

CRIMINAL LEGAL AID

Legal aid is provided for in sections 13-22 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) and The Criminal Legal Aid (General) Regulations (2013) SI 9 (the Regulations).

ADVICE AND ASSISTANCE

Anyone with a disposable income of more than £95 per week or disposable capital of more than £1,000 is not eligible. Covers help from a solicitor including giving general advice, writing letters et cetera, as well as getting a barrister's opinion. **NOTE** Advice and Assistance is not available to a person after he has been (1) charged with or (2) summonsed for a criminal offence.

POLICE STATION ADVICE AND ASSISTANCE

S.58 PACE: person detained at a police station entitled to consult a solicitor privately, and should be informed of this entitlement by the police. PSAA is free legal advice from a contracted solicitor, known as a 'duty solicitor'. Regulations provide that a call must be made to the **Defence Solicitor Call Centre**, available 24 hours a day.

ADVOCACY ASSISTANCE

Covers the cost of solicitors who represent clients in court in certain types of case. It is mainly used for (1) representation by a solicitor for those who are not represented on their first court appearance (2) those who have failed to pay a fine or obey a court order of the magistrates court and therefore risk imprisonment (3) appearances before Mental Health Review Tribunals (4) prisoners facing disciplinary charges (5) certain life prisoners and detainees at HM Prisons who appear before a Parole Board. Essentially, there is no means test but there is an Interests of Justice test - see below.

REPRESENTATION

Kicks in the moment someone has been charged with a criminal offence. Covers cost of (1) a solicitor to apply for bail (2) prepare a defence and (3) representation by a solicitor in court (or barrister in the Crown Court). It will also (4) cover any appeals.

INTERESTS OF JUSTICE TEST

S.17 LASPO: (1) whether if convicted a defendant would be likely to receive a sentence that would deprive him of his liberty, lead to loss of livelihood or seriously damage his reputation; or (2) whether a defendant may be unable to understand the proceedings or state his case.

MEANS TEST

Magistrates' court / Crown Court - Defendants are not eligible for legal aid if their joint household disposable annual income exceeds £37,500.

NOTE Those who are under 18 or on benefits will continue to get legal aid automatically in the courts.

Advice and assistance schemes - The Criminal Legal Aid (Financial Resources) Regulations 2013. Eligibility is confined to those whose disposable monthly income does not exceed £99; and disposable capital does not exceed £1,000. **Exceptions** for advice and assistance provided by (1) a duty solicitor and (2) Advocacy Assistance before a magistrates' or Crown Court.