

Legal Aid in Trinidad & Tobago



Legal Aid

- The Legal Aid and Advisory Authority was established in 1976 to provide affordable legal advice and assistance to citizens of Trinidad and Tobago.
- Legal Aid is provided by the Legal Aid & Authority Advisor, a unit of the Ministry of Legal Affairs
- Services are for citizens who can not afford the services of an attorney

Who is eligible for Legal Aid

- Old Age Pensioners, juveniles, and the disabled who get disability allowance automatically qualify for Legal Aid.
- The Magistrates Court or in criminal proceedings before the High Court or Court of Appeal, a magistrate or a judge must decide if a defendant is eligible for legal aid or representation.
- In High Court Civil matters, eligibility for legal aid is based on the applicant's means (disposable income and capital) as well as the merits of the matter, as laid out by the provisions of the Legal Aid and Advice Act.

The Cost of Legal Aid

- There is a TT\$10.00 application fee for Legal Aid
- Fee is waived for old age pensioners and other persons in receipt of social welfare benefits.
- Legal representation is provided free of charge.
- The Authority in all cases pays the attorney assigned to represent a legal aid applicant.
- A small contribution can be requested by the Authority in Civil High Court Matters.

The Legal Aid Process

- **How do I apply for Legal Aid?**

- To apply for legal aid, you must visit one of the legal aid offices, and:
 - Fill out a form providing basic information about yourself and the nature of the problem.
 - You will then be interviewed by the Legal Officer to determine your eligibility for Legal Aid.
- If you are not eligible you will be given legal advice and referred to a private attorney.
- If eligible, an application form will be given to you. This form is an affidavit and requires that you go before the Justice of the Peace or a Commissioner of Affidavits to swear to the information you provide is true and correct.
- In the case of civil actions, the application form must be returned together with requested documents to the office from where it was obtained. You will be interviewed by an investigator who will prepare a report on your matter.
- This report will be considered by the Authority at its monthly meeting and you will be informed in writing whether or not Legal Aid has been granted.
- If the matter is in the Magistrates Court or Criminal High Court, the application forms are sent to the relevant Courts where the request for Legal Aid is considered by a Magistrate or Judge.
- You must sign that your application is true. It is an offence to obtain legal aid with false information.

Legal Aid Representation

- **Will an experienced lawyer represent me?**
- The Legal Aid and Advisory Authority works alongside Attorneys in private practice who have agreed to represent applicants via the Legal Aid system, so the same Attorneys are available to Legal Aid recipients as one would approach in private practice.

When legal aid is denied

- **Can I appeal if Legal Aid is not approved?**
- There is no formal appeal mechanism. In Civil High Court matters, the decision to grant Legal Aid is based on the provisions of the Legal Aid and Advice Act and on the merits of the case.
- If Legal Aid is refused in such matters, you will be informed in writing as to the reasons for the refusal.
- In Criminal and Magistrates Court matters the decision for aid is strictly up to a Magistrate or Judge before whom the application is brought.
- In most cases however, in the interest of justice, legal aid is granted.

Contacting the Ministry of Legal Affairs

- <http://www.legalaffairs.gov.tt/legalaid/Default.htm>