed against insurance policies
- the value of non-essential possessions such as a boat, caravan, second car, jewellery (but not wedding or engagement rings), antiques or items bought for investment
- money that is owed to you or your partner
- anything you win, or are given
- savings and investments of any kind
- payments from maturing life assurance or other similar policies that are worth more than £500
- money or property due from the will of someone who has died

- money due from a trust fund
- money that can be borrowed against business assets
- money you receive from any other source that increases the amount of capital you had when you applied by £500 or more.

### **6.3 For how long do I have to tell you about these changes?**

We need to know about any significant change to your income during the one-year computation period (which started when we received your application), even if your solicitor is no longer working on the case, or the case has ended.

If you are paying contributions towards the cost of your case, you should tell us about any of these changes until you have paid all your contributions.

If your capital increases by £500 or more, you must tell us about this if it happens at any time during the lifetime of the case.

#### **6.4 Why do I need to tell you about these changes?**

From the financial information you give us when you apply for legal aid, we calculate your likely income for the next 12 months. We then take away the amount you will need to cover necessary expenses over this time. We call the amount left your “disposable income”.

We also calculate your disposable capital by considering all capital assets that you have when you apply for legal aid or that you receive or become entitled to during the lifetime of the case. We do not include your only or main home, or any tools of your trade.

From your disposable income and capital, we work out whether you are eligible for legal aid, and, if you are, whether you should pay a contribution and how much. Changes to your disposable income or capital could affect whether you can get legal aid and how much you contribute.

Letting us know about changes to your personal, bank and employment details allows us to keep in touch with you and make sure we are dealing with the correct person.

### **6.5 What will happen when I tell you about changes?**

We need to make sure you are paying the correct amount towards the cost of your case. We will assess your financial situation just as we do when you first apply for legal aid, so we may need to contact you again for more information. Legal aid will not stop while we reassess your eligibility; your solicitor can continue with your case.

If you are telling us about changes to your income after the 12-month computation period, this will not affect the total amount that you pay, although we might ask you to pay it in fewer (or more) instalments. A significant change to your capital, during the lifetime of the case, may change the amount you must contribute.

### **6.6 What will happen if I don't tell you about changes?**

We often check what people are telling us. If we write to you to check your situation and you do not reply to us, we find out that you have lied to us about it, or you have not told us about changes, we look on this very seriously. We may end your legal aid and you will have to pay the whole of your solicitor's bill yourself.

Not telling us about changes is a breach of section 35 of the Legal Aid (Scotland) Act. In serious cases, you could be prosecuted and face a fine, imprisonment or both.

## 7 Will the opponent in my case know I have applied for legal aid?

When we receive your application, we will normally tell the opponent in your case that you have applied for legal aid unless:

- your solicitor asks us not to do so, and
- we agree, based on the information you and your solicitor have given us, that this is appropriate (for example, if you are the victim of domestic violence)
- the opponent's whereabouts are unknown.

When you apply for legal aid, your solicitor completes a "statutory statement". This sets out what the legal aid is for. We will send a copy of the statement to your opponent unless this is inappropriate, but we will not give any other details about you.

The opponent has the right to tell us if they think you should not receive legal aid. They normally have 14 days to do this. We will consider your opponent's objections and, if necessary, investigate further. If they do object, it may take longer for us to decide about your application.

When we decide about your application, we will normally tell your opponent whether we granted or refused legal aid.

At any time in the life of your case, your opponent can tell us if they think you should not continue to receive legal aid. But we would ask you to comment on what your opponent has told us, if we are considering withdrawing your legal aid.

## 8 What happens if you refuse legal aid?

If we refuse your application, we will tell you and your solicitor why. Through your solicitor, you can ask us to review our decision – normally you have 15 days from the date you receive our letter of refusal. If we still refuse your application, your solicitor may be able to get a judicial review of our decision. Ask your solicitor about this.

If we refuse you legal aid, your solicitor may be willing to take your case on by charging you their private rate.

We recommend that you:

- ask your solicitor to explain fully their reasons for this
- make sure you understand and agree to their terms of business before they start working for you.

Remember that you can always contact our financial assessment unit if you have any queries about your financial eligibility for legal aid. The contact details are on the inside front cover.

