



LEGAL AID SOUTH AFRICA

Legal Aid South Africa delivers quality legal aid to the poor and vulnerable in South African society. Legal services can be very costly. If you don't have the means to pay, you may be unable to access important legal services. Legal Aid South Africa may be able to help.

Healthi Choices caught up with Janeske Botes, a media content development specialist at Legal Aid South Africa to learn more about this important service.

Question: What is Legal Aid South Africa?

 **Answer:** Legal Aid South Africa is a public entity that provides legal advice and representation at no cost to those who cannot afford it. We are constitutionally mandated to do so. Our role is to ensure access to justice and the realisation of the rights of a person to have legal representation as envisaged in the Constitution of the Republic of South Africa. Assistance provided by Legal Aid SA is free of charge to the client. Clients do not pay for services if they qualify in terms of our Means Test.

Question: Who qualifies for legal aid?

 **Answer:** Qualifying in terms of the Means Test means that we look at whether the applicant is indigent and cannot afford the costs of private legal representation. We consider applicants' wages/salary and any assets that they own, such as a house or a car. If an applicant passes the Means Test, then they qualify for legal aid.

- › If an applicant is employed, they must earn less than R5 500 per month, after tax.
- › Children always qualify for legal aid in criminal cases. In civil cases, the family of the child will need to pass the Means Test.
- › If you receive a SASSA grant, that money will not be taken into account when considering your income when completing the Means Test.
- › Non-citizens can apply for legal aid for criminal matters and children's matters. Legal aid for civil cases is only available to South African citizens living in South Africa, but we do accommodate asylum seekers and Hague Convention matters.
- › We have a policy in place that prioritises matters in which women and children are particularly vulnerable.

We also have a policy in criminal matters that provides that where a person exceeds our Means Test but is found to be a person that cannot afford the full cost of legal representation, Legal Aid SA can provide assistance, but it could be decided that the person will have to pay a contribution monthly. This policy is meant to assist persons that do earn a living, but the monies is not sufficient to cover the full cost or sustain the legal costs for the period the matter is pending.

Question: What types of legal matters may be handled through Legal Aid South Africa?

 **Answer:** Legal Aid SA provides assistance with both criminal and civil matters. More common legal matters we handle include:

- › divorce
- › eviction
- › deceased estates
- › labour matters
- › contract queries
- › discrimination matters
- › if you are accused of a crime
- › assisting communities that require legal help

There are limitations on the types of legal matters we handle in terms of our Regulations; these are wide and varied and depends on the circumstances of the matter. There are certain matter types that are excluded for legal representation. These include:

- › conveyancing matters
- › administration orders in terms of Section 74 of the Magistrates Court Act
- › administration of deceased estates where a minor is not affected
- › voluntary surrender or sequestration of an estate
- › liquidation of a legal person
- › debt review
- › where a person wants to institute action for damages on the grounds of defamation, infringement of dignity or infringement of privacy

Although we cannot provide legal representation, we can provide advice on these types of matters. This means that if a person just needs clarity and advice they can call our toll-free Advice Line.

Question: How can one access the service?

 **Answer:** We have 128 walk-in offices across the country; the Legal Aid Advice Line is accessible weekdays between 7am and 7pm through the toll-free number (0800 110 110)/ Our Please Call Me service through 079 835 7179 and website enquiries via www.legal-aid.co.za. Our Advice team will also be able to tell you which Legal Aid SA Office is closest to your location.