



Legal Aid in Scotland - Generous to over 60s

Despite cuts legal aid can help many pensioners – but sadly too few Scottish pensioners are aware that they can get legal aid. Consequently many are missing out on a really good opportunity for them and their families.



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“Legal Advice and Assistance” is a part of the overall Scottish Legal Aid system and this scheme allows older people to take legal advice and, more importantly, to take legal steps short of court action which will certainly benefit them and their families.

And this relatively unknown scheme as actually quite generous to pensioners, it is extremely easy to get and it covers lots of issues of critical importance to the older generation.

Let’s look at these three points:-

First – the system is generous to pensioners because when assessing a person’s capital and income: the applicant’s residence is not taken into account in the qualification criteria nor, in many cases, is up to £24,999 of savings; with the state pension and virtually all other state benefits being ignored. This means many home owning pensioners with a modest private pension and some savings still qualify.

Second – assessment is quick and the grant of legal aid is immediate. There is no complicated procedure involved and a solicitor will tell you in minutes what level of assistance you can get before starting any work. You can even get a “telephone assessment”.

Third - the main legal documents important to pensioners, wills, powers of attorney and advance directives (living wills) are covered by the Advice and Assistance scheme. That is great news for pensioners since these documents dramatically help families, reduce stress, and allow important steps to be taken quickly where death or incapacity strikes a family member.

We do not know for certain how many pensioners would qualify for Advice & Assistance - there are no official figures. However from our own experience a considerable number must – possibly 40 – 50 % - maybe more in some areas. We also find that when an older person does get these key legal documents done they experience a sense of satisfaction which really is good to see. They have shown a real care for their family and this gives them a deserved sense of well being.

Solicitors for Older People Scotland (SOPS) are dedicated to providing legal advice to older and vulnerable people in a caring and sensitive way. Our member firms are committed to providing home visits, hospital visits and care home visits FREE of charge and they will assess ALL clients over the age of 60 for Legal Aid Advice and Assistance. CALL 0800 152 2037



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