

Civil Legal Aid in Ireland

FLAC (Free Legal Advice Centres) is voluntary, campaigning organisation which promotes equal access to justice for everybody in Ireland. We are not part of the State funded Legal Aid Board, who are responsible for administering government funded legal aid and advice.

The purpose of a civil legal aid scheme is to help to achieve real access to justice for everyone, especially the increasing number of people without the resources to pay for it themselves. We believe that this is a fundamental part of accessing justice, which should be non-discriminatory.

This document summarises the main issues in civil legal aid. Further details can be found on FLAC's full-length civil legal aid FLACsheet at <http://bit.ly/CLAGuide2014>.

FLAC is an independent rights organisation. It is not part of the state service. This sheet explains how to access the state's civil legal aid scheme which is run by the Legal Aid Board.

Civil Legal Aid and Advice explained:

The **Legal Aid Board** is a state-funded body which provides legal aid and advice in civil law matters to help people to access law and the courts. Neither civil legal aid nor advice is free, but it is subsidised. To qualify for assistance, a person must meet the Legal Aid Board's financial eligibility requirements and also satisfy the Legal Aid Board that his/her case has merit.

Civil legal aid and advice covers most civil law matters including issues relating to family, debt, probate, contract and negligence. There are a limited number of civil law areas that are not covered by the Legal Aid Board (read more at <http://bit.ly/CLAGuide2014>).

For criminal law matters, there is a separate legal aid scheme, currently run directly through the courts - see <http://bit.ly/CICcrimscheme>. The Refugee Legal Service (RLS) is a specialised section within the Legal Aid Board offering confidential and independent legal services to people applying for asylum in Ireland. More information on the RLS and Criminal Legal Aid can be found on the Civil Legal Aid FLACsheet or at www.legalaidboard.ie.

Eligibility for Civil Legal Aid and Advice:

In order to qualify for civil legal aid or advice, three tests are applied:

- A. The case must be one that a solicitor would *normally* take on.
- B. **Means test:** This assesses a person's financial situation, calculating 'disposable income' and 'disposable capital'. To qualify for legal aid or advice, a person's annual disposable income must be less than €18,000 and disposable capital must be less than €100,000. Disposable income means a person's net income (after tax) minus certain deductions, including child-care expenses, accommodation expenses and allowances for dependants. Disposable capital refers to all land, property and assets, excluding the family home and minus any debts and charges on the capital.
- C. **Merits test:** To qualify for legal aid or advice, the Legal Aid Board must be satisfied that there are 'reasonable grounds' for a case to be taken.

Further details regarding both the merits test and the means test are available on the [Civil Legal Aid FLACsheet](#).

Waiting times:

A person who qualifies for state legal aid or advice will be placed on the waiting list for the Legal Aid Board Law Centre where he/she applied. Waiting times vary greatly around the country. If the matter is one which the Legal Aid Board designates as urgent, the case will be treated as a priority. Amongst priority are cases of domestic violence, child abduction and some childcare cases. If it does not come within those categories, individuals are placed on a waiting list at the Law Centre where they applied. An individual can contact the Legal Aid Board or FLAC for more information in relation to specific waiting periods (contact details below).

Cost:

Civil Legal Aid or Advice is not free. The person applying has to make a contribution to the Legal Aid Board before he/she can get legal advice and/or aid. Contributions are based on the person's disposable income and disposable capital, up to the maximum amount that it would cost the Legal Aid Board to provide him/her with legal services. **Contributions must be made before receiving legal services.** In exceptional circumstances, the contribution can be waived or paid in instalments – see our longer guide for more.

In certain circumstances, a Civil Legal Aid certificate may be withdrawn. These include where a person's means have changed or where the Board considers that the legally aided person is behaving unreasonably. See more on the [Civil Legal Aid FLACsheet](#).

Cross-Border Civil Legal Aid:

Under EU law it may be possible to obtain Legal Aid for a dispute in another EU state. Further details are available on the [Civil Legal Aid FLACsheet](#) and on the Legal Aid Board website.

Appealing a refusal of civil legal aid or a decision of the Legal Aid Board:

A refusal of Legal Aid can be appealed to the Appeal Committee of the Legal Aid Board. Appeals *must* be made within one month of the notification of the original decision and they *must* be made in writing. Decisions of the Appeal Committee are final. There is no set form to be completed for an appeal.

Making a complaint:

The Legal Aid Board has a complaints procedure in place if a person wants to make a complaint about the service received. For more information see the [Civil Legal Aid FLACsheet](#).

If an individual wishes to make a complaint about a person in a Law Centre it can be made either verbally or in writing to the Managing Solicitor of the Law Centre. If an individual wishes to make a complaint about a Managing Solicitor of a Law Centre, the complaint should be put in writing and sent to the Legal Aid Board's Head Office, contact details for which are available from the Civil Legal Aid FLACsheet.

Further information:

Legal Aid Board:

Forms to apply for civil legal aid and advice are available from the Legal Aid Board. The forms can be downloaded on their website at <http://bit.ly/civillegalaidapp>. More information can also be obtained by calling the Legal Aid Board LoCall Number 1890 615 200.

FLAC:

Details on how to contact FLAC are available on our website at <http://www.flac.ie/help>. Alternatively, you can contact our **basic legal information line** at **1890 350 250** (or from a mobile phone 01-874 5690).