

## 2. Civil legal assistance

### Appendix notes

- Figures for grants and refusals do not necessarily equal numbers of applications received, since decisions on applications received towards the end of one year may not be reached until the following year.  
In addition applications can be abandoned before enough information has been provided for SLAB to take a decision. In such cases applications will neither be granted nor refused.
- Unless otherwise stated, the figures for accounts paid include VAT and were prepared on a cash basis.
- Outlays include all non-fee payments to solicitors and advocates - for example the cost of expert witnesses.

### 2.1 Intimations of civil advice and assistance and ABWOR

Subject group	Subject matter	2023-2024	2022-2023
<b>Family</b>	Aliment/Child Support Agency	44	75
	Contact/parentage	7,049	7,696
	Divorce	1,997	2,097
	Property/monetary	150	148
	Protective order	997	1,102
	Residence	1,926	1,903
	Separation	950	984
	Family/matrimonial - other	1,814	1,794
Total - family		14,927	15,799
<b>Non-family</b>	Adults with incapacity	2,592	2,471
	Antisocial Behaviour Orders (ASBO)	55	52
	Appeals - other	64	73
	Bankruptcy/petition by debtor	0	0
	Breach of contract	52	64
	Complaints against professional bodies	280	290
	Contempt of court	71	63
	Conveyancing	14	10
	Criminal Injuries Compensation Authority	102	155
	Discrimination	26	64
	Employment	104	135
	Fatal accident inquiries	19	19
	Hire purchase/debt	454	457
	Housing	1,245	1,222
	Human rights	6	6
	Immigration and asylum	16,328	12,652
	Judicial review	879	679
	Medical negligence	233	216
	Mental health	3,797	3,734
	Power of attorney	1,040	841
	Recovery of heritable property	884	708
	Reparation	289	402
	State benefit	1,497	2,075
	Wills/executry	371	442
	Other	853	974
Total - non-family		31,255	27,804
<b>Total civil advice and assistance and ABWOR</b>		<b>46,182</b>	<b>43,603</b>

Note

removed

## 2.2 Civil legal aid applications

Subject group and matter	Sheriff court		Sheriff Appeal Court		All-Scotland Personal Injury Court		Court of Session/ UK Supreme Court		Other courts		Totals	
	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023
<b>Family</b>												
Appeals - family	0	0	43	46	0	0	1	8	0	0	44	54
Contact/parentage	2,658	2,832	0	0	0	0	11	23	0	0	2,669	2,855
Divorce/separation	1,651	1,694	0	0	0	0	2	5	0	0	1,653	1,699
Property/monetary	253	247	0	0	0	0	0	1	0	0	253	248
Protective order	276	308	0	0	0	0	2	5	0	0	278	313
Residence	1,675	1,627	0	0	0	0	7	5	0	0	1,682	1,632
Family/matrimonial - other	1,315	1,284	0	0	0	0	31	19	0	0	1,346	1,303
Total civil legal aid applications - family	7,828	7,992	43	46	0	0	54	66	0	0	7,925	8,104
<b>Non-family</b>												
Adults with incapacity	6,729	6,001	0	0	0	0	1	0	0	0	6,730	6,001
Appeals - other	5	7	30	34	0	0	19	21	1	3	55	65
Breach of contract	20	18	0	0	0	0	0	3	0	0	20	21
Debt	75	69	0	0	0	0	2	6	0	0	77	75
Discrimination	6	8	0	0	0	0	0	0	0	0	6	8
Fatal accident inquiries	19	17	0	0	0	0	0	0	0	0	19	17
Housing/recovery of heritable property	622	536	0	0	0	0	156	80	2	2	780	618
Immigration and asylum	0	0	0	0	0	0	177	146	0	4	177	150
Judicial review	0	0	0	0	0	0	146	125	0	0	146	125
Medical negligence	6	12	0	0	18	14	18	34	0	0	42	60
Reparation	40	72	0	0	17	25	9	10	0	0	66	107
Other	241	308	0	0	0	0	31	18	7	4	279	330
Total civil legal aid applications - non-family	7,763	7,048	30	34	35	39	559	443	10	13	8,397	7,577
<b>Total civil legal aid applications</b>	<b>15,591</b>	<b>15,040</b>	<b>73</b>	<b>80</b>	<b>35</b>	<b>39</b>	<b>613</b>	<b>509</b>	<b>10</b>	<b>13</b>	<b>16,322</b>	<b>15,681</b>

