



Legal Services
Agency

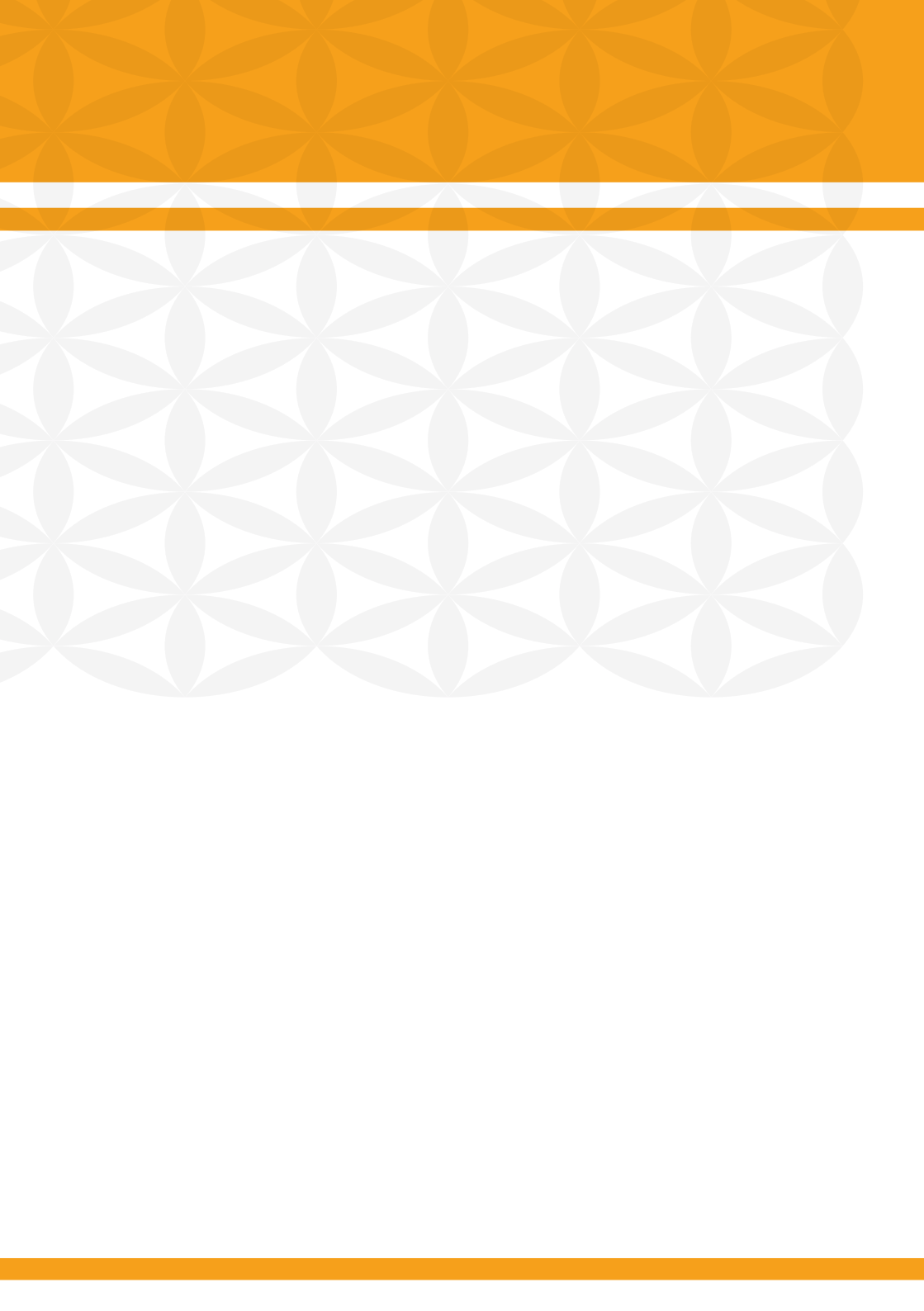
Pokapū Ratonga Ture

Your guide to

Legal aid and other legal assistance



HELPING PEOPLE ACCESS JUSTICE



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Introduction

This guide and how it's organised

This guide tells you about how you can get legal help if you can't afford a lawyer.

