



Legal aid in Sweden



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Content

| | |
|--|----|
| What is legal aid? | 3 |
| Legal protection in your insurance | 5 |
| Advice | 6 |
| Young in Sweden | 7 |
| New in Sweden | 7 |
| Quick guide to legal aid | 8 |
| Who can be granted legal aid? | 10 |
| Claim for repayment | 12 |
| The Legal Aid Authority | 15 |

What is legal aid?

This brochure deals with legal aid and the availability of financial assistance when you find yourself in a dispute with someone and you need a lawyer. The information is a summary and covers the most important points you need to know.

In Sweden it is a fundamental right to have your case heard by a legal representative, either in or outside court. Legal aid is a form of statutory social protection legislation that aims to help an individual who cannot get legal support in any other way. The right to legal aid is governed by the Legal Aid Law.

If you are involved in a legal dispute which you and the other party are unable to resolve

between yourselves you could need help from a legal representative. A legal representative is an attorney or trained lawyer. In practice, legal aid is financial support provided by the State to those who are unable to pay for a legal representative. The legal aid covers part of the costs for the legal representative, but also costs relating to evidence and other expenditure. The purpose of legal aid is to give you the opportunity to have your case heard.

Being granted legal aid does not automatically mean that the State pays all the costs for your legal representative. The basic idea is that you should contribute to the cost to the extent you can afford. You can receive legal aid for the whole or part of the cost of a legal representative up to 100 hours. In special cases the court can extend legal aid. Legal aid is the difference between the costs that arise for your legal representative and the legal aid fee which you must pay yourself.



Legal protection in your insurance

If you find yourself involved in a legal dispute and need financial support, you should always use the legal protection cover under your insurance. Legal protection insurance should help to cover your expenses for legal counsel in disputes relating to your private life. Legal protection is automatically included in virtually all Swedish home and contents, home, and residential and leisure home insurances and in comprehensive insurance of boats and comprehensive/partial motor car insurance.

For the legal protection cover in your insurance to come into effect the dispute must have arisen with another party. You should have taken out insurance before the dispute arose. Some insurance have a rule that you must have had your insurance for at least two years in order to be able to make use of the legal protection cover. If you are in a dispute with someone you have been married to or living with, the legal protection cover does not normally apply if the dispute arises within two years of the marriage or the partnership coming to an end.

The conditions for legal aid can vary from one insurance company to another. Information about your legal protection cover can be found in your insurance policy, in the terms and conditions of insurance, or on the insurance companies' websites. Contact your insurance company where you are insured for further information.

Legal aid or legal protection cover

The main rule is that you should make use of the legal protection cover in your insurance when you need financial help in a legal dispute. This means that normally you will not receive legal aid if you have legal protection cover. If you have no insurance whatsoever this does not mean that you will be automatically entitled to legal aid. You cannot therefore decide not to take out home insurance and instead rely on being granted legal aid.

Advice

When you find yourself in a dispute which you and the other party are unable to resolve, you can turn to a legal representative in your area to make an appointment for advice under the Legal Aid Act.

Advice is a meeting with a legal expert where you have the opportunity to explain the dispute and your situation. The representative examines the details of your dispute in order to provide advice and make a professional assessment of your need for legal aid. The advice period is a compulsory consultation for being granted legal aid. To apply for legal aid at least one hour's advice is required. You can receive up to two hours' advice in return for a fixed fee (rate).

You can receive advice on all legal matters and it is not limited in the same way as legal aid. Everyone is entitled to advice under the Legal Aid Act. Remember that attorney or trained lawyers are not liable to provide advice under the Legal Aid Act.

You pay for the advice and you pay directly to the legal representative providing the advice. You can have the advice fee reduced if there are special reasons, such as if you have an annual income of less than SEK 75,000. If you are under the age of 18 years and have no income or wealth you can receive advice free of charge. If you need an interpreter during the advice session your representative will arrange this. The cost of the interpreter is met by the State. If you decide to proceed, you fill in the legal aid application form together with your representative.

Young in Sweden

For young people without any income or wealth, there are rights to get the advice and legal aid to a reduced cost or free of charge.

Are you under the age of 18 years, without any income or wealth, and involved in a legal dispute? Then you have the right to legal aid and advice free of charge. This means that the State will pay the cost of an attorney or trained lawyer who can help you to present your case. Otherwise the same rules in the Legal Aid Act apply to you as they do to adults.