## 2.3 Civil legal aid grants

Subject group and matter	Sheriff court		Sheriff Appeal Court		All-Scotland Personal Injury Court		Court of Session / UK Supreme Court		Other courts		Totals	
	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023
<b>Family</b>												
Appeals - family	0	0	24	21	0	0	1	5	0	0	25	26
Contact/parentage	2,076	2,240	0	0	0	0	10	17	0	0	2,086	2,257
Divorce/separation	1,414	1,393	0	0	0	0	3	3	0	0	1,417	1,396
Property/monetary	164	171	0	0	0	0	0	2	0	0	164	173
Protective order	174	202	0	0	0	0	1	3	0	0	175	205
Residence	1,327	1,369	0	0	0	0	7	2	0	0	1,334	1,371
Family/matrimonial - other	1,053	1,008	0	0	0	0	26	15	0	0	1,079	1,023
Total civil legal aid grants - family	6,208	6,383	24	21	0	0	48	47	0	0	6,280	6,451
<b>Non-family</b>												
Adults with incapacity	6,546	5,809	0	0	0	0	0	0	0	0	6,546	5,809
Appeals - other	2	5	21	17	0	0	13	11	0	0	36	33
Breach of contract	7	12	0	0	0	0	0	2	0	0	7	14
Debt	41	32	0	0	0	0	3	4	0	0	44	36
Discrimination	10	1	0	0	0	0	0	0	0	0	10	1
Fatal accident inquiries	19	14	0	0	0	0	0	0	0	0	19	14
Housing/recovery of heritable property	393	317	0	0	0	0	71	46	2	1	466	364
Immigration and asylum	0	0	0	0	0	0	129	119	1	3	130	122
Judicial review	0	0	0	0	0	0	101	83	0	0	101	83
Medical negligence	4	7	0	0	14	7	17	17	0	0	35	31
Reparation	21	33	0	0	6	11	4	8	0	0	31	52
Other	112	119	0	0	0	0	12	17	3	3	127	139
Total civil legal aid grants - non-family	7,155	6,349	21	17	20	18	350	307	6	7	7,552	6,698
<b>Total civil legal aid grants</b>	<b>13,363</b>	<b>12,732</b>	<b>45</b>	<b>38</b>	<b>20</b>	<b>18</b>	<b>398</b>	<b>354</b>	<b>6</b>	<b>7</b>	<b>13,832</b>	<b>13,149</b>

## 2.4 Grants of civil legal aid and means assessment

Subject group	Subject matter	No assessment required		Grants under Form 1		Grants with detailed means assessments (Form 2)				Totals	
		2023-2024	2022-2023	2023-2024	2022-2023	with zero contribution		with contribution		2023-2024	2022-2023
Family	Appeals - family	0	0	15	17	10	9	0	0	25	26
	Contact/parentage	0	0	1,663	1,799	153	147	271	311	2,087	2,257
	Divorce/separation	0	0	1,250	1,176	45	67	123	153	1,418	1,396
	Property/monetary	9	4	121	117	9	20	25	32	164	173
	Protective order	0	0	141	173	10	14	24	18	175	205
	Residence	0	0	1,141	1,095	85	131	106	145	1,332	1,371
	Family/matrimonial - other	5	0	891	817	71	79	112	127	1,079	1,023
Total civil legal aid grants - family		14	4	5,222	5,194	383	467	661	786	6,280	6,451
Non-family	Adults with incapacity	6,356	5,667	113	91	72	46	5	5	6,546	5,809
	Appeals - other	0	0	14	19	21	12	1	2	36	33
	Breach of contract	0	0	6	6	0	2	1	6	7	14
	Debt	0	0	33	22	5	6	6	8	44	36
	Discrimination	0	0	7	1	1	0	2	0	10	1
	Fatal accident inquiries	0	0	12	9	1	2	6	3	19	14
	Housing/recovery of heritable property	0	0	418	324	18	24	30	16	466	364
	Immigration and asylum	0	0	7	10	119	108	4	4	130	122
	Judicial review	0	0	29	14	65	68	7	1	101	83
	Medical negligence	0	0	20	19	9	4	6	8	35	31
	Reparation	0	0	21	34	3	12	7	6	31	52
	Other	0	0	90	108	13	12	24	19	127	139
Total civil legal aid grants - non-family		6,356	5,667	770	657	327	296	99	78	7,552	6,698
Total civil legal aid grants		6,370	5,671	5,992	5,851	710	763	760	864	13,832	13,149

## Note

1. This table shows whether contributions have been calculated at the grant of the civil legal aid application. The effect of post-certificate means assessments is not shown.
2. Grants under Form 1 include cases where applicants receive a passporting benefit or are applying on behalf of a child.

