



# Legal aid for children



Legal aid?  
What you need to know.

Do you want help  
from a solicitor  
for reasons like  
these?



- You need advice about having to go to a children's hearing.
- You want a decision that a children's panel has made about you changed.
- You have a legal problem that a civil court might be able to sort out. Civil courts deal with cases that aren't about criminal law. For example:
  - your Mum and Dad are splitting up and you want to tell the court who you want to live with
  - your step-parent wants to adopt you.
- You're in trouble with the police under the criminal law.

This leaflet tells you about the help you may be able to get from a solicitor for these and other problems.

# Contents

## **1 What this leaflet tells you**

## **2 What is legal aid?**

## **3 Can children apply for legal aid?**

## **4 How do I find a solicitor?**

## **5 Children's legal aid**

- 5.1 Why might I have to go to a children's hearing?
- 5.2 When should I see a solicitor?
- 5.3 What happens if I agree with the grounds for referral?
- 5.4 What if I disagree with the grounds for referral?
- 5.5 What if I don't accept the hearing's decision?
- 5.6 Can I get legal aid if my case goes to court?
- 5.7 What happens if I disagree with the sheriff's decision about my case?
- 5.8 How will you decide whether to give me legal aid for an appeal against the sheriff's decision?
- 5.9 What if you refuse to give me legal aid?
- 5.10 Will I have to pay for children's legal aid?
- 5.11 Can I get legal aid myself or does one of my parents have to get it?
- 5.12 Can my parents or carers get legal aid too?

## **6 Criminal legal aid**

- 6.1 Can children get criminal legal aid?
- 6.2 Do I have to apply myself or can my parents do it for me?
- 6.3 How will you decide whether to give me criminal legal aid?

## **7 Civil legal aid**

- 7.1 What might I get civil legal aid for?
- 7.2 Can someone else apply for civil legal aid for me?
- 7.3 How will you decide whether to give me civil legal aid?
- 7.4 Will you look at how much money my parents have when you decide whether to give me civil legal aid?
- 7.5 Will I have to pay anything towards my civil legal aid?
- 7.6 Who will have to know that I've asked for civil legal aid?
- 7.7 How can I apply for civil legal aid?
- 7.8 Can I change solicitor?
- 7.9 What will happen if I don't tell my solicitor everything about my finances?

## **8 Some words you may not understand in this leaflet.**

## **9 Contact us, our leaflets, other useful contacts.**



What this leaflet  
tells you.

What is legal aid?

Can children apply for  
legal aid?

How do I find a  
solicitor?

# 1 What this leaflet tells you

This leaflet tells you about getting help from a solicitor when you're involved with the legal system.

You can get three different kinds of legal aid:

- **Children's legal aid and assistance**

This pays for a solicitor to:

- give you advice about going to a children's hearing (see below)
- speak for you in a sheriff court.

(See section 5 for more details on children's legal aid.)

- **Criminal legal aid and assistance**

This pays for a solicitor to help you if you are in trouble with the police and are going to appear before an adult criminal court instead of at a children's hearing. (See section 6.)

- **Civil legal aid and assistance**

This pays for a solicitor to help you in a civil court with non-criminal matters – things like divorce or adoption or getting compensation after an accident. (See section 7.)

## 2 What is legal aid?

Legal aid means the government will pay for you to get help from a solicitor for your problems. It could just be advice, or the solicitor might speak for you in court.

Children don't normally have to pay anything for children's legal aid or criminal legal aid. Occasionally you might have to pay something towards civil legal aid – for example, if you have a lot of savings or if you win something as a result of your civil case.

## 3 Can children apply for legal aid?

Yes. If you are old enough to understand why you need a solicitor to help you, and to ask a solicitor to work for you, you can apply for legal aid. But you will have to go and see a solicitor first. (You can only get legal aid through a solicitor.)

If you are 12 or more, you are usually considered old enough to ask a solicitor to work for you and to apply for legal aid for you. If you are under 12, your solicitor has to be sure you understand what it means to ask for a solicitor's help. If they think you don't fully understand, they will tell you that someone else can apply for you, for example your Mum or Dad.

By "children", we mean anyone under 16. It also includes someone who is 16 or 17 if a children's panel has placed them on a supervision requirement.

