

# YOUR DEFENCE IN THE COURTS

**your defence in the courts  
an essential guide**

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## 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 income, living costs and family circumstances will be taken into account:

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

If it's between £12,475 and £22,325 we will calculate your disposable income

- if this is below £283 a month you get free legal aid
- if this is over £283 a month you have to pay privately

### 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 disposable income is below £283 a month
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 include: income support, income-based job seeker's allowance, guaranteed state pension credit, income-related employment and support allowance

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## Paying from your income in the Crown Court

### Will I have to pay from my income?

**No** - if you get free legal aid in the magistrates' court

**Yes** - if you have a household, monthly disposable income of £283 or more

### 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 you have a monthly disposable income of **£283** or more, 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

### 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

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## Paying from your income in the Crown Court

### 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 you don't have the evidence when you complete the form, 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

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## Paying from your income in the Crown Court

### 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

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## 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 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, you may be asked to pay **all** of your defence costs

### When will I have to pay?

Once the case has finished. You will be contacted directly by the Legal Services Commission

### What happens if I don't pay?

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

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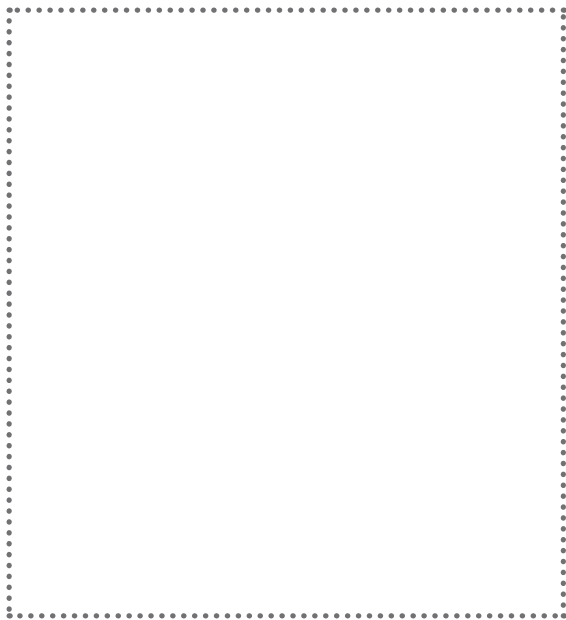
## What happens next?

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, make your payments on time and you only pay for five months
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 the refund
7. If you're found 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

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## Useful information

### Solicitor's details



### Don't forget...

- Apply for legal aid representation as soon as possible
- 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

community  
legal advice

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[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