## 2.5 Redetermination of means assessments for the grant of civil legal aid. Number of cases by outcome type of last assessment in year

Outcome type	2023-2024	2022-2023
Zero contribution	84	132
With contribution	278	322
Ineligible	8	16
<b>Total</b>	<b>370</b>	<b>470</b>

## 2.6 Intimations of steps taken under regulation 18(1)(a) and certificates granted under regulation 18(1)(b) of the Civil Legal Aid (Scotland) Regulations 2002 (legal aid in matters of special urgency)

Type	2023-2024	2022-2023
Intimations under regulation 18(1)(a)	5,432	5,235
Certifications under regulation 18(1)(b)	3,129	3,107
<b>Total</b>	<b>8,561</b>	<b>8,342</b>

## 2.7 Analysis of full applications where legal aid was refused or abandoned at first instance

First instance decision	2023-2024	2022-2023
Refused on merits	1,399	1,453
Refused on means	77	67
Refused on both	4	10
Abandoned	330	354
<b>Total refused or abandoned at first instance</b>	<b>1,810</b>	<b>1,884</b>

### Note

1. In this table and in table 2.9, refused on merits includes applications refused on the basis of no probable cause, or unreasonableness, or where the proceedings are statutorily excluded from civil legal aid.

## 2.8 Disposal of applications for review of decision to refuse legal aid

	Received	Allowed	Refused
<b>Total 2023-2024</b>	<b>991</b>	<b>536</b>	<b>323</b>
Total 2022-2023	988	507	327

## 2.9 Applications for civil legal aid and decisions by pursuer/defender

	2023-2024			2022-2023			Totals	
	Pursuer	Defender	Other	Pursuer	Defender	Other	2023-2024	2022-2023
Applications	9,402	2,806	4,114	9,143	2,736	3,802	<b>16,322</b>	15,681
Total grants	8,158	2,147	3,527	7,798	2,078	3,273	<b>13,832</b>	13,149
Refused on merits	787	339	273	830	334	289	<b>1,399</b>	1,453
Refused on means	46	13	18	42	15	10	<b>77</b>	67
Refused on both merits and means	2	1	1	6	3	1	<b>4</b>	10
Abandoned	154	103	73	176	102	76	<b>330</b>	354

## 2.10 Applications for prior approval in civil legal aid cases

Type	2023-2024			2022-2023		
	Received	Granted	Refused	Received	Granted	Refused
Counsel (advocates and solicitor advocates)	1,223	753	461	1,305	772	512
Expert witness/unusual expenditure	6,041	3,852	2,090	5,992	4,174	1,723
Templated approvals	658	636	0	594	568	0
<b>Total</b>	<b>7,922</b>	<b>5,241</b>	<b>2,551</b>	<b>7,891</b>	<b>5,514</b>	<b>2,235</b>

## 2.11 Applications for extensions of grants of civil legal aid

Type	2023-2024			2022-2023		
	Received	Granted	Refused	Received	Granted	Refused
Extensions with cost limitations on grants of civil legal aid	3,875	3,619	169	3,356	3,492	210
Other extension applications	1,709	882	140	1,674	503	80
<b>Total</b>	<b>5,584</b>	<b>4,501</b>	<b>309</b>	<b>5,030</b>	<b>3,995</b>	<b>290</b>

## 2.12 Applications for change of solicitor in civil legal aid cases

	Received	Granted	Refused
Total 2023-2024	1,315	1,211	27
Total 2022-2023	1,320	1,162	60

