

YOUR DEFENCE IN THE COURTS

your defence in the courts
an essential guide

Paying for your defence

Do I have to pay in the magistrates' court?

Not if you're under 18 or on specific benefits*

Otherwise it depends. Your annual household income, living costs and family circumstances will be taken into account:

- if you're left with £12,475 or less you get free legal aid
- if you're left with £22,325 or more you have to pay privately

* benefits are: income support, income-based job seeker's allowance, guaranteed state pension credit, income-related employment and support allowance

If it's more than £12,475 but less than £22,325 we will look at your disposable income. This is the money you're left with after you've paid your main bills.

If you're left with:

- £3,398 or less a year (£283.17 or less a month) you get free legal aid
- more than £3,398 a year (£283.17 a month) you have to pay your legal costs yourself

Do I have to pay in the Crown Court?

Yes, if you can afford to pay. There are four scenarios:

1. You don't have to pay if you're:
 - under 18
 - on specific benefits*
 - your household income after you have paid your main bills is £3,398 or less a year (£283.17 or less a month) **and** you have less than £30,000 in capital
2. You can afford to pay from your income
3. You can afford to pay from your capital
4. You can afford to pay from your income and capital

* benefits are: income support, income-based job seeker's allowance, guaranteed state pension credit, income-related employment and support allowance

Paying from your income in the Crown Court

Will I have to pay from my income?

No - if you got free legal aid in the magistrates' court and your financial circumstances have not changed

Yes - if you have a household disposable income of more than £3,398 a year (£283.17 a month)

How much will I have to pay?

Give your legal aid application to a solicitor. They can advise you if you have to pay and estimate how much

If your disposable income is more than £3,398 per year, the actual amount is divided by 12 to get a monthly figure

If your monthly disposable income is more than £283.17 you will be asked to pay **90%** of this each month for five months. Or you can pay the whole amount upfront

If you're late paying, you will be asked to make one extra payment

For example

if your annual disposable income is £3,000, your monthly contribution is £0

if your annual disposable income is £4,800, your monthly disposable income is £400 your monthly contribution is £360 your total contribution from income is £1,800 (5x £360) or £2,160 if you pay late

When will I have to pay?

Within **28 days** of your case being committed to the Crown Court. You will be posted a Contribution Notice or Order detailing the amount you have to pay

You must provide evidence to prove your income

You should bring the evidence with you when completing the legal aid application form. If you're:

- on income or job seeking benefits
evidence needed: national insurance number or letter confirming your benefits
- employed
evidence needed: latest pay slip

- self-employed
evidence needed: latest full self-assessment tax return form or latest set of accounts. If we need more we'll let you know
- paid in cash
evidence needed: letter from your employer confirming your earnings

If the evidence hasn't been provided by the time your case is committed to the Crown Court, you'll have **14 days** to submit it

If you don't provide proof, you may have to pay monthly payments of **£900** or **100%** of your monthly disposable income, whichever is higher

What if I can't afford to pay?

To find out exactly how much you need to pay you need to apply for legal aid and provide proof of income

You will then get a Contribution Order or Notice confirming if and how much you have to pay, alongside your Representation Order

If you think the calculation is wrong you can ask for a review

If you don't think you can afford to pay you can ask for a **hardship review**

Your solicitor or the magistrates' court where you made your application can give you more advice

What happens if I don't pay?

If you don't pay or your payments are late, the Legal Services Commission may take action against you. They may:

- charge interest
- take part of your earnings

These are just examples of what may happen. Your solicitor will be able to tell you more

Paying from your capital in the Crown Court

Will I have to pay from my capital?

Only if the answer is **'yes'** to all the following:

- you are found or plead guilty
- any payments you have already made have not covered your total defence costs
- you have more than £30,000 of capital assets (eg savings, equity in property, shares or Premium Bonds)

How much will I have to pay?

This depends on your ability to pay and the overall costs of your case

You may only be asked to pay **some** of your final defence costs

But if you don't provide evidence of your capital when asked we may ask you to pay from your capital even if you have less than £30,000 in assets

When will I have to pay?