## 9 If you refuse legal aid, can I apply again?

Yes, you can apply again and we will put your application through the same tests. If your circumstances have changed or you can provide new information about your case, we may reach a different decision.

## 10 What will happen if you grant legal aid?

If we grant legal aid, we will write to you and explain any conditions that we have set (for example, if you have to pay a contribution).

If you wish to go ahead with legal aid for your case, you must instruct your solicitor to proceed.

Before you do so, it is important to remember that even if we have not asked you to pay a contribution, you may later have to pay one if your circumstances change. Section 13 tells you more about what you may have to pay.

## 11 Will I have to pay anything for my solicitor's work?

Legal aid is not always free. You may have to pay something towards the cost:

- You may have to pay contributions towards legal aid based on your income and any savings or other capital you have.
- In many cases, you will have to pay some or all of your own costs from any money or property that you get or keep as a result of your case.
- Legal aid does not cover your opponent's costs. So if you lose your case, you could be asked to pay some or all of your opponent's costs. But as

a person getting legal aid, you can ask the court to reduce these costs.

It is important that you understand what you may have to pay. Please read the information in this leaflet carefully. Ask your solicitor to explain anything you do not understand before you ask them to do any work for you under legal aid, and before you pay the first instalment of any contribution.

Please contact us if you have any questions about the contribution we have asked you to pay.

## **12** How much will I have to pay as a contribution towards my legal aid?

Depending on your financial circumstances, you may have to pay towards the legal work done for you. We will tell you how much this contribution is and how we calculated it.

By a “contribution”, we mean the amount we calculate you are able to pay towards the total cost of your case. This amount may go up or down if your financial situation changes. Your contribution will not be more than the cost of the case.

It is important that you ask your solicitor to calculate and tell us the likely cost of your case. This may save you money, as we can initially limit any contribution you must pay to the amount that your solicitor estimates your case will cost. But if the case ends up costing more than your solicitor estimated, we will work out the difference between:

- the estimate and the contribution we originally calculated you could pay
- the estimate and the actual cost of the case.

You must then pay the smaller of these two amounts.

You may get some of your contribution back if the case costs less than you have paid us, or if we get back some of the costs from your opponent.

### **12.1 How do you decide what contribution I have to pay?**

We use the information on your application form to see how much you have left from your income and capital after paying essential living costs, and so how much you can afford to pay. This is based on limits set by the Scottish Parliament.

We may ask you to pay a contribution from your income, your capital or both.

Asking your solicitor to estimate how much your case will cost can sometimes save you money, since we may be able to limit what you pay to that estimate.

## **12.2 Do I have to pay the whole contribution at once?**

If you have to pay a contribution based on income, we will normally allow you to pay in instalments. We'll tell you how many instalments, and over how long. This will depend on the total amount you have to pay.

Normally, we will allow contributions of:

- up to £500 to be paid in 20 monthly instalments
- £501 to £1,000 to be paid in 30 monthly instalments
- £1,001 to £1,500 to be paid in 36 monthly instalments
- £1,501 to £2,000 to be paid in 42 monthly instalments
- over £2,000 to be paid in 48 monthly instalments.

If you think you will have difficulty paying over that number of months, sometimes we may allow you to pay over a longer time. You will have to show us why we should allow you to do this. Staff in our treasury department will be happy to discuss this with you.

However, usually you must make any contribution based on capital in one payment.

### 12.3 How do I pay?

After discussing the contribution with your solicitor, you have two options:

- You can pay the first instalment of your contribution, and ask your solicitor to start working on your behalf.
- If you think we have calculated your contribution wrongly, you or your solicitor can ask us to reconsider it. Contact our financial assessment unit as soon as possible (and before the date when the first instalment is due) – see inside front cover. Your solicitor can still work for you while we are reconsidering the contribution. However, if you choose not to pay the first instalment, we will have to get back from you some of the cost of your solicitor's work. This will not be more than the contribution we assessed.

Please remember that if you pay the first instalment of your contribution and ask your solicitor to start working on your behalf:

- we may ask you to pay a higher or lower contribution if your financial situation changes (see section 6) – if this happens, we will tell you what the new contribution is and the instalments you must pay
- you must continue to pay the remaining instalments even if your case ends, or we withdraw your grant of legal aid before you have paid all your contributions.