It is divided into two main sections – criminal and civil/family.


- The section “Legal help for criminal matters” explains how to get legal help when you're dealing with the Police or when you're in court on a criminal charge. Examples of criminal charges are burglary, assault and possession of drugs.
- The section “Legal help for civil/family matters” explains how to get legal help when you have a private dispute or other non-criminal problem that will go, or could go, to court. Examples are a dispute over who has day-to-day care of your children, taking your boss to the Employment Relations Authority, or recovering a debt.

The final section explains how you can challenge a legal aid decision – for example, if you're refused legal aid.

Where to get more information

There are various people and organisations that can give you more information about getting legal help. The most commonly used ones are listed here.

- **The Legal Services Agency and its website** – This is the government agency that administers legal aid and the other schemes explained in this guide. For more information, contact your local Agency office (see the blue Government pages at the front of your phonebook) or visit www.lsa.govt.nz. The website includes a financial self-assessment tool for civil/family legal aid – you can fill this in to get an idea of whether you might get legal aid.
- **Community law centres** – Community law centres have lawyers who can give free legal advice and discuss your options with you. Some law



centre lawyers can represent you at court, but not all. To contact your nearest law centre, see “Personal Help Services” at the front of your phonebook, or visit www.lsa.govt.nz.

- **Citizen Advice Bureaux (CABs)** – Trained CAB volunteers can give you general information about legal aid. Some CABs have a free legal advice service, but CABs can’t represent you at court. For contact details for CABs, see “Personal Help Services” at the front of your phonebook, or call 0800 367 222, or visit www.cab.org.nz.
- **Local courts** – The registrar and other staff at most local courts can help you fill in legal aid forms and can give you information about legal aid. If they can’t, they will tell you who can help you. The Duty Solicitor can represent you free of charge on the first day of your case (see page 6). For contact details for courts, see the blue Government pages at the front of your phonebook, under “Justice Ministry”, or visit www.justice.govt.nz.
- **Lawyers** – Many lawyers work on legal aid. The Legal Services Agency has a list of legal aid lawyers on its website at www.lsa.govt.nz. Lawyers are also listed in the Yellow Pages under “Barristers and Solicitors” and “Lawyers”; however, not all lawyers do legal aid work. Some lawyers may answer questions about legal aid for free, but you should always check this with the lawyer when you start talking to them.

Legal help for criminal matters

The Police Detention Legal Assistance (PDLA) scheme

When you're held, arrested or questioned by the Police

Introduction

If you don't have your own lawyer and the Police have arrested or are holding you, you can talk to a lawyer for free under the Police Detention Legal Assistance (or "PDLA") scheme. You can also talk to a PDLA lawyer sometimes when the Police are just questioning you.

The Police have a list of the names and phone numbers of lawyers who are available to be contacted day or night, free of charge. Ask to see the list.

You can talk to a PDLA lawyer when:

- you've been arrested
- you're being held ("detained") without being arrested (for example, if you're being searched for illegal drugs or weapons)
- the Police are questioning you about an offence they suspect you've committed and they've told you that you have the right to talk to a lawyer.

This might be happening at the Police station, in your home, on the street, or anywhere else.

Do I have to show that I can't afford a lawyer?

No, the PDLA scheme is not means-tested. It's available to anyone who doesn't have a lawyer, whether or not they can afford one.



How do I get in touch with a PDLA lawyer?

Ask the Police to show you the list of PDLA lawyers, and then phone a lawyer from the list. If you don't ask the Police for the list, they don't have to show it to you.

Will I get to talk to the PDLA lawyer in person?

Usually the lawyer will talk to you over the phone. In some more complicated cases, the lawyer may come to you.

You have the right to talk to the lawyer in private, either over the phone or face-to-face.

Young people and the Police

Young people can use the PDLA scheme: there is no minimum age.