## 2.13 Accounts paid and average case costs - civil advice and assistance and ABWOR

Subject group	Subject matter	Number of cases	Solicitor outlays £000	Solicitor outlays £000	Counsel outlays £000	Total outlays £000	Total 2023-2024 £000	Total paid 2022-2023 £000	Average case cost 2023-2024 £	Average case cost 2022-2023 £
Family	Aliment/Child Support Agency	38	10	0	1	1	11	14	288	250
	Childrens (Scotland) Act	0	0	0	0	0	0	0	-	-
	Contact/parentage	5,918	1,775	143	13	156	1,931	1,939	326	300
	Divorce	1,518	346	22	2	24	370	367	243	215
	Property/monetary	110	33	1	0	1	34	30	306	313
	Protective order	732	137	3	1	4	142	160	194	178
	Residence	1,450	459	9	3	12	472	453	325	297
	Separation	549	209	13	5	18	227	248	413	413
	Family/matrimonial - other	1,273	346	28	8	36	382	342	300	267
Total - family		11,588	3,315	220	32	252	3,568	3,553	308	281
Non-family	Adults with incapacity	1,873	319	10	2	12	331	266	177	168
	Antisocial Behaviour Orders (ASBO)	42	8	0	0	0	9	10	209	160
	Appeals - other	36	11	5	4	9	20	42	567	743
	Breach of contract	30	8	0	2	2	9	9	316	273
	Complaints about professional bodies	176	21	1	6	7	28	32	161	137
	Contempt of court	58	17	0	1	1	18	14	308	269
	Conveyancing	5	2	0	1	1	2	1	484	412
	Criminal Injuries Compensation Authority	77	12	9	3	12	24	22	312	264
	Discrimination	25	5	0	1	2	7	19	267	623
	Employment	63	71	5	15	19	91	153	1,439	1,306
	Fatal accident inquiries	9	4	0	0	0	4	2	444	737
	Hire purchase/debt	309	44	3	7	10	54	59	176	160
	Housing	565	109	29	3	31	140	196	248	268
	Human rights	2	0	0	0	0	0	2	213	345
	Immigration and asylum	6,608	8,648	3,086	258	3,344	11,992	10,390	1,815	1,273
	Judicial review	375	128	31	77	108	236	214	629	613
	Medical negligence	133	111	335	15	350	462	500	3,471	3,146
	Mental health	3,394	2,564	1,198	14	1,211	3,775	3,889	1,112	1,129
	Power of attorney	714	147	47	0	47	194	198	272	266
	Recovery of heritable property	521	116	7	6	14	130	96	249	236
	Reparation	232	65	104	10	114	179	219	771	896
	State benefit	1,303	220	52	0	52	273	342	209	204
	Wills/executry	295	37	2	3	5	42	41	142	131
	Other	592	93	9	7	17	109	143	185	207
Total - non-family		17,437	12,761	4,934	435	5,369	18,130	16,860	1,040	862
Total civil advice and assistance and ABWOR		29,025	16,077	5,154	467	5,621	21,698	20,413	748	634

## 2.14 Accounts paid and average case costs - civil legal aid

		Current Year Cost								Actual Case Cost				
		Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid 2023-2024 £000	Total paid 2022-2023 £000	Average case cost 2023-2024 £	Average case cost 2022-2023 £	Average case cost 2023-2024 £	Average case cost 2022-2023 £	Median case cost 2023-2024 £	Median case cost 2022-2023 £
Subject group	Subject matter													
Family	Appeals - family	37	62	83	0	11	156	82	4,219	3,891	4,029	3,178	4,113	1,553
	Contact/parentage	2,404	6,851	472	0	3,892	11,216	10,872	4,665	4,172	4,184	3,643	3,079	2,617
	Divorce/separation	1,399	1,964	84	0	536	2,584	2,439	1,847	1,598	1,635	1,474	787	699
	Property/monetary	179	415	34	0	196	644	700	3,600	3,574	3,092	3,308	2,053	1,965
	Protective order	172	353	9	0	160	522	613	3,033	2,595	2,078	2,382	1,382	1,367
	Residence	1,392	3,757	286	0	2,495	6,539	6,095	4,698	4,149	4,190	3,490	2,743	2,330
	Family/matrimonial - other	1,050	2,047	167	0	1,285	3,500	3,254	3,333	3,681	2,823	2,873	1,331	1,448
Total civil legal aid - family		6,633	15,451	1,135	0	8,575	25,161	24,056	3,793	3,467	3,347	2,981	1,951	1,735
Non-family	Adults with incapacity	4,666	3,667	13	0	1,798	5,478	4,508	1,174	1,124	1,128	1,085	1,107	994
	Appeals - other	50	115	175	0	36	326	342	6,519	5,337	6,643	4,781	2,803	3,673
	Breach of contract	12	38	31	0	18	87	37	7,226	2,840	8,597	1,801	834	572
	Debt	47	58	23	0	26	108	130	2,289	2,444	2,256	1,912	1,168	831
	Discrimination	6	32	15	0	4	51	22	8,483	5,460	9,403	2,172	5,970	2,050
	Fatal accident inquiries	7	63	68	0	11	142	102	20,324	14,589	15,141	11,900	4,351	11,941
	Housing/recovery of heritable property	429	179	36	16	27	257	172	599	732	552	706	290	289
	Immigration and asylum	148	195	176	0	99	470	451	3,178	4,138	3,261	4,339	2,949	3,491
	Judicial review	110	172	209	7	79	466	280	4,236	3,686	4,159	3,568	2,168	1,871
	Medical negligence	34	1,416	636	0	680	2,733	3,500	80,369	89,735	52,798	84,471	23,342	35,678
	Reparation	65	828	481	0	193	1,502	1,100	23,109	17,195	23,932	16,198	5,973	8,044
	Other	171	235	178	1	49	462	530	2,702	2,335	2,424	2,210	702	1,085
Total civil legal aid - non-family		5,745	6,998	2,041	23	3,020	12,082	11,173	2,103	2,279	1,899	2,149	1,086	1,004
Total civil legal aid 2023-2024		12,378	22,449	3,176	23	11,595	37,242	-	3,009	-	2,675	-	1,277	-
Total civil legal aid 2022-2023		11,841	20,586	3,039	19	11,585	-	35,229	-	2,975	-	2,637	-	1,200