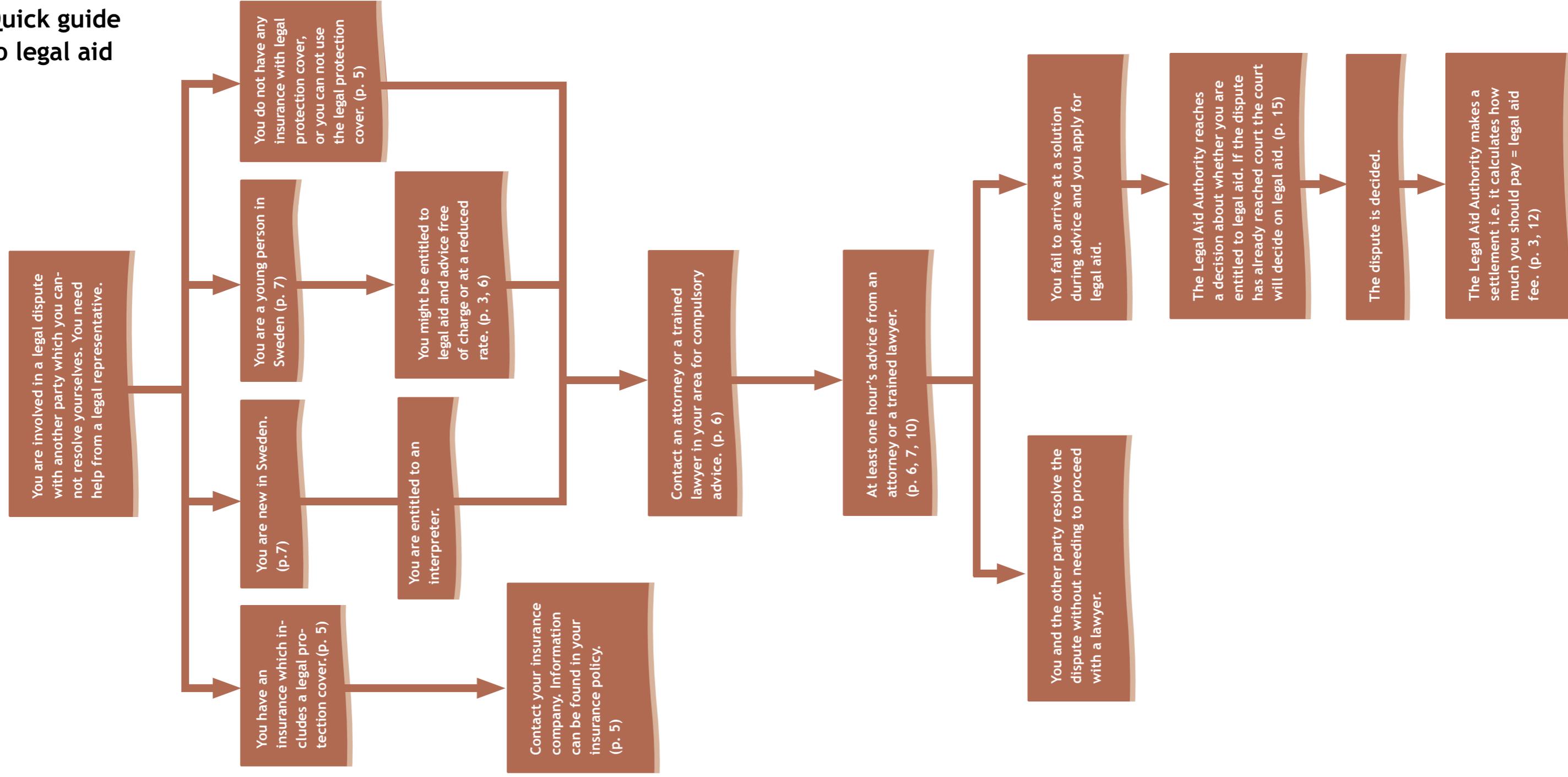
Are you of legal age but have not yet managed to acquire an income or wealth and you are involved in a legal dispute? If so you are entitled to a reduced legal aid fee, i.e. you only pay a small part of the actual costs. If you are of legal age you must pay for advice from an attorney or trained lawyer. If your annual income is less than SEK 75,000 and you do not have any wealth you are entitled to have the cost of the advice reduced to half. Contact an attorney or trained lawyer in your area for further information. The simplest way to find a lawyer is in the Yellow Pages or on the website of the Swedish Bar Association.