If you're under 17, and the Police want to question you about an offence they suspect you've committed, they must first explain that you have –

- the right to talk to a lawyer, and
- the right to see a "nominated adult" – either a parent or another adult of your choice.

You have the right to talk privately with the lawyer and with the nominated adult.

The Police must also contact your parents or caregivers to tell them that you're being questioned or have been arrested.

Remember!

- Before you answer any Police questions about an offence they suspect you of, always talk to a lawyer.
- Ask to see the list of PDLA lawyers.
- Phone a lawyer from the list for advice.

The Duty Solicitor scheme

A lawyer on duty for the first day in court

Introduction

A Duty Solicitor (also called a Duty Lawyer) is a lawyer on duty at the courts. They provide free legal help to people who have been charged with an offence and don't have their own lawyer.

The Duty Solicitor is usually available only for the first day when you are in court for your case.

Do I have to show that I can't afford a lawyer?

No, the scheme is not means-tested. Anyone who doesn't have their own lawyer can use a Duty Solicitor's services.

How do I find the Duty Solicitor when I get to court?

There may be notices, posters or pamphlets at the court telling you where to find the Duty Solicitor. If not, ask the court staff or a court volunteer. If you're in Police custody, the Duty Solicitor will see you in the cells.

The Duty Solicitor can:

- explain to you what offence you are charged with and how serious it is
- tell you about the usual range of sentences the courts give for the charge
- tell you if you might have a defence to the charge
- explain what happens after you plead Guilty or Not Guilty
- apply for bail for you in some cases
- ask for your case to be "remanded" (put off) so that you can get more advice or information
- explain about Police diversion
- help you apply for legal aid if you have to come back to court for trial or sentencing
- if you are pleading Guilty to a minor charge, tell the judge about your personal circumstances and your point of view about the offence (a "plea in mitigation").

What the Duty Solicitor can't do for you

The Duty Solicitor usually can't represent you after the first day of your case. If you can't afford a lawyer, you'll need to apply for criminal legal aid for a lawyer to represent you for the rest of your case (a status hearing, the trial, sentencing and any appeals). For legal aid, see page 8.

If you want the Duty Solicitor to be your legal aid lawyer for your case, you can tell the Legal Services Agency in your application form. The Agency may be able to assign that lawyer to you. But Duty Solicitors are not allowed to ask you to choose them as your lawyer.

Helping the Duty Solicitor to help you

There are some things you can do to make the most of the Duty Solicitor's services.

- Get to the courts early so that there's plenty of time to talk with the Duty Solicitor about your case. Usually this will mean getting to the court by 8.30 am.
- Write down and bring with you a statement that explains:
 - what happened, from your point of view
 - your background and personal situation (including things like your income and living expenses, and any things you do in your local community).

Criminal legal aid

Help with legal costs in criminal court cases

Introduction

If you've been charged with an offence but can't afford a lawyer, your legal fees may be paid through criminal legal aid. Legal aid covers your lawyer's fees and all other fees and expenses of your court case. But you may have to pay some of it back.

Who can apply for criminal legal aid?

Criminal legal aid is available to anyone who has been charged with a criminal offence.

It's also available in some cases for people appearing before the New Zealand Parole Board.

You don't have to be a New Zealand citizen or be living here permanently to be able to apply for legal aid.

Examples of criminal matters

- Assault
- Drug possession
- Theft
- Burglary
- Fraud
- Drunk-driving
- Arson
- Having an offensive weapon
- Receiving stolen goods
- Threatening to kill
- Rape and other sexual offences
- Murder or manslaughter

Applying for criminal legal aid

When should I apply?

Apply as soon as you've been charged or received a summons to appear in court. Don't wait until your first day in court.

The following people can help you apply for legal aid:

- a lawyer you already know who you'd like to represent you
- the Duty Solicitor at the court (see page 6)
- the criminal registrar at the court, or other court staff
- a community law centre
- volunteers at the court, such as Friends at Court or Mātua Whāngai workers (who provide support for Māori defendants).

What information do I need to give on the legal aid application form?

