



Legal Services
Agency

Pokapū Ratonga Ture

Information about

Criminal Legal Aid



HELPING PEOPLE ACCESS JUSTICE

If you've been charged with an offence and don't already have a lawyer, a lawyer on duty at the court will help you for free the first day you are in court for your case. If your case continues you may need to get a lawyer. You can apply for legal aid if you need help paying for a lawyer.

What is criminal legal aid?

It is help with legal costs if you have been charged with a criminal offence. You may need to repay some or all of the cost of the aid.

Will I qualify for legal aid?

The Legal Services Agency will make a decision based on two things:

1. Your financial situation. This means you need to provide information about how much you (and your partner) earn and own.
2. The seriousness of the charges. Grants of criminal legal aid are generally to people who could face a prison sentence.

What information has to go on the Criminal Legal Aid application form?

- The offence you are charged with (your Court Summons tells you this).
- Your address and phone number at work and home.
- Your date of birth.
- Your income for the last 12 months.
- Any savings you have.
- The value of any major assets you own, like a house or car.
- Any money you owe.
- How many dependent children you have.
- If you have a partner (de facto/married/civil union) you need to give the same kind of information about their finances.

Why does the Agency need to know these things?

So it can make a fair decision about whether you can get legal aid, how much you may need to repay and how you will make repayments.

Who can help me apply for legal aid?

- If you already know a lawyer you would like to represent you, go and see them.
- Go to the desk at the nearest District Court and ask to see the lawyer on duty. If the lawyer on duty is not available, ask for someone else at the Court to help you.
- Go to your nearest Legal Services Agency office, Community Law Centre or Citizens Advice Bureau. Phone numbers and addresses are in the phone book or you can go to www.lsa.govt.nz

Who can represent me at court?

You can choose your own lawyer, but they must be approved to be a legal aid lawyer for your type of case. If you don't have a lawyer, the Agency will appoint one for you. The lawyer on duty is usually only available to represent you the first day you are in court for your case.

How will I know if I get legal aid?

You may be told at court and you will be sent a letter within a few days of your application being received by the Agency. If you don't hear from anyone before your case is due, ring the Agency and ask to talk to someone about your application.

Do I have to pay anything?

You may have to pay some money (a "repayment") towards your legal aid. How much you repay will depend on your financial situation and the cost of your case. The Legal Services Agency will tell you the maximum amount you may have to repay when it tells you if you have been granted legal aid. You may need to start repayments straight away.

The Agency can ask you to make your repayment in different ways, for example in instalments, as a lump sum, or when you sell your house or other property. You might have to pay in more than one way.

If you own a house or other property, the Agency may take a “charge” over your property as security for repayment. A charge is like a loan agreement. You will have to make your repayment when you sell your property.

Why do I have to sign the form?

You sign to say that the information you give on the form is true and that you haven't left out anything important. It is illegal to sign when you know that something in the form is not true or that you have left out something important. Your signature also means that you know you must tell your Agency office if your financial or personal situation changes (e.g. you earn more money or you move house).

What will happen to the information about me?

The personal information you give on the forms is used by Agency staff to process your application for legal aid.

What happens if I'm not happy with the decision about my application?

You can ask the Agency to reconsider its decision or you can ask for a review by the Legal Aid Review Panel. Ask the person who helped you apply for legal aid to help you with this.

For more information, go to www.lsa.govt.nz

