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## Legal Aid Act

(257/2002; amendments up to 720/2011 included)

### Chapter 1

#### *Coverage of legal aid*

##### *Section 1 – General prerequisites for and coverage of legal aid*

- (1) Legal aid is provided at the expense of the state to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation.
- (2) Legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses related to the consideration of the matter, as provided in this Act.

##### *Section 2 – Persons entitled to legal aid*

- (1) Legal aid is provided to persons with a municipality of residence in Finland and to persons domiciled or habitually resident in another Member State of the European Union (EU) or the European Economic Area (EEA). (972/2004)
- (2) In addition, legal aid is provided regardless of the prerequisites laid down in subsection 1, if the matter is to be heard before a Finnish court or if there are special reasons for legal aid to be provided. Legal advice, as a part of legal aid, shall be provided regardless of the prerequisites laid down in subsection 1, if the conditions laid down in the Convention on International Access to Justice (Treaty Series of the Statutes of Finland 47/1988) are met.
- (3) Legal aid is not provided to a company or a corporation. Legal aid is provided to an entrepreneur in a business matter, other than a court case, only if there are special reasons for this in view of the nature and extent of the business activities, the economic and personal situation of the entrepreneur, and the circumstances as a whole.

##### *Section 3 (927/2008) – Means-testing*

- (1) Legal aid is provided on application, for free or against a deductible, on the basis of the economic situation of the applicant. The economic situation of the applicant is estimated based on the funds available to him or her per month (*available means*) and his or her assets. The available means are calculated based on the monthly income, necessary expenses and maintenance liability of the applicant and his or her spouse, domestic partner or registered partner. If the applicant is a suspect or a defendant in a criminal case or if the spouses are opposing parties in a case or are separated by reason of irreconcilable differences, legal aid is determined based on the means of the applicant alone.
- (2) Legal aid is provided to a person whose available means and assets do not exceed the amount determined by government decree. Further provisions on the income and expenses to be taken into account, the effect of maintenance liability on the calculation of available means, the consideration of assets and the basis for the

determination of the deductible of the legal aid recipient shall be issued by government decree.

- (3) Applicants are provided legal aid notwithstanding any restrictions arising from their available means, if they prove that they cannot pay the cost of proceedings, because the cost of living is higher in the EU or EEA Member State of their domicile or habitual residence than in Finland.

#### Section 3 a (927/2008) – *Minor legal advice*

No means-testing is necessary when minor legal advice is provided to the applicant by telephone or through another electronic means of communication. No deductible is collected for the provision of minor legal advice.

#### Section 3 b (927/2008) – *Effect of legal expenses insurance on legal aid*

Legal aid is not provided if the applicant has a legal expenses insurance that covers the matter at hand. However, in a matter heard by a court of law, the court may grant legal aid in so far as the costs exceed the maximum cover stated in the insurance policy. This requires that the applicant presents an account of the means-testing performed by the legal aid office and an account of the necessary measures required in the judicial proceedings as well as that there are special reasons for granting legal aid, taking into account the person's need for access to justice and the nature and extent of the matter. In this event, the court shall determine a maximum number for the billable hours of the attorney. This number cannot exceed 30 hours at a time, unless the court due to the exceptional extent of the matter orders otherwise. A request for continuing legal aid must be made well before the determined number of billable hours has been exhausted. However, if the applicant is entitled to legal aid for free based on his or her economic situation, legal aid may also be granted to cover the deductible stated in the insurance policy.

#### Section 4 – *Benefits included in legal aid*

- (1) The granting of legal aid exempts the recipient from liability for:
  - (1) the fees and compensations for an attorney appointed or approved under this Act, in full or in part, as stated in the legal aid decision;
  - (2) the fees and compensations arising from the interpretation and translation services required in the consideration of the matter; and
  - (3) handling charges, document charges and the compensation of miscellaneous expenses in the authority seised of the main matter; the said charges are likewise not to be collected by other authorities for their measures and documents in so far as they are necessary for the matter being dealt with.
- (2) Compensations for witnesses called by a party receiving legal aid are paid from state funds. Other costs incurred by the presentation of evidence by a party receiving legal aid are paid from state funds, if the evidence has been necessary for the resolution of the matter.
- (3) If a party receiving legal aid, other than the defendant in a criminal case, has been summoned to the court in person in order to have the matter resolved, the compensation for the costs of appearing before the court are paid from state funds.
- (4) Moreover, the granting of legal aid exempts the recipient from liability for the enforcement fees pertaining to the judgment or the court order and any expenses payable in advance. All necessary costs of enforcement are covered from state funds, if they cannot be collected from the opposing party. (972/2004)
- (5) The granting of legal aid in another Member State of the European Union or the European Economic Area exempts the recipient from the enforcement fees and

costs in the manner referred to in subsection 4, if the judgment is enforced in Finland. (972/2004)