You'll need to give information about yourself and your case:

- the address and phone number where you can be contacted at home and at work
- your date of birth
- the offence you've been charged with (your court summons will tell you this)
- the place where your case is being heard and your next court date.

You'll also need to give details and evidence of your finances:

- your before-tax income (wages, benefits, ACC and so on)
- any savings you have
- the value of any major assets you own, like a house or car
- any money you owe (such as hire-purchase payments)
- how many dependent children you have.

If you have a partner, you must give the same financial information about them, on a different part of the form. This applies to married and civil union couples and to de facto partners (including same-sex partners).

Remember!

Take your court summons with you when you go to see a lawyer or apply for legal aid. It has important information that you must put on your legal aid application form.

The decision to grant legal aid

How is it decided whether I'll get legal aid?

The Legal Services Agency will consider the following factors:

- **Whether you can afford a lawyer**
 - The Agency will look at how much you earn before tax.
 - It will also look at how much money you could raise by selling your property (but not including your equity in your first house up to \$80,000, nor your car, furniture and tools of trade).
 - If you have a partner, the Agency will also take into account their finances. This applies to married, civil union and de facto partners, including same-sex.
 - If you're on a benefit, you'll probably qualify for legal aid.

- **How serious the charge is**
 - You'll automatically qualify for legal aid if you could face a sentence of six months or more in prison (and if you can't afford a lawyer).
 - You usually can't get legal aid for less serious offences, such as most traffic offences and "summary offences" (like disorderly behaviour). But you may qualify if one of the special factors below applies to your case.

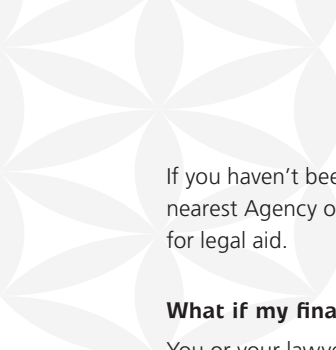
- **Special factors**

A less serious charge may qualify for aid if, for example:

 - you have previous convictions, which may mean a prison term is more likely, or
 - your case is very complicated, or
 - you face a special barrier or disability, such as difficulties with reading or writing, or mental illness.

How will I find out if I've been granted legal aid?

You may be told when you next go to court. You will also be sent a letter within a few days after the Legal Services Agency receives your application.



If you haven't been told and your case is about to go to court, ring your nearest Agency office and ask to talk to someone about your application for legal aid.

What if my financial situation changes?

You or your lawyer must tell your local Legal Services Agency office if there's an increase in your household income or in the value of the property you and your partner own. This may affect how much legal aid you're granted or how much you have to repay.

What can I do if I'm refused legal aid?

You or your lawyer can challenge the decision by asking the Agency to reconsider it, or by appealing to the Legal Aid Review Panel (LARP), or both (see page 24).

You can apply for legal aid again if you lose your job or your income drops, or if the Police charge you with a more serious offence.

If challenging the decision doesn't change it, you can:

- ask your local community law centre whether a lawyer from the centre can represent you for free
- negotiate with a lawyer to pay them later or in instalments
- try to find a lawyer who will work for you for free ("pro bono")
- represent yourself at court.

Who pays and how

Will I have to pay anything?

You may have to repay some of your legal aid, depending on how much you earn and what property you own.

The Legal Services Agency uses the financial information you give on your application form to work out whether you have to pay anything. The Agency will tell you the maximum amount you may have to repay when it tells you if you have been granted legal aid. Exactly how much you will eventually have to repay will depend on your income and property and on how much your case costs.

If you're a beneficiary with no assets, it's unlikely you'll have to repay any of your legal aid.

How do I make repayments?

The Legal Services Agency can require you to make repayments in different ways. You might have to pay in more than one way.

The different ways to pay are:

- through regular payments (instalments) made weekly, fortnightly or monthly
- as a lump sum, either out of your savings or when you sell your house or other property.

