

FOI RESPONSE ISSUED - 15 MARCH 2022

REQUEST

“... the following information between 01st April 2012 to 01st February 2022 :

- 1. How many MSPs qualified for legal aid*
- 2. How many MPs qualified for legal aid*
- 3. How many CEOs qualified for legal aid*
- 4. How many people who's earning were in excess of £100k qualified for legal aid*
- 5. Do people who are bankrupt qualify for legal aid ?*
- 6. What is the weekly amount left over from paying all bills that qualifies for legal aid ?”*

OUR RESPONSE TO THE INFORMATION REQUEST UNDER THE 2002 ACT

With regards to questions 1, 2, 3 and 4 I have queried our database that contains records of civil legal aid applications for the past 10 years. The information we store on civil legal aid applications is that that is required specifically for the assessment of an application. As such their status as an MP or an MSP or as a company CEO is not specifically asked for.

It may be that this information is recorded as part of someone's name or job title that they provide as part of our assessment of their financial eligibility for legal aid.

We have searched for these terms in applicants job titles (where provided) as you have requested and have not been able to find any. We have also used the terms 'member' and 'chief' to widen the search and still didn't find any cases. Similarly we have not been able to find records of grants of civil legal aid to people whose earnings exceeded £100,000 per annum.

With regards to question 5 there is nothing to prevent someone sequestrated (the term for bankruptcy in Scotland), applying for legal aid. The same eligibility rules apply as they would to any application. Therefore their means position would be assessed as any other applicant and if they passed that and if they passed the merits test then they would qualify for legal aid.

With regards to question 6 the assessment of an applicant's financial position depends on a number of factors. These include:

- Having a partner or spouse;*
- Receipt of benefits;*
- Dependants living with you;*

- *Net income;*
- *Disposable capital.*

More detail on this can be found at this website address:

<https://www.slab.org.uk/solicitors/other-resources/key-cards/advice-and-assistance-and-civil-legal-aid-keycard/>

The annual upper disposable net income limit above which a person will be ineligible is £26,239. Converting this to a weekly figure this is approximately £504.50 per week.