We will tell you by letter what instalments we expect you to pay. We will send you bank giro slips to help you start paying as soon as possible or, if you prefer, you can pay by direct debit. You must pay the first instalment within one calendar month of the date on the letter.

### **12.4 What if I decide not to pay?**

If you do not pay the first instalment within 28 days, and you have not asked us to reconsider the calculation of your contribution, then:

- we will suspend the grant of legal aid
- you will then have a further 30 days to pay before we stop your legal aid.

While your legal aid is suspended, and if it is stopped, we will not pay your solicitor for any work, so they are unlikely to take your case forward. If you have already asked your solicitor to do work before the legal aid was suspended or stopped, you will have to pay for this, up to a maximum of the contribution we assessed.

If you do not continue to pay the instalments, we will withdraw the grant of legal aid, and we have the right to get back from you the total cost of your case or the remaining instalments due, whichever is less.

### **12.5 What if I have difficulty paying?**

You must tell us immediately if you have difficulty paying, so we can try to help you. If you can show that your financial position has changed for the worse, we may be able to reduce the amount we ask you to pay.

### **12.6 What if I don't pay my contribution, or miss payments?**

Your legal aid will stop. This means your solicitor will have to stop working for you under legal aid. To cover the cost of your case, you will still have to pay the rest of your contribution, or the amount we have paid your solicitor, whichever is less.

## **13** What may I have to pay at the end of the case?

At the end of the case, we will pay your solicitor's bill. However, to cover the costs of the case, we will use:

- first, any costs paid by your opponent
- second, any contribution you must pay to us
- third, if these first two are not enough, part or all of any money or property you win or manage to keep as a result of your case, and
- fourth, if these first three are not enough, our own funds to cover the rest.

### **13.1 When will you use costs paid by my opponent?**

If you win your case, your opponent may agree to pay all or part of your costs, or the court may order them to do so. If these costs are actually paid to us, we may be able to refund some or all of your contribution. It can sometimes take a long time to get expenses from an opponent, and in some cases we or your solicitor may need to take court action to recover them. In some cases it is not possible to get the opponent to pay the expenses.

If your opponent is also getting legal aid, the court may reduce what they have to pay. If so, we may have to use your contribution or property you received or kept as a result of your legal aid to meet your solicitor's bill.

### 13.2 When will you use my contribution?

If we do not receive enough money from the costs paid by your opponent, we must use some or all of any contribution you have paid.

You will only get your whole contribution refunded if:

- the court decides that your opponent has to pay your costs
- your opponent actually pays, and
- that amount covers your solicitor's bill.

You may get part of your contribution back if:

- the amount we pay your solicitor is less than the amount you have paid us, or
- we recover some of the costs from your opponent.

### 13.3 When will you use property I win or keep?

If you win or manage to keep any money or property as a result of your case (for example, compensation after an accident, or a capital sum in a divorce), you may have to give us some or all of it to meet the costs we have paid to your solicitor. This is sometimes called "clawback". Your solicitor will be able to tell you when this could apply to you.

Your solicitor will also be able to tell you what money or property clawback may not apply to.

Unless the law specifically excludes your money or property from being clawed back (for example, the first £5338 in most matrimonial and civil partnership cases), we have to use it. We are not allowed to consider whether payment from the property would cause you hardship. If your solicitor thinks this may affect you, they should give you our leaflet *Civil legal aid – what you may have to pay*.

## 14 Will I have to pay my opponent's costs?

Sometimes, the court may order you to pay your opponent's costs, or you may agree to pay them. In either case, you must pay any such costs yourself – we cannot pay them. You can ask the court to reduce the sum you have to pay.

## 15 Can I change solicitor?

Yes, but we have to be satisfied that you have a good reason for this, and that it is still reasonable for you to continue to receive legal aid. Good reasons may include:

- the ill health or death of the solicitor who has been acting for you
- your moving away from the area where your solicitor works, making it more convenient for you to visit another solicitor.

We would be unlikely to agree to your changing your solicitor if, for example, you just changed your mind about who you wanted to act for you.