If the Agency decides you can afford to make regular payments, you will probably have to start them straight away. The Agency will work out a repayment plan with you based on the information you have provided in your application.

If you do not keep up with the repayment plan, the Agency can charge interest on what you owe. It can also take action to recover your debt, using debt collectors for example.

If you have problems meeting your repayments, contact the Agency's Debt Management Group on 0800 600 090 as soon as possible. They can decide to rearrange your repayment plan, rather than taking action to collect the debt.

In some cases, the Agency can write-off (cancel) some or all of your legal aid debt if you can't repay it.

You can ask for your legal aid to be stopped, but you may still have to repay some or all of the aid spent so far.

“Charges” on your property as security for the debt

If you own a house, car or other valuable property, you may have to authorise the Legal Services Agency to place a “charge” on the property as security for the debt. The Agency will require this if your legal aid debt is more than \$300.

The charge means that if you sell the property, you must repay your debt to the Agency out of the money you get from the sale. However, you can repay the debt to the Agency at any time before then.

Is my legal aid paid to me or to the lawyer directly?

It's paid to your lawyer directly.

Do I have to pay anything to the lawyer?

No. Your lawyer is not allowed to take payments directly from you. If your lawyer tries to charge you more, you should tell the Legal Services Agency.

You and your legal aid lawyer

Can I choose my legal aid lawyer?

Yes, if the lawyer you choose:

- has a contract with the Legal Services Agency to do legal aid work for your type of case, and
- can be at court when necessary.

You can check if your lawyer has a contract with the Agency by visiting the Agency's website at www.lsa.govt.nz

The Agency will decide who your lawyer will be if you don't have a lawyer or if your lawyer isn't suitable for your case.

Find a suitable lawyer by:

- asking friends or family to recommend someone
- asking a Legal Services Agency office (in main centres)
- asking your local community law centre or Citizens Advice Bureau (CAB)
- asking the District Law Society (visit www.lawyers.org.nz/hmdlsocieties.asp for contact details for District Law Societies)
- visiting the Legal Services Agency website at www.lsa.govt.nz
- looking in the Yellow Pages under "Barristers and Solicitors" and "Lawyers".

Will my legal aid lawyer contact me?

No, you'll have to make the first contact. The Agency will give you the lawyer's contact details when they tell you you've been granted legal aid. Try to make an appointment with the lawyer well before you go back to court.

What if I'm already receiving legal aid?

If you're already receiving legal aid for an ongoing court case, the lawyer who has been representing you will usually continue to represent you on any new charges.

What if I have problems with my legal aid lawyer?

If you're unhappy about your legal aid lawyer, you should first try to sort out the problem with him or her directly.

If that doesn't solve the problem, write to the Agency staff you've been dealing with. The Agency will first consider whether it can deal with your complaint informally with the lawyer.

If your complaint can't be dealt with informally, and there's a good reason for the complaint, the Agency will formally investigate it.

Can I change my lawyer?

If you have good reasons, and the Agency agrees, you can change your lawyer. But this doesn't happen very often. Contact the Agency office about this as soon as you think you have a serious problem.

Young people and criminal legal aid

At what age can I get criminal legal aid?

If you can't afford a lawyer, one will be provided for you no matter how old you are.

- If you're **under 17** you'll be dealt with in the Youth Court, and you'll automatically be provided with a free lawyer called a "Youth Advocate". You won't be able to choose the lawyer who'll be your Youth Advocate. Unlike legal aid, there is no financial means test.
- If you're **17 or older** you'll be dealt with in the District Court (the adult courts) and you can apply for legal aid.

Are my parents' finances taken into account?

The Legal Services Agency can take into account any support (like food or accommodation) that your parents or anyone else regularly gives you, no matter how old you are.

Legal help for civil/family matters

Civil/family legal aid

Help with legal costs for non-criminal problems

Introduction

If you have a legal problem but can't afford a lawyer, you may be able to get one through civil/family legal aid. If you're granted legal aid, it will cover all your lawyer's fees and all other fees and expenses of your court case. You may have to repay some or all of your legal aid.