Once the case has finished. You will be sent a final Contribution Order detailing the amount you have to pay

What happens if I don't pay?

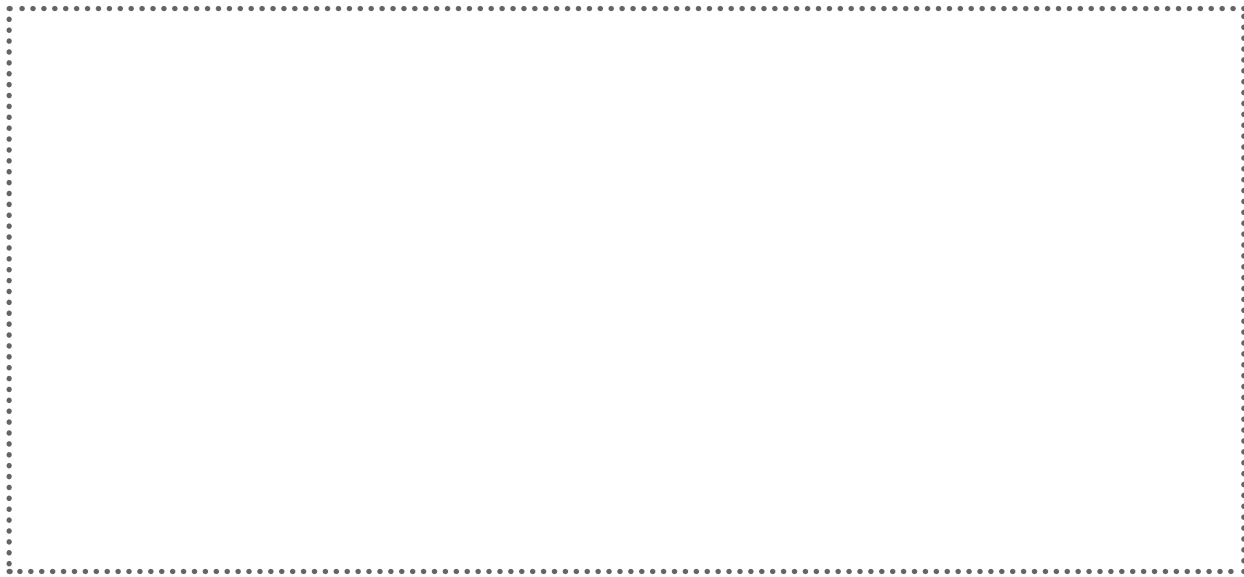
The Legal Services Commission may charge interest and can take a range of enforcement actions against you

What happens next?

1. Speak to a solicitor
2. Fill in a legal aid application form
3. Get all your evidence together to prove your income and capital (eg savings, shares, Premium Bonds)
4. You will receive a Contribution Order or Notice telling you if and how much you have to pay in the Crown Court
5. If you have to pay and you make your payments on time, you only pay for five months. You will have to pay for six months if you pay late
6. If you're found not guilty, you get your money back with interest. If you paid late or not at all and action was taken against you, the costs of this action will be deducted from any refund
7. If you're found or plead guilty, you may have to pay from your capital assets (eg savings, equity in property, shares or Premium Bonds)
8. If you decide you want to represent yourself, tell the court immediately

Useful information

Solicitor's details:



Don't forget...

- Apply for legal aid representation as soon as possible. A solicitor has the knowledge and expertise to build your defence, will support you throughout the case and call witnesses and experts on your behalf
- Get evidence to prove your income and any capital assets you have (eg savings, shares, Premium Bonds)
- If you decide you want to represent yourself, tell the court immediately
- If you have problems paying, call Rossendales on 0845 6444 100

community
legal advice

0845 345 4 345

www.communitylegaladvice.org.uk



Recycled

Supporting responsible use
of forest resources

www.fsc.org Cert no. SGS-COC-2842
© 1996 Forest Stewardship Council