## 16 What can I expect from you?

### 16.1 What are your service standards?

We will tell you within **32** days of receiving your application for legal aid whether it has been successful. This excludes any periods when we have asked you or your solicitor for further information and we are waiting for a response.

We have service standards that tell you the level of service you can expect from us.

We work hard to meet our service standards, but there may be circumstances when we cannot do so. If this happens with your case, we will tell you why we cannot meet our standards and when you can expect us to do the work.

If you feel that we have failed to meet our standards and we have not written to you or telephoned to explain why, please contact us. You can telephone us on 0131 226 7061.

You can ask us to send you a copy of our standards, or you can find them on our website at [www.slab.org.uk](http://www.slab.org.uk).

### 16.2 Can you withdraw legal aid?

We may decide we should withdraw your legal aid – for example, if:

- your financial circumstances change and you no longer qualify
- you are conducting the case unreasonably, or
- you have made a false declaration
- you do not pay a contribution we have decided you should pay.

If this happens, we will give you the opportunity to tell us why you think we should not withdraw legal aid.

## **17** What are my responsibilities?

Legal aid is publicly funded, so if you apply for or are granted it, you must:

- give us accurate information
- tell us about any changes in your circumstances
- act in a way that does not waste money.

### **17.1 Giving us and the court accurate information**

It is very important that you give us complete and accurate information. It is a criminal offence to give false information. If we find that you have lied to us, or held back information about your case or your circumstances, we may stop your legal aid. You may have to repay the full costs of the case, and could also face criminal charges. We have a duty to make sure public money is properly spent and we check with the Department for Work and Pensions, councils and employers that the information applicants give us is accurate.

### **17.2 Reporting changes in circumstances**

You must tell us straight away about any changes that could affect your case – see section 6.

Your solicitor must tell us about any changes that could affect your entitlement to legal aid. They have to report to us regularly, and should give you a copy of these reports. If we consider withdrawing legal aid because of something in these reports, we will give you the opportunity to comment on them.

### **17.3 Avoiding unnecessary expense**

You must not ask your solicitor to handle your case in a way that may cause unnecessary expense. This could include, for example, rejecting a reasonable offer to settle, or constantly changing the basis of your case. Remember too that every time you go to see your solicitor, or they write you a letter, this adds to the cost, and you may have to pay for some or all of this.

### **17.4 Paying money due to us**

You should pay us any money you owe us promptly.

## 18 What can I expect from my solicitor?

Your solicitor should:

- explain to you what having legal aid will mean for you – including what you may have to pay for your case
- deal with your case in the most efficient and effective manner
- keep you informed about what is happening with your application for legal aid and with your case.

The Law Society of Scotland checks the standard of service given by solicitors providing civil legal aid.

Your legal aid covers all your expenses in the case, including the cost of experts or advocates where we have agreed to these. Your solicitor should not ask you to pay them anything towards the case, except for any contribution assessed for advice and assistance. Of course, you may have to pay us the sums mentioned in section 13.

## **19** What if I am unhappy with the way you or my solicitor has acted?

### **19.1 How can I complain about you?**

Our separate leaflet, *Complaints and comments about the Scottish Legal Aid Board*, explains our complaints procedure. You can get this from us; please see the inside front cover of this leaflet for contact details.

### **19.2 How can I complain about my solicitor, my advocate or the courts?**

To complain about your solicitor, you should first speak to them. If you are still not satisfied, you should speak to the person in the firm who deals with complaints; they should try to resolve the problem. If you are still unhappy about the situation, you can contact the Law Society of Scotland (see the inside front cover of this leaflet for contact details).

To complain about your advocate, contact the Faculty of Advocates, Advocates Library, Parliament House, Edinburgh EH1 1RF, telephone 0131 226 5071.

To complain about the court that dealt with your case, contact the Scottish Court Service, Hayweight House, 23 Lauriston Street, Edinburgh ED3 9DQ, telephone 0131 229 9200.

**For updated information on complaints about your solicitor or advocate, see our leaflet *Complaints and comments about the Scottish Legal Aid Board*.**

## 20 How will you use the information I give you?

By applying for legal aid, you permit us to discuss the information within the Board and, where necessary, with other people outside the Board. For example, we may check your earnings with your employer, or the benefits you are claiming with the Department for Work and Pensions.

