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Legal aid

Slovakia

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

The costs of proceedings are, in particular, the expenses of the parties and their representatives, including court fees, the lost earnings of the parties and their legal representatives, the cost of gathering evidence, notarial expenses and fees for acts executed as a court commissioner, fees and expenses of the executor in inheritance proceedings, interpreting fees and representation fees where representation is by a lawyer.

The parties to the proceedings pay the costs of the proceedings that they personally incur and those of their representatives. Shared costs are paid by the parties in proportion to their involvement in the case and the proceedings.

Where parties are assigned a lawyer to represent them, the State covers the lawyer's expenses and representation fee.

In inheritance proceedings, the notarial fees and expenses are paid by the heir, provided the estate is not insolvent. If there are several heirs, they pay these costs in proportion to the net value of their share of the estate. In other cases these costs are borne by the State.

2 What exactly is legal aid?

The term 'legal aid' is defined in Act No 327/2005 on the provision of legal aid to persons in material need and amending Act No 586/2003 on the legal profession and amending Act No 455/1991 on trading activity (the Trading Act), as amended by Act No 8/2005, which took effect on 1 January 2006 (the 'Legal Aid Act'). Section 4(a) of the Legal Aid Act reads as follows: 'Legal aid means the provision of legal services to persons entitled under this Act in respect of the exercise of their rights, including, in particular, legal advice, assistance with out-of-court proceedings, the drawing up of submissions for courts, representation in court proceedings and the performance of acts in connection therewith, as well as defrayment in full or in part of the associated costs.'

3 Do I have a right to legal aid?

Under the conditions laid down in the Legal Aid Act, in the case of in-country disputes, legal aid may be granted to any natural person, whereas in the case of cross-border disputes it may be granted only to natural persons domiciled or habitually resident in a Member State (this includes all Member States of the European Union except Denmark).

'Eligible persons' are natural persons granted entitlement to legal aid by a final decision of the Legal Aid Centre upon proving that they meet the conditions laid down in Section 6 of the Legal Aid Act.

'Foreign eligible persons' are natural persons who meet the conditions laid down in the Legal Aid Act for entitlement to legal aid in a cross-border dispute and whose entitlement has been granted by a final decision of the Legal Aid Centre.

'In-country eligible persons' are natural persons who are permanently or temporarily resident in the Slovak Republic and seek legal aid in another Member State in which the competent court is handling the cross-border dispute.

4 Is legal aid granted for all types of proceedings?

Under the Legal Aid Act, legal aid may be granted in civil law, labour law and family law cases, debt discharge proceedings under special legislation, in proceedings before an administrative court and, in such cases, also in proceedings before the Constitutional Court of the Slovak Republic ('in-country disputes'). In cross-border disputes, legal aid may be granted under the Legal Aid Act in civil law, family law, commercial law and asylum cases, in administrative expulsion proceedings, in proceedings relating to the detention of a third-country national, in proceedings relating to an applicant's detention, in proceedings relating to the granting of asylum and, in such cases, also in proceedings before an administrative court and proceedings before the Constitutional Court of the Slovak Republic, and to persons in respect of whom the validity of a labour-law act has been suspended under special legislation in proceedings concerning the submission of an application for an emergency measure.

5 Are there special procedures in cases of need?

Yes, where applicants are at risk of missing a deadline, they may apply to the Legal Aid Centre for provisional legal aid at the same time as submitting their application. The Legal Aid Centre then takes a decision without undue delay on granting provisional legal aid, before taking its decision on granting legal aid entitlement.

6 Where can I obtain a legal aid application form?

Applications are available on the [Legal Aid Centre's](#) website.

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

These must be documents that substantiate the information given in the application form and prove the applicant's material need (documents proving material need may not be more than three months old).

8 Where do I submit my application for legal aid?

At the Legal Aid Centre office nearest to where the applicant is permanently or temporarily resident.

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

The Legal Aid Centre decides whether to grant legal aid within 30 days of receiving the application.

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

Upon invitation by the Legal Aid Centre, applicants must conclude a legal aid contract directly with the Centre or with an appointed lawyer and grant power of attorney to the Centre or appointed lawyer for the acts associated with the granting of the legal aid.

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

In the decision granting entitlement to legal aid, the Legal Aid Centre appoints a lawyer to represent the eligible person in court, where necessary to safeguard their interests.

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

The Legal Aid Centre's decision either grants full entitlement to legal aid or it refuses entitlement.

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

Not applicable

14 Does legal aid also cover appeals?

Yes, legal aid is also granted for appeal proceedings and enforcement proceedings.

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

The circumstances under which legal aid may be withdrawn are governed by Section 14 of the Legal Aid Act. The Legal Aid Centre may decide to withdraw legal aid in the following circumstances: if the eligible person fails to cooperate with the Centre or appointed lawyer as required; if, in the course of the legal aid being provided, there are changes in the eligible person's income and financial circumstances and he or she no longer meets the condition laid down in Section 6(1)(a) for the legal aid entitlement to continue; if the eligible person fails to conclude a contract with the appointed lawyer or fails to grant power of attorney to the Centre or the appointed lawyer within three months of the final decision granting legal aid being issued; if it emerges that the applicant was granted entitlement to legal aid on the basis of false or incomplete information; or if the eligible person fails to act on the request referred to in Section 13(3) (i.e. the Centre's request to be provided within 8 days with evidence demonstrating that the eligible person still qualifies for legal aid).

16 Can I contest a refusal to give legal aid?

A decision refusing legal aid must contain the particulars stipulated in special legislation (i.e. Administrative Procedure Act No 71/1967 (Code of Administrative Procedure), as amended), and it must inform the applicant that, unless there is a change in their income or financial circumstances, they may not re-submit an application for the same case until six months after the decision is issued.

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