

Main differences between Civil and Criminal legal aid schemes

In Ireland, there are two legal aid schemes, one for criminal law matters and one for civil law matters. Both are separate and governed by different rules.

	Criminal legal aid scheme	Civil legal aid scheme
What legal issues are covered?	Criminal law issues: Criminal law covers conduct which is prohibited by law and where the state brings a case against an individual defendant for allegedly breaking such a law. Excluded from the scheme are extradition proceedings and most judicial review cases.	Civil law issues: Refers to all other law that is not criminal law & involves one party taking a case against another party. However a number of legal areas are excluded from civil legal aid, such as cases involving rights or interest over land, defamation and, importantly for many people, cases before a quasi-judicial body or non-court tribunal like the Social Welfare Appeals Office and Workplace Relations Commission.
Who is responsible for administering the scheme?	The Department of Justice is responsible for administering the criminal legal aid scheme. Judges grant legal aid to people based on their individual cases. The Department pays the lawyers' fees, based on set rates . Note: the Legal Aid Board is responsible for administering three ad-hoc criminal legal aid schemes. The Board is expected to take over total responsibility for criminal legal aid in the future.	The Legal Aid Board , a state-funded body established under an Act of the Oireachtas , is responsible for administering the civil legal aid scheme.
How does a person apply?	Typically, a person applies for criminal legal aid to a judge in court.	A person applies to the Legal Aid Board for civil legal aid in one of its Law Centres countrywide.
What are the eligibility criteria?	<p>Where a person faces a criminal charge, the judge will consider two main factors in deciding whether to grant a legal aid certificate. Each application is decided on a case-by-case basis.</p> <p>First, it must be in the interests of justice, due to the seriousness of the charge or the circumstances of the alleged crime, that the person receive legal aid. In assessing the seriousness of the case, the judge considers the possibility of the person receiving a prison sentence or large fine if convicted.</p> <p>Second, the person must show that his/her means are insufficient to pay for representation him or herself. Financial eligibility guidelines do not exist.</p>	<p>In civil legal aid the criteria are financial and on the merits of the case. A person must have an annual 'disposable income' of less than €18,000. 'Disposable income' is calculated by an assessment of a person's projected total income for the year less certain deductible expenses. A person must also have 'disposable capital' (savings, property, cars etc) worth under €100,000, excluding the family home.</p> <p>A person must also pass a 'merits test' - show that if he/she had the financial resources, he/she would be willing to take the case to court and that a solicitor or barrister would advise him/her to do so. A person must also show that the case has 'reasonable grounds' to be taken as a matter of law, amongst other criteria.</p>
What is the cost of legal aid?	Criminal legal aid is free.	Civil legal aid is not free. In almost all cases, a person will pay a financial contribution for civil legal aid. The minimum cost of legal aid is €130, however the required contribution can rise to a four figure sum depending on a person's 'disposable income' and 'disposable capital'. A person can apply to have their legal aid fees waived, but they must show that payment would result in "undue hardship".

FLAC ([Free Legal Advice Centres](#)), an independent charitable organisation, has prepared a [guide to applying for civil legal aid](#). FLAC operates a national legal information helpline offering basic legal information for free and volunteer lawyers offer free legal advice through a network of local advice centres in conjunction with Citizens Information Centres. FLAC also conducts policy, law reform and advocacy work to promote a more effective, accessible and sustainable system of civil legal aid in Ireland.