Solicitors representing the Law Society of Scotland may also see information in your application as part of the random quality assurance checks that the Society does.

By law, we have to be very careful about how we use information that people give us. We will normally pass on information to do with an application for legal aid only if the person who gave us it has given us their permission, or if the law says we must. However, if you ask someone like your MSP to contact us about your case, we will assume that, by doing so, you permit us to discuss it with them.

We also have duties to keep certain information confidential, and to supply other information,

under the Data Protection and Freedom of Information Acts. For example, we can't give you personal information about another person. But you have the right to ask us about information we hold on you, and some other information that we record about legal aid and how we work.

If you would like to know more about how we use information we are given, please read our leaflet *Access to information*, which explains how:

- you can find out what information we hold about you
- we will treat any information we hold about you
- you can access other records and official information we keep.

We sometimes also use the information to check your identity, if you phone us. We also collect certain details to make sure that our ways of working do not discriminate unlawfully and allow equal opportunities and access for all.



يمكنكم الحصول على نسخة من هذه النشرة " المساعدات القانونية في القضايا المدنية \*  
معلومات لمقدمي الطلبات " باللغة العربية بالاتصال على مجلس المساعدات القانونية  
الإسكتلندي على العنوان المدون على صفحة الغلاف الأمامي من الداخل.

আপনি এই পুস্তিকা “সিভিল লিগ্যাল এইড \* আবেদনকারীর জন্য তথ্য” বাংলায় পেতে

চাইলে স্কটিশ লিগ্যাল এইড বোর্ডের সাথে যোগাযোগ করুন যাদের ঠিকানা ভেতরের সামনের

পাতায় দেওয়া আছে ।

與蘇格蘭法律援助委員會聯繫可獲取中文版的“民事法律援助申請人資訊”活頁，  
聯繫地址見封面內頁。

Is urrainn dhut a' bhileag seo "Taic laghail chatharra - fiosrachadh do thagraichean" fhaighinn ann an Gàidhlig, le fios a chur gu Bòrd Taic Laghail na h-Alba aig an t-seòladh a tha air an taobh a-staigh den chòmhdach aghaidh.

आप इस पुस्तिका "आवेदनकर्ताओं के लिए दीवानी कानूनी सहायता सूचना [Civil legal aid \* information for applicants]" को ऊपरी कवर के भीतर दिये पते पर स्कॉटलैंड के कानूनी सहायता बोर्ड से संपर्क करके हिंदी में प्राप्त कर सकते हैं।

与苏格兰法律援助委员会联系可获取中文版的“民事法律援助申请人信息”活页，  
联系地址见封面内页。

ਤੁਸੀਂ ਪੰਜਾਬੀ ਵਿੱਚ ਇਹ ਲਿਫ਼ਲੈਟ "ਅਰਜੀ ਦੇਣ ਲਈਆਂ ਲਈ ਸਿਵਲ ਕਾਨੂੰਨੀ ਸਹਾਇਤਾ\* ਜਾਣਕਾਰੀ [Civil legal aid \* information for applicants]" ਸੁੱਚ ਪੌਨੇ ਦੇ ਅੰਦਰ ਰਿੱਝੇ ਗਏ ਪਤੇ ਤੇ ਸਕਾਟਲੈਂਡ ਕਾਨੂੰਨੀ ਸਹਾਇਤਾ ਬੋਰਡ ਨਾਲ ਸੰਪਰਕ ਕਰਕੇ ਪ੍ਰਾਪਤ ਕਰ ਸਕਦੇ ਹੋ।

"Medeni Hukuk Yardımı \* Başvuranlar için bilgi" adlı bu broşürün Türkçesini İskoç Hukuki Yardım Kurulu'nun ön kapağın iç tarafında verilen adresinden temin edebilirsiniz.

آپ یہ لیفلٹ "سول لیگل ایڈ"، "معلومات برائے درخواست دہندگان" کا ٹائٹل ایڈبوریٹ سے اگلے صفحے کے اندر  
دینے والے ایڈریس پر براہ راست حاصل کر سکتے ہیں۔

To get this leaflet in some other languages, Braille, large print or on audio tape, please contact us as shown on the inside front cover.

