

## FOI RESPONSE ISSUED - 4 January 2023

### REQUEST

- Amount of legal aid provided to defenders in defamation cases (including the latest defamation and malicious publications Act) since 2002
- The number of defenders who secured access to legal aid for defamation cases (including the latest defamation and malicious publications Act) since 2002
- The number of requests for legal aid from defenders in defamation cases (including the latest defamation and malicious publications Act) since 2002

### OUR RESPONSE TO THE INFORMATION REQUEST UNDER THE 2002 ACT

I am writing in response to your email received 1 December 2022 where you asked three questions regarding applications for civil legal aid in defamation cases.

In your questions you ask for information held since 2002. As part of various statutory obligations on SLAB as a public authority in Scotland we only retain records for a period of time that we deem appropriate. In the case of civil legal aid applications and accounts that retention period is 7 years.

That is we will retain information for the lifetime of the case or such other period as is required to complete the administration of the grant of legal aid and its consequences, if any. Thereafter we will dispose of the information seven years after the final interaction on the application which will include accounts and any Treasury related activity.

Therefore the information we can provide is only fully representative of the past 7 years. We do retain older records depending on the circumstances as described above. This should be borne in mind when considering the answers below.

I shall answer each of your questions (shown in italics) in turn.

*Q1) Amount of legal aid provided to defenders in defamation cases (including the latest defamation and malicious publications Act) since 2002*

Legal aid is not provided through the award of a sum of money. A grant of legal aid is made which then allows the nominated solicitor to act for the applicant in taking, or defending, their case in court. The costs of the solicitor and any expert witnesses or counsel used are then assessed by SLAB and paid according to legal aid regulations.

The total value of the payments made on the 5 cases that have been awarded legal aid certificates to defend defamation cases is £2004.

*Q2) The number of defenders who secured access to legal aid for defamation cases (including the latest defamation and malicious publications Act) since 2002*

There have been 5 cases where an application for civil legal aid for a defender in a defamation case has been granted a legal aid certificate recorded in our data.

*Q3) The number of requests for legal aid from defenders in defamation cases (including the latest defamation and malicious publications Act) since 2002.*

There are 19 applications for civil legal aid for defenders in defamation cases recorded in our data.