#### Section 5 – *Measures of an attorney covered by legal aid*

- (1) In a given matter, legal aid covers those measures of an attorney that are necessary in view of the nature and extent of the matter, the value of the object of the dispute and the circumstances as a whole. Legal aid may be restricted to cover predetermined measures only. A determination of this sort may be extended later, if necessary.
- (2) Legal aid covers the measures of the attorney for at most 80 hours. The court hearing the matter may, however, decide that legal aid shall be continued. This requires that the recipient presents an account of the necessary measures required in the proceedings as well as that there are special reasons for continuing legal aid, taking into account the person's need for access to justice and the nature and extent of the matter. In this event, the court shall determine a maximum number for the billable hours of the attorney. This number cannot exceed 30 hours at a time, unless the court due to the exceptional extent of the matter orders otherwise. A request for continuing legal aid must be made well before the determined number of billable hours has been exhausted. (927/2008)
- (3) Provisions on legal aid in matters to be considered abroad are laid down in section 23.

#### Section 6 – *Coverage of legal aid in certain cases*

- (1) An applicant who is deemed not to need an attorney, but whose means would entitle him or her to legal aid for free, may be granted the benefits referred to in sections 4(1)(2), 4(1)(3) and 4(2)—4(4) by way of legal aid.
- (2) Legal aid does not cover an attorney's services:
  - (1) in a petitionary matter handled in a general court, unless there are especially weighty reasons for it;
  - (2) in a simple criminal case, where the prevailing penal practice indicates that the foreseeable penalty will not be more severe than a fine or where the access of the defendant to justice does not require an attorney in view of the foreseeable penalty and the results of the investigation of the matter;
  - (3) in a matter concerning taxation or a public charge, unless there are especially weighty reasons for it; or
  - (4) in a matter where the person's right to request a rectification or to appeal is based on a membership of a municipality or another public corporation.
- (3) However, a public legal aid attorney may provide legal advice and draw up any required documents in a matter referred to in subsection 2, if necessary.

#### Section 7 – *Restrictions to legal aid*

Legal aid is not provided if:

- (1) the matter is of minor importance to the applicant;
- (2) it would be manifestly pointless in proportion to the benefit that would ensue to the applicant;
- (3) pleading the case would constitute an abuse of process; or
- (4) the matter is based on an assigned right and there is reason to believe that the purpose of the assignment was to receive legal aid.

## Section 8 – Attorney

- (1) Legal aid is provided by public legal aid attorneys. However, in matters to be heard by a court of law, also a private attorney who has consented to the task may be appointed as an attorney. In addition, a private attorney may be appointed in cases referred to in section 10 of the Act on State Legal Aid Offices (258/2002; *laki valtion oikeusaputoimistoista*).
- (2) Only an advocate or a licensed attorney referred to in the Act on licensed attorneys (715/2011; *laki luvan saaneista oikeudenkäyntiavustajista*) may be appointed as a private attorney. As an attorney for a suspect in a criminal case may be appointed only a public legal aid attorney or an advocate, or on special grounds a licensed attorney, if the suspect has been arrested or detained, if the suspect is charged with an offence with no statutory penalty less severe than imprisonment for four months or with an attempt of or participation in such an offence, or if the suspect is younger than 18 years of age. (720/2011)
- (3) Where the person receiving legal aid has self nominated an eligible person as his or her attorney, that person shall be appointed unless there are special reasons to the contrary.
- (4) In his or her task, the attorney shall adhere to proper conduct as advocate.

## Section 9 – Replacement of the attorney

- (1) In a matter heard by a court of law, an attorney may not send a replacement without the permission of the court. The replacement must meet the qualification requirements set for an attorney.
- (2) A court in a matter being heard by the court and a legal aid office in another matter may, on the reasoned request of the person receiving legal aid or of the attorney, or for a valid reason also on its own initiative, revoke the appointment of the attorney and appoint a replacement.

## Chapter 2

### *Legal aid decision*

## Section 10 – Application for legal aid

- (1) Legal aid is applied for in a legal aid office. The applicant must provide information on his or her financial circumstances and on the matter for which legal aid is being applied. The legal aid office may also accept an application that is filed by the attorney of the applicant on behalf of the applicant. Further provisions on the information to be provided on the financial circumstances and the matter shall be issued by a decree of the Ministry of Justice. (927/2008)
- (2) A state authority and a municipal authority, the Social Insurance Institution of Finland, the Finnish Centre for Pensions, a pension fund and another pension institution, as well as an insurance company shall, upon request and notwithstanding any provisions on secrecy, supply the legal aid office with the information in its possession that is necessary for the performance of the statutory duties of the office in order to determine whether the economic situation of the applicant entitles him or her to legal aid and whether he or she has a legal expenses insurance that covers the matter at hand. The same obligation applies to a financial institution, if the legal aid office cannot obtain adequate information from the instances referred to above and if there is justified reason to doubt the adequacy or the reliability of the information supplied by the applicant. The request must be submitted to the financial institution in writing, and the applicant must be notified of the request in advance.