## 4 How do I find a solicitor?

- See our website **[www.slac.org.uk](http://www.slac.org.uk)**, phone our helpline **0845 122 8686**, or write to us for a list of legal aid solicitors in your area – see section 9 of this leaflet for details.
- The Scottish Child Law Centre provide free telephone advice and can put you in touch with a solicitor who deals with child law or give you more information on other issues, such as going to court. You can call them free on 0800 328 8970, or their website is at **[www.sclc.org.uk](http://www.sclc.org.uk)**.
- You may also be able to get some help from Scotland's Commissioner for Children and Young People. The Commissioner's job is to make sure that Scotland keeps promises it has made about the human rights of children and young people. The Commissioner's website is at **[www.sccyp.org.uk](http://www.sccyp.org.uk)**.
- You can also get advice from your local Citizens Advice Bureau. See their website at **[www.cas.org.uk](http://www.cas.org.uk)** or look in the Yellow Pages.



# Children's legal aid.

## 5 Children's legal aid

Children's legal aid pays for a solicitor to:

- give you advice about appearing before a children's hearing
- speak for you in court if the children's panel sends your case to the sheriff court
- speak for you in court if you think either the children's panel or the sheriff made the wrong decision about your case, and you want to appeal against it.

You won't normally have to pay anything for children's legal aid.

## 5.1 Why might I have to go to a children's hearing?

Someone like a social worker or a teacher may decide you need help or support. Or you may be in trouble with the police. If so, someone called the *children's reporter* may look at your circumstances to see if you need some help. The reporter may send your case to a *children's hearing* to decide what to do.

### What is a children's hearing?

A children's hearing is a meeting where you and your family discuss problems with a group of experts called the children's panel. It's less formal than going to court. However, the panel can decide to send your case to a sheriff court. (Section 8 explains what sheriff courts and other courts do.)

There are all sorts of reasons why you might have to go to a hearing. For example:

- your parents, or someone else who looks after you, can't control you
- someone has hurt you physically or sexually
- your parents are not looking after you properly
- you are drinking, using drugs or sniffing solvents like glue or paint
- you have committed an offence
- you have been staying away from school without a good excuse.

## 5.2 When should I see a solicitor?

As soon as possible. You can get advice and assistance from your solicitor right from the start of an investigation – for example when you have to go to police and social work interviews.

You should see a solicitor immediately if either:

- you are charged with a criminal offence, or
- the children’s reporter sends you a letter telling you to attend a children’s hearing.

The children’s reporter will send you a copy of the “grounds for referral” – that is, the reasons for sending you to the children’s hearing. Your solicitor can go through these reasons with you and explain what will happen at the hearing.

### **5.3 What happens if I agree with the grounds for referral?**

The children’s panel will ask you and your parents or carers (the people who look after you) if you accept that what is written in the grounds for referral is correct. If you do, then the panel at the hearing will decide:

- how to help you, and
- if they need to involve social workers formally in your case.

The matter will only go to court if:

- you or your parents or carers do not accept that the grounds for referral are correct
- the panel think you or your parents or carers can’t fully understand the grounds for referral.

Occasionally, a children’s panel might decide to send you to live in “secure accommodation” for a while. Or they might decide you need a solicitor to act for you at the hearing so you can take part in it properly. If so, they may appoint a solicitor to act for you. This won’t cost you or your parents anything. The local council, not the Scottish Legal Aid Board, will pay the solicitor for representing you at this hearing.

## 5.4 What if I disagree with the grounds for referral?

You or your parents or carers may not accept that what is written in the grounds for referral is correct. If you tell the panel so, the children's hearing will go no further that day. The panel may decide that that is the end of the matter and you don't need to come back again. Or they may send your case to the sheriff court, for a sheriff to decide if the reasons for referring you to a children's hearing are correct. Your solicitor may be able to get legal aid for you in court – see paragraph 5.6 about "Can I get legal aid if my case goes to court?"

If the sheriff decides the grounds for referral are correct, they will send your case back to a continued children's hearing to decide

- how to help you, and
- whether the social work department needs to be formally involved.

Your solicitor can advise you about this next hearing.

If the sheriff decides that the reasons for the hearing are not correct, the court will tell you so and you will not have to go back to a continued hearing.

## 5.5 What if I don't accept the hearing's decision?

If you don't agree with a children's panel decision, you may be able to appeal against it to the sheriff court. Talk to your solicitor after the hearing about whether to appeal.

