



Legal Aid
Agency



Paying for your Civil Legal Aid

Information for legal aid applicants

Contents

1. What does civil legal aid cover?
2. When do I contribute to the cost of my case?
3. What do I have to pay?
4. What happens if I keep or gain property?
5. How do I make payments?
6. Where can I get more information?

About this guide

This leaflet explains when you have to contribute towards or repay your legal aid costs and how to do it.

This leaflet comes from the Legal Aid Agency (LAA), the organisation that administers legal aid in England and Wales on behalf of the Lord Chancellor. The LAA's work is essential to the fair, effective and efficient operation of the civil and criminal justice systems.



1. What does civil legal aid cover?

Legal aid helps to cover the cost of:

- legal advice
- legal representation in a court or tribunal for serious problems
- family mediation.

Your legal aid adviser or solicitor will:

- check if you qualify for legal aid
- apply for legal aid on your behalf if you qualify.

Your legal aid adviser or solicitor will explain to you that:

- for all but the most serious problems, you must show that you cannot afford to pay your legal aid costs
- you may need to contribute to or pay the legal aid costs back later.

2. When do I contribute to the cost of my case?

The Legal Aid Agency (LAA) will:

- review your financial circumstances
- tell you if you have to pay a lump sum from your assets or make monthly payments from your income

- at the end of your case, tell you if you need to repay some or all of your legal aid costs.

What if my financial circumstances change during the case?

If your financial circumstances change, you must tell the LAA and your legal aid adviser or solicitor. This is because changes may affect whether you have to pay and, if so, how much.

For example, a change in your income or outgoings could mean that:

- you must start making monthly payments or
- your monthly payments rise or fall.

If you don't tell the LAA about a change to your financial situation, or don't cooperate with enquiries, your legal aid may be taken away.

You may then have to repay all your legal aid costs and you may also be prosecuted.

What happens if I am awarded money or property at the end of the case?

If you keep or gain money or property at the end of your case, you may have to repay some or all of your legal aid costs.

3. What do I have to pay?

This depends on the outcome of the case. If you have kept or gained money or property from the case, you will need to repay your legal aid costs to the LAA after the case ends.

This is done through the 'statutory charge'. The charge is made by law on the money or property concerned.

If you make contributions to your legal aid costs during your case, these will be taken off your legal aid bill.

The LAA will not make any charge for assessing your legal aid bill.

When does my opponent pay?

The court or tribunal may order your opponent to pay some or all of your legal aid adviser's costs.

You may pay less if your opponent pays these costs. But you are responsible for recovering the debt from your opponent.

If you succeed in getting your opponent to repay your legal costs, you must use the money to repay the LAA immediately.

Your right to comment on your legal aid costs

If you have to repay some or all of your legal aid costs, you have a right to comment on these costs.

Your legal aid adviser or solicitor must show you the bill before sending it to the LAA for assessment. If they don't, you can ask to see it.

The LAA or court will assess your legal aid costs and also pay your legal adviser or solicitor direct.

4. What happens if I keep or gain property?

In either of the following circumstances, the LAA may allow you to repay your legal aid costs at a later date if this is reasonable:

- If you keep or gain property that is to be used as your home at the end of your case.
- If you gain money in a financial settlement that is to be used to buy a home.

The LAA will register a charge on your home, similar to a mortgage, with the Land Registry to secure the debt. Interest – currently 8% – is charged on this debt.

You cannot:

- sell your home until you have paid back all of your statutory charge, or
- use your home as security for a loan unless the loan is to pay off your statutory charge.

Once you have paid the total sum owing, we will remove the charge from your home.

Example of a client who gained property

Mr Jones and his former partner each owned half of their house.

Mr Jones wanted the house put in his sole name but his former partner (opponent) did not agree and wanted the property in her sole name.

Mr Jones received legal aid for his divorce case. At the end of the case, the judge decided that Mr Jones should own the whole house.

Because Mr Jones kept his original half share of the house and gained the other half, he will have to repay the cost of his legal aid.

5. How do I make payments?

You can repay the money you owe in one lump sum, for example by using savings, income or by selling your home.

If we think you can repay all the money straight away, we will ask you to do so.

If you can't, you can make monthly payments of £25 or more.

The LAA charges interest – currently 8% – on the amount you owe under the statutory charge. This is calculated daily.

The interest we charge only applies to the statutory charge amount – we don't charge interest on interest.

We may occasionally review your financial circumstances to see if you can afford to increase your monthly payments.

If you can't afford your monthly payments, we may lower them – allowing you to repay the charge over a longer period.

6. Where can I get more information?

For public information about legal aid, visit: www.gov.uk/legal-aid

If your case is open, contact:

- Your legal adviser or solicitor or
- Legal Aid Agency's Customer Services Department on tel: 0300 200 2020

Please quote your certificate or case reference number.

If your case has ended and you have questions about the money you owe, please contact:

Land Charge Department
Legal Aid Agency

Email: land-charges-enquiry@justice.gov.uk

Tel: 020 3814 4366

Address: Land Charge Department
Legal Aid Agency 2
(Recovery Services),
PO BOX 10620,
Nottingham NG6 6DY