**Notes**

1. Current Year Cost is the total cost of all payments made in the financial year. Actual Case Cost statistics are based on the lifetime cost of cases (payments to 31 October 2024), for cases with a main solicitor payment in the financial year.
2. Reparation cases include those paid in terms of the extra-statutory concession and of regulation 3 (as amended) of the Civil Legal Aid (Scotland) (Fees) Regulations 1989, where the legal representatives have elected to opt for the party and party expenses recovered from the opponent.

## 2.15 Accounts paid and average case costs - civil legal aid by court

Court	Number of cases	Current Year Cost <sup>1</sup>								Actual Case Cost			
		Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid 2023-2024 £000	Total paid 2022-2023 £000	Average case cost 2023-2024 £	Average case cost 2022-2023 £	Average case cost 2023-2024 £	Average case cost 2022-2023 £	Median case cost 2023-2024 £	Median case cost 2022-2023 £
Sheriff court	11,875	19,614	1,212	0	10,232	31,058	29,300	2,615	2,562	2,376	2,239	1,258	1,171
Sheriff Appeal Court	52	75	86	0	11	171	79	3,291	3,029	2,608	2,067	1,983	856
All-Scotland Personal Injury Court	25	334	109	0	121	565	517	22,592	19,870	24,541	21,175	9,562	14,038
Court of Session / UK Supreme Court	419	2,416	1,742	23	1,230	5,411	5,292	12,914	15,338	9,746	14,477	2,820	3,773
Other courts	7	10	26	0	2	37	42	5,291	4,708	10,010	4,082	4,512	3,759
<b>Total all courts</b>	<b>12,378</b>	<b>22,449</b>	<b>3,176</b>	<b>23</b>	<b>11,595</b>	<b>37,242</b>	<b>35,229</b>	<b>3,009</b>	<b>2,975</b>	<b>2,675</b>	<b>2,637</b>	<b>1,277</b>	<b>1,200</b>

## Note

1. Current Year Cost is the total cost of all payments made in the financial year. Actual Case Cost statistics are based on the lifetime cost of cases (payments to 31 October 2024), for cases with a main solicitor payment in the financial year.

## 2.16 Accounts paid under special urgency

	Number of cases	Solicitor £000	Advocate £000	Solicitor advocate £000	Total outlays £000	Total paid £000	Average case cost £
<b>Totals 2023-2024</b>	<b>550</b>	<b>191</b>	<b>61</b>	<b>6</b>	<b>107</b>	<b>364</b>	<b>663</b>
Totals 2022-2023	498	176	46	0	102	324	651

## Notes

1. These accounts are paid when urgent work has been carried out but where legal aid has not been granted, in certain circumstances full legal aid will subsequently be granted.
2. The amounts shown in this table are also included in the figures in tables 2.14 and 2.15.