## **5.6 Can I get legal aid if my case goes to court?**

If your case has to go to court – for example, for a sheriff to decide whether the grounds for referral are true or not, or to appeal against a decision by the children’s panel – you may be able to get legal aid. Legal aid will pay for a solicitor to give you advice, prepare the case, and speak in the court on your behalf.

Your solicitor will have to apply on your behalf to the sheriff for legal aid. Your solicitor will fill in the application form and get you or your parent or carer to sign it.

The sheriff will then decide if:

- it is in your best interests for a solicitor to act for you and speak on your behalf in court
- you and your parents (or carer) can afford to pay for your own court case
- someone like an insurance company (instead of legal aid) could pay the solicitor to act for you.

If the sheriff decides to grant you legal aid, your solicitor can then prepare your case and act for you in court. You will not have to pay for this.

## **5.7 What happens if I disagree with the sheriff’s decision about my case?**

If you disagree with a decision the sheriff has made about your case, then talk to your solicitor about appealing against the sheriff’s decision to the sheriff principal or the Court of Session.

The children’s reporter may also disagree with the sheriff’s decision and appeal it. If you disagree with the reporter’s appeal, you can defend it in court.

If you want to appeal against the sheriff's decision or defend an appeal by the reporter, you can apply to us (not to the sheriff) for legal aid. This would pay for your solicitor to work on the appeal for you and speak for you in court. Your solicitor will fill in the application form and get you or your parents or carers to sign it.

### **5.8 How will you decide whether to give me legal aid for an appeal against the sheriff's decision?**

We need to see if:

- you and your parents (or carer) could afford to pay for your own court case this time
- someone like an insurance company (instead of legal aid) could pay the solicitor
- you have very good reasons for appealing or defending an appeal by the children's reporter
- it is reasonable to give you legal aid.

If we give you legal aid, your solicitor will then prepare your case and represent you in court. You will not have to pay for this.

### **5.9 What if you refuse to give me legal aid?**

We don't have to look again at our decision. But we usually will, especially if you give us more information or if your circumstances have changed. Make sure you tell us why we should look at the application again.

### **5.10 Will I have to pay for children's legal aid?**

If you get children's legal aid, you will not have to pay anything towards it. Legal aid will cover all your legal costs. That includes paying your solicitor, and your advocate if you use one, and any other expenses such as expert witnesses (as long as your solicitor first gets our permission for these extra costs).

Very occasionally – for example, if you have a lot of savings – you might have to pay your solicitor something towards any “advice and assistance” they give you before you get legal aid or after legal aid stops. This is called a contribution. If you might have to pay this, your solicitor will tell you before starting to work for you.

Apart from this, you should not pay anything to your solicitor.

### **5.11 Can I get legal aid myself or does one of my parents have to get it?**

You can apply yourself as long as you can show that you know what it means to ask a solicitor to act for you. Or someone else can apply on your behalf. This might be your Mum or Dad or other carer. Or sometimes a safeguarder (someone appointed by the children's hearing or sheriff to look after your interests) might apply for you.

### **5.12 Can my parents or carers get legal aid too?**

Yes, your Mum, Dad or carer can apply for children's legal aid so a solicitor can act for them too.

You can find out more about children's hearings by going to the Scottish Government website at **[www.childrens-hearings.co.uk](http://www.childrens-hearings.co.uk)**, or the Scottish Children's Reporter Administration website at **[www.scra.gov.uk](http://www.scra.gov.uk)**.



# Criminal legal aid.

## 6 Criminal legal aid

**This part of the leaflet is about criminal legal aid, if you are in trouble with the police and an adult court, not the children's panel, goes on to deal with your case.**

In Scotland, you are responsible for anything criminal that you do if you are 8 years old or over.

- If you are under 8, and accused of a crime, you will usually have to see a social worker. Sometimes the social worker may refer you to someone called a children's reporter, who will decide if you have to go to a children's panel.
- If you are over 8 and under 16, a children's panel will usually deal with you. But if the crime is serious, your case may go to a criminal court and the procurator fiscal will deal with it.
- If you are aged 16 or 17, and a children's panel has put you on a "supervision requirement", a children's panel or the courts (or both) may deal with you.

If you think you are going to face a criminal case, you or your parents should go straight away to a solicitor for help.

## **6.1 Can children get criminal legal aid?**

Yes. But only if your case is going to a criminal court and the procurator fiscal, not a children's reporter, is dealing with it. By criminal court, we mean a JP court, sheriff court or the High Court. If a children's panel is going to hear your case, go to section 5 on "children's legal aid".