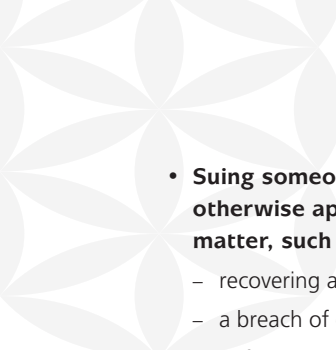
You don't have to be a New Zealand citizen or be living here permanently.

Special rules apply if you're under 20 (see page 22).

What sorts of problems is civil/family legal aid available for?

Civil/family legal aid is available for many types of private disputes and other non-criminal problems that will go, or could go, to court.

- **Family and domestic disputes dealt with by the Family Court, such as:**
 - matrimonial and relationship property problems
 - maintenance (financial support)
 - problems to do with care of children
 - applying for a protection order or other order under the Domestic Violence Act 1995 (see page 23)
 - care and protection orders for children and young people
 - adoption
 - paternity
 - mental health compulsory treatment orders.



- **Suing someone or being sued in the District or High Court, or otherwise appearing in the District or High Court over a civil matter, such as:**

- recovering a debt
- a breach of contract (for example, a hire-purchase agreement)
- defamation
- bankruptcy or insolvency.

- **Disputes dealt with by some tribunals and specialist courts, such as:**

- Employment Relations Authority
- Environment Court
- Human Rights Review Tribunal
- Legal Aid Review Panel
- Māori Land Court
- Motor Vehicle Disputes Tribunal
- Refugee Status Appeal Authority
- Social Security Appeal Authority
- Taxation Review Tribunal
- Tenancy Tribunal
- Waitangi Tribunal.

Legal aid is also available for **mediation** to solve disputes that would otherwise have to go to court.

Civil/family legal aid is not available for:

- divorce (“dissolution of marriage”)
- the Disputes Tribunal
- work by a lawyer that doesn’t involve a problem that could go to court (for example, getting a will drawn up)
- immigration matters (except for refugee matters)
- companies or groups of people (except in some cases)
- reviews by Work and Income (but legal aid is available for you to appeal their review decision to the Social Security Appeal Authority)

- problems with schools, universities and other educational institutions (for example, suspension meetings before a school Board of Trustees).

Applying for civil/family legal aid

How do I apply?

You start by contacting a lawyer who you'd like to represent you. Always check that the lawyer you talk to does legal aid work.

Your lawyer will have a copy of the legal aid application form and will help you fill it in. You can also get a form from the District Court or from a community law centre or Citizens' Advice Bureau (CAB).

Some lawyers answer questions about legal aid for free, but you should always check this with the lawyer when you start talking to them.

How do I find a suitable lawyer?

If you don't know a suitable lawyer already, you can:

- ask friends or family to recommend someone
- ask a Legal Services Agency office (in main centres)
- ask your local community law centre or Citizens Advice Bureau (CAB)
- ask the District Law Society (visit www.lawyers.org.nz/hmdlsocieties.asp for contact details for District Law Societies)
- visit the Legal Services Agency website at www.lsa.govt.nz
- visit www.familylaw.org.nz to find a family lawyer (this is the website of the Family Law section of the New Zealand Law Society)
- look in the Yellow Pages under "Barristers and Solicitors" and "Lawyers".

When you go to see the lawyer:

- take any letters or documents to do with your case
- take all the information you'll need to provide on your legal aid application form (see below).

What information do I need to give on the application form?

You'll need to give:

- the address and phone number where you can be contacted at home and at work
- your date of birth.

You'll also need to give details and evidence of your finances:

- your before-tax income (wages, benefits, ACC and so on)
- any savings you have
- the value of any major assets you own, like a house or car
- any money you owe (such as hire-purchase payments)
- how many dependent children you have.

If you have a partner, you must give the same financial information about them, on a different part of the form. This applies to married and civil union couples and to de facto partners (including same-sex partners)

Your lawyer will fill in the parts of the application form that are about your case and why legal aid should be granted for it.