New in Sweden

If you live in Sweden and you are a Swedish citizen or have a permanent residence permit you are covered by Swedish legislation when it comes to legal aid. This means that you are entitled to legal aid if you want the dispute to be heard in Sweden. If you do not have a command of Swedish you are entitled to

an interpreter to make yourself fully understood. Your legal representative will arrange this for you and the State will meet the cost of the interpreter. Otherwise the same rules in the Legal Aid Act apply to you as to persons born in Sweden.

Quick guide to legal aid



Who can be granted legal aid?

Not everyone is entitled to legal aid. The following are the most important rules:

- Legal aid applies first and foremost to private individuals, i.e. not to associations, companies or similar institutions. In exceptional cases a business proprietor can be granted legal aid. The estate of a deceased person can in some cases be granted legal aid.
- As a rule, if you have legal protection cover through your insurance you cannot be granted legal aid. You should in the first instance make use of your legal protection cover to pay the cost of your representative.
- If you have disposable gross income of more than SEK 260,000 per year you are not entitled to legal aid from the State. In simple terms your disposable gross income is the total of your assets and your wealth minus liabilities and support commitments.
- You will not be granted legal aid if you are receiving help from a public defence counsel or a public counsel. In these cases it is a question of a criminal case or an administrative matter.
- A condition for being granted legal aid is that you should have at least one hour's advice from an attorney or trained lawyer. You can receive up to two hours' advice under the Legal Aid Act.
- There should be a need for legal assistance and it should be reasonable that the State pays the costs in the dispute. The assessment is made by the Legal Aid Authority or by a court (in those cases where the dispute has already reached court).

There are a number of exceptions to these rules:

- As a rule you are not entitled to legal aid if the value of the matter/dispute is less than half a 'base amount'.
- You will not receive legal aid for matters which involve more straightforward registration procedures, such as an application for property deeds or a mortgage on a property or for the drafting of documents such as a tax return, a will, a prenuptial agreement, an estate inventory or a deed of gift.
- If you do not have any insurance but in the light of your financial circumstances you ought to have insurance, you could miss the right to legal aid.
- If the dispute is to be heard in a court of law or by a public authority in another country, legal aid is only paid if you are resident in Sweden.
- You will not be granted legal aid if you represent yourself. Legal aid is paid for another legal representative to act for you.
- In some cases special reasons are required if you are to be granted legal aid. This applies, for example, to divorce cases or if you are a business proprietor. Further information about what could constitute such reasons is available from the Legal Aid Authority.

Claim for repayment

If you are found guilty of a crime or you lose a dispute you could be required to pay part of the State's costs. When the civil dispute has been decided, the Legal Aid Authority makes a settlement, i.e. we calculate how much you will be required to repay and then send you a letter with information about this. In criminal cases the court calculates how much you must pay and sends a copy of the judgment to us at the Legal Aid Authority. We then send you a letter with information about the amount that you will be required to repay. Even if you have not had contact with the Legal Aid Authority previously, we will send you a letter regarding repayment. We function as an enforcement authority, i.e. we are empowered to demand money from you. If you have any questions you are welcome to contact us at the Legal Aid Authority.

If you find it difficult paying the debt, the Legal Aid Authority can help you with an instalment plan or extend the payment period. Do not hesitate to contact us at the Legal Aid Authority. You can be granted an extension of the payment period by up to one year and the longest instalment plan that can be granted is three years. When the instalment plan is longer than one year we send a repayment schedule which you sign and return. You will also need to pay a fee. If you do not follow the instalment plan the debt and the claim will be handed over to the Enforcement Authority, which will collect the debt.





The Legal Aid Authority

The Legal Aid Authority is a national authority which handles legal aid according to the Legal Aid Act. All applications for legal aid are made directly to us at the Legal Aid Authority unless your case has already gone to court. In that case it is the court that decides on your legal aid. It is our lawyers that decide if there is a need for legal aid and they then decide if you are entitled to legal aid or not.

When a matter or a dispute has been resolved we make the settlement, i.e. we calculate how much you will need to pay. We also function as an enforcement authority in matters related to claims for repayment of the State's legal aid costs and also costs in criminal cases.



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