## **6.2 Do I have to apply myself or can my parents do it for me?**

You can apply for criminal legal aid yourself. (But you will have to do it through a solicitor.) If there is a good reason you can't sign the application yourself, you can agree to someone else, like one of your parents, signing it for you.

### **6.3 How will you decide whether to give me criminal legal aid?**

If the crime is very serious – for example, hurting someone badly – you are likely to get legal aid unless there is some other way that you could pay for the case.

Depending on how serious the crime is, your solicitor, the court or the Board may decide whether to grant legal aid. Whoever decides has to look at your circumstances. This depends on how serious the crime is but it may include whether:

- It is “in the interests of justice” for you to get legal aid. This means, for example, considering whether you really need a solicitor to act for you and explain what is going on in court, and whether you have a good case.
- You have a lot of money or property that you could use to pay for your solicitor’s help.
- Someone else like an insurance company could pay for the case.

If you get criminal legal aid, you won’t have to pay anything towards it.



Civil  
legal aid.

## 7 Civil legal aid

**This part of the leaflet is about how to get help with something the civil courts deal with – in other words, a case that doesn't involve crime. Civil courts deal with matters like divorce, adoption, and getting compensation when something has gone wrong or you have been injured.**

Sometimes the government will pay for you to get help from a solicitor. This is "civil legal aid".

## 7.1 What might I get civil legal aid for?

You can normally get advice from a solicitor on any legal problem, so long as it comes under Scottish law. Sometimes your solicitor may be able to act for you in a Scottish court.

Some of the civil problems you might want advice about are:

- your Mum and Dad are splitting up, and you want a say about who you live with
- you're not getting something you have a right to
- you are going to be adopted, or someone other than your Mum or Dad wants to apply to the court for permission to look after you permanently.

## 7.2 Can someone else apply for civil legal aid for me?

You can apply for it yourself, so long as your solicitor thinks you are old enough (see section 3 – *Can children apply for legal aid?*) or someone else may apply for you. It can be your Mum or Dad, or someone else who looks after you.

But whoever applies, they have to do it through a solicitor. The solicitor must apply to us (the Scottish Legal Aid Board), for civil legal aid.

### **7.3 How will you decide whether to give me civil legal aid?**

We have to look at several questions, such as:

- could a solicitor in Scotland do something about your problem?
- does your case have a legal basis?
- is it reasonable for the public to pay for your case?
- do you own any money or property and can you afford to pay a solicitor to act for you?

### **7.4 Will you look at how much money my parents have when you decide whether to give me civil legal aid?**

No, as long as you are the person directly involved in the court action.

If you yourself have any money or property, we need to know about that. We may refuse to give you legal aid if you have a lot. Or we may get you to pay something towards the legal aid.

## **7.5 Will I have to pay anything towards my civil legal aid?**

Civil legal aid is not always free. Sometimes you may have to pay some or all of the costs of your case:

- Very occasionally – for example, if you own a lot of money or property – you may have to pay us a contribution towards the cost of your legal aid. Your solicitor can explain this when you first contact them about your case. If you do have to pay us a contribution, we will tell you when we grant your legal aid.
- Legal aid usually only covers the cost of the work done for you. If you lose your case, the court may say you have to pay some or all of your opponent's costs. (This might happen if, for example, the court thought you had been lying to them.) Legal aid would not cover these costs. You may want to ask your solicitor for more information about this.
- If you keep or get money or property as a result of your solicitor's work, you may have to pay some or all of the costs of your case. Ask your solicitor to tell you more about this if your case may result in you getting or keeping money or property (for example, if you are claiming compensation from someone after an accident).

## **7.6 Who will have to know that I've asked for civil legal aid?**

If you just get advice from a solicitor, nobody apart from your solicitor and us needs to know about it. If your case is likely to go to court, we will usually have to tell the person who is on the other side. This is because they have a right to give us information about the case.

## **7.7 How can I apply for civil legal aid?**

You will have to go and see a solicitor. They will tell you more about it, and help you apply.

## **7.8 Can I change solicitor?**

We will consider this but only if you can give a good reason for wanting to change. We won't agree to a change if, for example, you just change your mind about who you want to act for you.

## **7.9 What will happen if I don't tell my solicitor everything about my finances?**

You must be truthful and tell your solicitor about all the money or property that you have. (Remember to tell your solicitor if you have any savings.)