The decision to grant legal aid

How is it decided whether or not I get legal aid?

The Legal Services Agency will consider the following factors:

- **Whether you can afford a lawyer**
 - The Agency will look at how much you earn before tax.
 - It will also look at how much money you could raise by selling your property (but not including your equity in your first house up to \$80,000, nor your car, furniture and tools of trade).
 - If you have a partner, the Agency will also take into account their finances. This applies whether you're married or in a civil union, or in a de facto relationship (including same-sex).
 - Use the financial self-assessment tool on the Agency website, www.lsa.govt.nz, to check if you're likely to get legal aid.



- **Your particular case**

- You must have a significant personal interest in your case (“reasonable grounds”). You will almost always have reasonable grounds if your case involves children (like day-to-day care or contact), domestic violence or mental health.
- If your case is about relationship property or maintenance, or if it’s not a Family Court matter, the Agency will also look at your chances of winning your case.
- The Agency may refuse legal aid if the likely cost of your case outweighs the benefit you could get from winning (for example, if you have a good case but you are suing someone who has limited funds to pay you with).

What happens if my financial situation changes?

You or your lawyer must tell your local Legal Services Agency office if there is an increase in your household income or in the value of the property you and your partner own. This may affect whether you qualify for legal aid or how much you have to repay.

What can I do if I’m refused legal aid?

You or your lawyer can challenge the decision by asking the Legal Services Agency to reconsider it, or by appealing to the Legal Aid Review Panel (LARP), or both (see page 24).

If challenging the decision doesn’t change it, you can:

- ask your local community law centre whether a lawyer from the centre can represent you for free
- negotiate with a lawyer to pay them later or in instalments
- try to find a lawyer who will work for you for free (“pro bono”)
- represent yourself at court.

Who pays and how

Will I have to pay anything?

You may have to repay some of your legal aid, depending on how much you earn and what property you own.

The Legal Services Agency uses the financial information you give on your application form to work out whether you have to pay anything. The Agency will tell you the maximum amount you may have to repay when it tells you if you have been granted legal aid. Exactly how much you will eventually have to repay will depend on your income and property, on how much your case costs, and on how much money you win from your case, if anything.

If you're a beneficiary with no assets, it's unlikely that you'll have to repay any of your legal aid.

How do I make repayments?

The Legal Services Agency can require you to make repayments in different ways. You might have to pay in more than one way.

The different ways to pay are:

- through regular payments (instalments) made weekly, fortnightly or monthly
- as a lump sum, either out of your savings or when you sell your house or other property
- from any money or property you win out of your court case.

If the Agency decides you can afford to make regular payments, you will probably have to start them straight away. The Agency will work out a repayment plan with you based on the information you have provided in your application.

If you do not keep up with the repayment plan, the Agency can charge interest on what you owe. It can also take action to recover your debt, using debt collectors for example. In civil/family cases the Agency can also withdraw your aid.

If you have problems meeting your repayments, contact the Agency's Debt Management Group on 0800 600 090 as soon as possible. They can decide to rearrange your repayment plan, rather than taking action to collect the debt.

In some cases, the Agency can write-off (cancel) some or all of your legal aid debt if you can't repay it.

You can ask for your legal aid to be stopped, but you may still have to repay some or all of the aid spent so far.

“Charges” on your property as security for the debt

If you own a house, car or other valuable property, you may have to authorise the Legal Services Agency to place a “charge” on the property as security for the debt. The Agency will require this if your legal aid debt is more than \$300.

The charge means that if you sell the property, you must repay your debt to the Agency out of the money you get from the sale. However, you can repay the debt to the Agency at any time before then.

No repayments required in domestic violence cases

It’s unlikely you’ll have to repay any of your legal aid if you’re applying for a protection order under the Domestic Violence Act 1995 or for any other order under that Act.

Is my legal aid paid to me or to the lawyer directly?

It’s paid to your lawyer directly.

Do I have to pay anything to the lawyer?

No. Your lawyer is not allowed to take payments directly from you. If your lawyer tries to charge you more, you should tell the Agency.

