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Legal aid

Sweden

### 1 What costs are involved in legal proceedings and who normally has to bear them?

In Sweden, court proceedings themselves are free of charge apart from an application fee, which is currently SEK 2,800 (approximately EUR 265). For cases where the subject of the dispute has a value not exceeding SEK 23,250 (EUR 2,200), the application fee is SEK 900 (EUR 85).

If you are granted legal aid, the State will pay the application fee.

### 2 What exactly is legal aid?

The following types of legal assistance are available for disputes (civil cases):

- Advice;
- Legal aid.

Both types are regulated by the [Legal Aid Act \(\*rättshjälpslagen\*\) \(1996:1619\)](#).

### 3 Do I have a right to legal aid?

#### **Advice**

Everyone – natural persons, associations, businesses, etc. – can obtain advice for any legal matter.

Advice can be given by a lawyer or assistant lawyer at a law firm. It can be given for up to two hours, and may be split into several sessions. A fee is charged for the advice. The fee is currently SEK 1,725 (approximately EUR 164) per hour. The fee may be halved if the party receiving the advice has insufficient funds. Children who receive advice do not usually need to pay any fee. If the fee is reduced, the lawyer or assistant who gave the advice will claim the remainder from the State.

#### **Legal aid**

Legal aid is only available to natural persons, so businesses, associations, etc. cannot receive this type of assistance. The estate of a deceased person may also be eligible for legal aid in certain circumstances. Nationals of all EU Member States have the same status as Swedish nationals with regard to legal aid. Legal aid may be granted for most legal matters (please also see question 4).

Certain conditions must be met for legal aid to be granted.

You must have received at least one hour's worth of advice;

Your income must not exceed the financial threshold, which is currently SEK 260,000 SEK (approximately EUR 27,375). All of the applicant's financial circumstances are taken into consideration when calculating income. For example, consideration is given to child-maintenance costs, wealth and debts;

You must need legal assistance as well as advice and it must not be possible to meet this need in any other way;

It must be considered reasonable for the State to contribute to the costs, given the nature and significance of the matter in question, the value of the subject of the dispute, and the other circumstances;

If you have – or should have had – a legal-protection insurance policy, it must be used first.

### 4 Is legal aid granted for all types of proceedings?

#### **Advice**

As mentioned under question 3 above, advice may be given for all legal matters.

For example, information and advice can be given on the following:

Rules relating to marriage and other types of cohabitation;

Rules relating to divorce;

Maintenance contributions;

Wills and legacies;

Purchases and contracts.

#### **Legal aid**

As mentioned under question 3 above, legal aid may be granted for most legal matters, but there are some exceptions. For example, legal aid cannot be granted for matters that could involve the assistance of a public defender or public counsel. If you have been the victim of a crime, a 'counsel for the injured party' (*målsägandebiträde*) may be appointed in certain cases (please see

[Act 1988:609 on Counsels for the Injured Party \(\*lagen 1988:609 om målsägandebiträde\*\)](#)). This counsel is free of charge for the victim. Their duties include helping you to pursue a civil claim as the result of a crime, such as a claim for damages. You cannot also be granted legal aid if a counsel for the injured party has been appointed for you.

In some cases there have to be special reasons for legal aid to be granted. Examples include matters that must be dealt with abroad, or cases where the value of the claim will clearly not exceed SEK 23,250 (approximately EUR 2,200).

### 5 Are there special procedures in cases of need?

There are no special procedures in cases that require the immediate processing of an application for legal aid. On the other hand, it follows from the general principles of procedural law that a case or proceedings must be handled as quickly as possible.

### 6 Where can I obtain a legal aid application form?

The Swedish National Courts Administration (*Domstolsverket*) has produced a simple [application form](#) with instructions for filling it in. The form is available from both the Legal Aid Authority (*Rättshjälpsmyndigheten*) and the courts. The form can also be requested from the [Swedish National Courts Administration](#).

### 7 Which documents need to be submitted with the legal aid application form?

As mentioned under question 6, the Swedish National Courts Administration offers, among other things, a simple [application form](#), which also contains instructions for filling it in. Please contact the [Swedish National Courts Administration](#) for further information.

Among other things, an application for legal aid must contain information about the legal matter to which the application relates, whether the matter in question might have to be dealt with abroad, whether any advice has been provided on the matter, whether you have or have had a legal-protection insurance policy covering the matter in question, and information about your financial and other circumstances. The latter information must be provided on a [form](#) that can be obtained from the Swedish National Courts Administration.

No other documents need to be enclosed. It may, however, be appropriate to enclose any other documentation that is available to support the information supplied.

#### **8 Where do I submit my application for legal aid?**

The [application for legal aid](#) must be sent to the court or authority that is competent to assess your application for legal aid.