If you don't tell the truth, or deliberately hold back information about your or your parents' or carers' finances, it is a criminal offence. Your legal aid may stop and you may have to pay back the cost of your case.

It's important to spend public money properly. We check with other bodies to make sure the information you give is true.



Some words  
you may not  
understand in this  
leaflet.

## 8 Some words you may not understand in this leaflet

### **Advocate**

Someone who has legal qualifications and can give extra advice to you and your solicitor, and argue your case in court.

### **Appeal**

If you disagree with a decision of a court or children's panel, you may be able to ask another court to look at it again – this is an *appeal*.

### **Carer**

Someone who normally looks after you in place of your parents – such as a foster parent or grandparent.

### **Children's hearing, children's panel**

*Children's hearings* are meetings arranged to consider and make decisions about children who are having problems in their lives and who may need social work help. The meeting takes place between you and your family and three other trained adults, called the *children's panel* members.

### **Children's legal aid**

*Children's legal aid* will allow a solicitor to represent you in a court case to do with a children's panel hearing.

### **Children's reporter**

If someone like your teacher or a social worker decides you need help, they can contact the *children's reporter*. The children's reporter may then decide to ask for more information about your case. If they think you do need help, they may ask you and your parents or carers to go to a children's hearing.

### **Civil legal aid**

*Civil legal aid* allows a solicitor to help you with something the civil courts deal with. That means cases that don't involve crime. Civil courts deal with matters like divorce, adoption, and getting compensation when something has gone wrong or you have been injured.

### **Compensation**

*Compensation* is money that a court decides someone should pay you to make up for something that has gone wrong – for example, if you were hurt in an accident.

### **Court of Session**

The *Court of Session* is the highest of the Scottish civil courts. It considers some kinds of civil case, and also appeals. A judge, who is called "Lord" or "Lady", is in charge of the court.

### **Criminal legal aid**

*Criminal legal aid* allows a solicitor to help you where you are in trouble with the police, and an adult court, not the children's panel, is likely to deal with your case.

### **District Court**

See JP Court.

### **Expert witness**

Sometimes your solicitor may need to get someone like a doctor to give the court information to help you in your case – they are called *expert witnesses*.

### **Grounds for referral**

*Grounds for referral* are the legal reasons why a child is referred to a children's hearing.

## High Court

The *High Court* is the highest of the Scottish criminal courts, and deals with the most serious cases and appeals. A judge is in charge of the court.

## Interests

Where we talk about something being *in your interests*, we mean what is best for you.

## JP Court

There are *JP courts* in each local authority area. They deal with some less serious criminal cases, and someone called a Justice of the Peace (JP) is in charge. These used to be called district courts.

## Legal representative

Is someone who is appointed by the children's panel to represent you at a children's hearing (not in a court). They can give you advice, speak for you and are there to try to help you take part in and understand what is going on in the hearing. They will have legal qualifications and be a solicitor.

## Non-legal advocate / representative

Someone who does not have legal qualifications but who supports you and helps you to explain and say what you want at a children's hearing. They can help you put your views and feelings across about decisions that are being made about your life. A non-legal advocate may have some special training on how to help you but will not have legal qualifications. They may be a relative or friend or another person such as a youth leader who knows you well.

## Proceedings

By *proceedings*, we mean legal action, often in court.

## Procurator fiscal

A lawyer employed by the Crown Office to investigate criminal cases and decide if they should go to court.

## Offence

An *offence* is an act that is against the law.

## Opponent

In a civil case, there will be more than one person involved – you, and the person (or people) on the other side. The people on the other side are your *opponents*.

## Safeguarder

A *safeguarder* is a person appointed by a children's hearing or a sheriff to protect your interests.

## Secure accommodation

*Secure accommodation* is a place where you can be supervised to make sure that you and other people are kept safe.

## Sheriff, sheriff court

The *sheriff courts* deal with both civil and criminal cases, and with cases from children's hearings. A sheriff is in charge of the court.

## Sheriff principal

The sheriff courts in Scotland are divided into six "sheriffdoms". A *sheriff principal* is in charge of each sheriffdom. If you disagree with a decision of a sheriff, you can sometimes appeal to the sheriff principal.

### **Social worker, social work department**

A *social worker* is a person who works with children and adults when they need extra help or supervision. Social workers work for a local social work department.

