



## Statement

11 January 2011

### Statement re Molly Forbes

A spokesperson for the Board stated, “Mrs Forbes’ application for legal aid for an action against Aberdeenshire Council and Trump International Golf Links Scotland was refused as it did not meet the “reasonableness” test for civil legal aid: on the basis of information available to the Board there were other people with an interest in the case who it would appear could fund or make a contribution to funding an action.

Mrs Forbes applied for legal aid to judicially review this decision and Sheriff Principal Bowen, the Sheriff Principal of Lothian and Borders has decided that Mrs Forbes should be granted legal aid for a judicial review against the Board’s decision to refuse legal aid for the separate action against the Council and Trump International Golf Links Scotland.

However, the Sheriff Principal is not saying that the Board’s initial refusal was wrong nor that civil legal aid should have been granted. He is satisfied that sufficient information was made available about those who might be viewed as having a joint interest in the proceedings.

He was concerned about the lack of detail in the reasons for refusal given by the Board. Having regard to the costs for the taxpayer, we have therefore offered to re-open the original application for legal aid and we have asked the solicitor to provide further information to allow us to look again at our decision.

In relation to legal aid matters, only if legal aid is granted for the action against the Council and the Trump organisation will it be possible for Mrs Forbes to ask the court for protection against expenses. The decision will not necessarily have an impact on other cases of this kind.”

**Ends**

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#### Notes for editors

Legal aid is help towards the costs of legal advice and representation, for those who qualify, paid for out of public funds. It is designed to help individuals on low and modest incomes gain access to the legal system. There are two main types of legal assistance: advice and assistance and legal aid. Together these are called legal assistance. Legal aid may be free, or someone may have to pay towards the cost of their case, for example through paying a contribution or from the money or property that they win or keep as a result of their legal action. Legal aid is accessed through a solicitor. Unlike most public expenditure, the legal aid fund is not cash limited. The Scottish Government will provide the Board with the funds required to meet the cost of cases which have been granted.