If a case or proceedings relating to the civil matter in question is underway at a court, the court must assess the application for legal aid. Otherwise, it is the [Legal Aid Authority](#) that decides whether or not legal aid should be granted.

#### **9 How do I find out whether I am entitled to legal aid?**

The Legal Aid Authority or court assessing your application for legal aid will notify you in writing of the decision that it makes.

#### **10 What should I do, if I am entitled to legal aid?**

If you are granted legal aid, a legal-aid counsel will be appointed at the same time. You should therefore consult him/her for further information.

#### **11 Who chooses my lawyer, if I am entitled to legal aid?**

A lawyer, assistant lawyer or any other suitable person may be appointed as a legal-aid counsel. If you have proposed a suitable person yourself, he/she must be appointed if this will not significantly increase the costs and if there are no other particular reasons for not doing so.

#### **12 Does legal aid cover all the costs of the proceedings?**

The State will bear the following costs where legal aid is granted:

Remuneration of the legal-aid counsel for up to 100 hours' work, unless otherwise determined by the court;

Reasonable costs for giving evidence to a general court, the Swedish Labour Court (*Arbetsdomstolen*), or the Swedish Market Court (*Marknadsdomstolen*);

Investigation costs reasonably incurred in order to safeguard your rights, up to a maximum of SEK 10,000 (approximately EUR 1,053);

Costs of mediation pursuant to Section 17 of Chapter 42 of the [Swedish Code of Judicial Procedure](#) (*rättegångsbalken*);

Application and service fees, as well as enforcement costs.

On the other hand, you will have to bear any costs that are not covered by legal aid. It is, however, possible to recover these costs from the other party if you win the case.

If you are granted legal aid, you must contribute to the costs by paying a fee for legal aid. This fee consists of a percentage of the costs of your legal-aid counsel. The fee system has six levels depending on your income; these are expressed in fixed income brackets in Swedish kronor (SEK). The percentages for the various brackets range from 2% to 40%. The income bracket that you are placed in, and thus the percentage that you will have to pay, is determined on the basis of your financial means. They are calculated on the basis of your annual income, your dependents, and your financial assets. You must pay the legal-aid fee continuously to your legal-aid counsel as the costs arise.

#### **13 Who bears the other costs, if I am entitled only to limited legal aid?**

If you are granted legal aid, it means that you have access to all of the benefits covered by the Swedish legal-aid system (please see question 12 above).

Accordingly, it is not possible to receive legal aid for a particular part only.

On the other hand, there is the possibility, in addition to the legal-aid system, of obtaining financial assistance for certain costs relating to legal proceedings, namely travel costs to the court and the costs for a witness summoned to appear in court. If you are party to a case or proceedings and you have been summoned to appear at a court session, you can therefore have your **travel and subsistence** costs paid for by the State if it is deemed appropriate (please see Section 6 of Chapter 11 of the [Swedish Code of Judicial Procedure](#)). If it is appropriate to do so in view of your financial circumstances, the State may also pay **compensation to a witness** for necessary costs incurred for travel, subsistence and loss of time (please see Section 24 of Chapter 36 of the [Swedish Code of Judicial Procedure](#)). Compensation for travel and subsistence costs in connection with an appearance in court is not available to legal persons.

#### **14 Does legal aid also cover appeals?**

Yes, but compensation for the legal-aid counsel only covers a maximum of 100 hours. If the 100 hours have been used up during the first-instance proceedings, any higher-instance proceedings will not be covered.

#### **15 Can legal aid be withdrawn before the proceedings are concluded (or even revoked after the proceedings have terminated)?**

Legal aid must naturally end when the legal matter in question is regarded as having concluded. As a general rule, legal aid must also end once your legal-aid counsel has done 100 hours' worth of work. The court may, however, decide that legal aid can continue.

In some cases, legal aid must also end before that point. This happens if, for example, you do not pay your legal-aid fee or if you provide incorrect information and legal aid would not have been granted if the correct information had been provided. Another example of when legal aid must end early is if your legal-aid counsel has done 100 hours' worth of work and the court has not decided that the legal aid should continue.

#### **16 Can I contest a refusal to give legal aid?**

Yes. You are entitled to appeal against a decision not to grant legal aid. If the decision has been made by a court, it should be appealed against in the same way as other decisions. When the court notifies you of the decision in writing, it will also provide information on how to appeal against the decision. If, instead, the decision has been made by the Legal Aid Authority, it should be appealed against to the [Legal Aid Board](#) (*Rättshjälpsnämnden*).

#### **Further information**

For further information about the Swedish legal-aid system, and to order application forms, please contact the Swedish National Courts Administration at the following address:

##### **Swedish National Courts Administration**

SE-551 81 JÖNKÖPING, Sweden

<https://www.domstol.se/>

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