### **Solicitor**

To get legal aid, you have to go through a *solicitor*. A solicitor is someone who has legal qualifications and can give you legal advice. They can prepare your case and go to court for you.

### **Supervision requirement**

If a children's hearing decides that you need help and support from a social worker, they will place you on a supervision requirement. This gives the social work department legal authority to provide supervision and support to you and your family.



Contact us.

Our leaflets.

Other useful  
contacts.

## 9 Contact us

Do you want to:

- find your nearest legal aid solicitor
- find out more about legal aid
- see if you are eligible for legal aid
- order our leaflets?

Call our **Legal Aid Helpline** on **0845 122 8686** (open 7 days a week from 7am to 11pm), or visit our website **[www.slabs.org.uk](http://www.slabs.org.uk)**.

Our general telephone number is **0131 226 7061**. Calls by BT Text Direct are welcome.

Our address is 44 Drumsheugh Gardens, Edinburgh EH3 7SW.

Our email address is **[general@slabs.org.uk](mailto:general@slabs.org.uk)**.

We do **not** provide legal aid directly – this is done by solicitors. We manage the legal aid system.

## Our leaflets

- A guide to civil legal aid
- Civil legal aid – information for applicants
- Civil legal aid – what you may have to pay
- Guidance for opponents in civil legal aid cases
- Legal aid for children
- Do I qualify for advice and assistance – in criminal or children’s cases?
- Criminal legal assistance if you are in custody
- Criminal legal assistance if you are not in custody
- Complaints and comments about the Scottish Legal Aid Board
- Access to information.

*You can get our leaflets in other languages and formats.*

## Other useful contacts

Law Society of Scotland, 26 Drumsheugh Gardens,  
Edinburgh EH3 7YR

Telephone: 0845 113 0018

**Website:** [www.lawscot.org.uk](http://www.lawscot.org.uk)

The Scottish Child Law Centre

Telephone (free) 0800 328 8970

**Website:** [www.sclc.org.uk](http://www.sclc.org.uk)

Scotland’s Commissioner for Children and Young People

**Website:** [www.sccyp.org.uk](http://www.sccyp.org.uk)

To find your local Citizens Advice Bureau, please look in Yellow Pages or go to the Citizens Advice Scotland web site, at **[www.cas.org.uk](http://www.cas.org.uk)**.



يمكنك الحصول على هذه النشرة " المساعدة القانونية للأطفال " باللغة العربية بإتصالك بهيئة المساعدات القانونية الإسكتلندية على العنوان الموجود في الصفحة الداخلية لغلاف النشرة.

আপনি এই পুস্তিকা “শিশুদের জন্য লিগ্যাল এইড” বাংলায় পেতে হলে স্কটিশ লিগ্যাল এইড বোর্ডের ( Scottish Legal Aid Board ) সংগে যোগাযোগ করতে পারেন আর তার ঠিকানা সামনের প্রচ্ছদের ভেতরে দেওয়া আছে ।

您可以在这个信息小册子的首页内找到与<苏格兰法律援助机构>的联系地址，获得中文版本的《儿童法律援助》信息手册。

Gheibh tha a' bhileag seo “Taic laghail airson clann” ann an Gàidhlig le fios a chuir gu Bòrd Taic Laghail na h-Alba aig an seòladh a tha am broinn còmh-dach-toisich a bhileig.

आवरण-पृष्ठ के अन्दर लिखित पते पर स्कॉटिश लीगल एड बोर्ड से सम्पर्क कर के आप को यह हिन्दी में लिखित पर्चा “बच्चों के लिए लीगल एड” मिल सकता है /

“लीगल ऐड दार चिलड्रन (Legal aid for children)” लीडलैट पंजाबी वेबसाइट लैट लटी डुमी मुँदले पंने दे अँदर सिउते पते उे मवाटिम लीगल ऐड वेरड ठुं मँधव ववने ले मवने वे।

“Çocuklar için hukuki yardım” adlı bu broşürün Türkçesini edinmek için ön kapağın iç yüzündeki adresten İskoç Hukuki Yardım Kurulu ile temas kurun.

آپ بہ لیف لٹ ” بچوں کے لیے لیگل ایڈ“ سکاٹش لیگل ایڈ بورڈ سے اگلے صفحے کے اندر کی طرف دینے گئے ایڈریس پر رابطہ کر کے اردو میں حاصل کر سکتے ہیں۔

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