You and your legal aid lawyer

What if I have problems with my legal aid lawyer?

Try sorting the issue out with your lawyer directly. If that doesn’t work, you can complain to the Agency (see page 14).

Young people and civil/family legal aid

At what age can I apply for civil/family legal aid?

You can get legal aid even if you’re under 16, but usually an adult (20 or older) must apply on your behalf. The adult must sign a statement promising to make any repayments that the Agency requires towards your legal aid.

If you’re 16 or older, you can apply for legal aid in your own right. You’ll be responsible for making any repayments the Agency requires.

Will my parents' finances be taken into account?

If you're 16 or older and under 20, and you're living with and being supported by your parents, the Agency can take their income and assets into account when deciding whether you qualify for legal aid and whether you will have to repay any of it.

If you're under 16, your parents' income and assets will usually be taken into account.

But your parents' income and assets:

- **will** be ignored if your dispute is with one or both of them (for example, if you've applied for a domestic violence protection order against one of them)
- **can** be ignored if you're not living with them or you're supporting yourself.

No matter how old you are, the Agency can also take into account any support (like food or accommodation) that your parents or anyone else gives you.

Domestic violence and legal aid

Can I get legal aid if I apply for an order under the Domestic Violence Act 1995?

Yes. Your lawyer will help you with your legal aid application. You can also get help from women's refuges and community law centres.

Repayments: Special exemptions in domestic violence cases

If you're applying for an order under the Domestic Violence Act 1995, it's unlikely you'll have to repay any of your legal aid.

But that applies only to the domestic violence part of your case. If, for example, you've also applied for day-to-day care of your children at the same time, you may have to repay some or all of the cost of that part of your case.

The exemption from repayments applies only if you are the person applying for the domestic violence order, not if you're the person the application is made against (the "respondent").

Of course, you'll also have to qualify for legal aid in the usual way, including meeting the financial means test (see page 19, "How is it decided whether or not I get legal aid?").

How to challenge legal aid decisions

What to do if you're not happy with a legal aid decision

Introduction

If you're not happy with a decision by the Legal Services Agency, you can ask the Agency to reconsider its decision, or you can appeal to the Legal Aid Review Panel (LARP), or both.

The kinds of decisions you can challenge include, for example:

- a decision rejecting your application for legal aid
- a decision about the amount of legal aid you're granted
- a decision about how much of your legal aid you must repay.

Getting the Legal Services Agency to reconsider

You or your lawyer can ask the Agency to reconsider its decision if it refuses to grant you legal aid, or if you're unhappy with some other decision it has made.

You should go to the same Agency office that you've been dealing with. But the person who reconsiders the issue won't be the person who made the original decision. They can consider any new information that you supply.

It usually takes about 15 working days for the Agency to reconsider its decision.

Appealing to the Legal Aid Review Panel (LARP)

On what grounds can I appeal to LARP?

You or your lawyer can appeal a legal aid decision to the Legal Aid Review Panel if you think:

- the decision was clearly unreasonable, or
- the decision didn't follow the rules in the Legal Services Act 2000 and the Legal Services Regulations 2006.

You can appeal to LARP whether or not you've already asked the Legal Services Agency to reconsider.

How do I go about appealing to LARP?

You must send your appeal to LARP within 20 working days after the Agency tells you of its decision, or within any longer time that LARP allows you. Ask your nearest Agency office how to contact LARP.

The Legal Aid Review Panel won't hold a hearing, which means you won't be able to speak to the Panel in person. But you can send it a written statement, along with any other documents and information you think are useful.

What if I'm not happy with LARP's decision?

You can appeal LARP's decision to the High Court if you think it got the law wrong, but not on any other ground.

Help with challenging legal aid decisions

If you need help to get a decision reconsidered or reviewed, you can:

- contact your nearest Legal Services Agency office
- contact a Duty Solicitor at the court (these are lawyers who give free legal advice at the courts: see page 6)
- contact your legal aid lawyer
- contact your nearest community law centre.