- (3) On the conditions referred to in subsection 2, the legal aid office may access, by way of a technical interface, secret personal data in the data files of the tax authorities and the Social Insurance Institution, so as to verify the information supplied by the applicant on his or her economic situation. The legal aid office must notify the applicant of this possibility in advance.

#### Section 11 – *Granting of legal aid*

- (1) The legal aid office decides on the granting of legal aid, unless otherwise provided in this or another Act. If a public legal aid attorney is disqualified from the main matter, the legal aid applicant shall be advised to submit the application to another legal aid office. However, upon request of the applicant, the decision may be made in the legal aid office in question, provided that the circumstances do not require that the matter be transferred. However, a public legal aid attorney assisting the opposing party must not make the decision on the legal aid application. The decision may be delivered to a process address notified by the applicant. In the absence of evidence to the contrary, the applicant is deemed to have been served with the decision on the seventh day after the posting of the decision. (927/2008)
- (2) If legal aid has not been granted in accordance with the application, the applicant may submit the question of legal aid to a court of law for a decision, as provided in section 24.

#### Section 12 – *Legal aid charge*

- (1) The legal aid office collects a legal aid charge when it grants legal aid or forwards a submission referred to in section 11(2) to the court for a decision. The amount of the charge shall be laid down by government decree.
- (2) No charge is collected when legal aid is granted for the provision of minor advice. Provisions on the waiver of the charge due to lack of means may be issued by government decree.

#### Section 13 – *Commencement and duration of legal aid*

- (1) Legal aid may be granted as of the date of application or, if the relevant conditions are met, also retroactively to cover the necessary measures already taken in the matter. If the application is filed only after the matter has been decided in the court, legal aid does not, however, cover measures preceding the said decision. Legal aid is in effect from the date of granting at all levels of the court hierarchy seised of the matter. (927/2008)
- (2) Legal aid granted in a matter heard by an administrative court does not cover measures in the earlier administrative proceedings or in a judicial authority referred to in section 1(2) of the Administrative Judicial Procedure Act (586/1996; *hallintolainkäyttölaki*); likewise, legal aid granted in the Insurance Court does not cover measures in the preceding proceedings. If the court remits a matter to an administrative authority or a judicial authority referred to above, the appointment of a private attorney shall remain in effect also there, if the remitting court so orders.
- (3) When a court transfers a matter to another court, not earlier seised of the matter, by virtue of Chapter 3, section 2 or Chapter 4, sections 8-10 of the Criminal Procedure Act (689/1997; *laki oikeudenkäynnistä rikosasioissa*) or by virtue of Chapter 10, section 22 or 24 of the Code of Judicial Procedure (4/1734; *oikeudenkäymiskaari*), the appointment of the attorney in the matter shall remain in effect, unless the transferring court orders otherwise. (137/2009)

## Section 14 – *Contents of the legal aid decision*

The legal aid decision must be issued in writing. It must contain the following information:

- (1) the matter for which legal aid is granted;
- (2) the economic situation of the applicant;
- (3) the date as of which legal aid is granted;
- (4) the benefits included in legal aid;
- (5) the possible deductible of the legal aid recipient; and
- (6) the name of the attorney.

## Section 15 – *Change in financial circumstances*

While a commission is in effect, the legal aid recipient must notify the legal aid office of any changes in his or her financial circumstances. The attorney must remind the client of the said obligation in the event of a change in the client's financial circumstances.

## Section 16 – *Amendment of a legal aid decision and cessation of legal aid*

- (1) If the prerequisites for granting legal aid have not existed, or if the circumstances have changed or ceased to exist, the legal aid office may amend the legal aid decision or decide that legal aid is to cease. The applicant may submit a question concerning the amendment of a legal aid decision and cessation of legal aid to be decided by a court, as provided in section 24.
- (2) The court seised of the main matter may always, on the conditions referred to in subsection 1, amend the legal aid decision or order that legal aid is to cease.
- (3) When the deductible of a legal aid recipient is amended, a decision shall be made on whether the amendment is to be applied retroactively. When it is decided that legal aid is to cease, a decision on whether the recipient is liable to compensate the state for legal aid received shall be made and the amount of the compensation shall be determined.
- (4) A public legal aid attorney may complete a commission that has already been started, even if the recipient is no longer entitled to legal aid owing to a change in his or her financial circumstances or changes in the matter at hand. This service by the legal aid office is subject to a full charge.

## Chapter 3

### *Compensations*

## Section 17 – *Fee and compensation for expenses of a private attorney*

- (1) A reasonable fee for the necessary measures, based on the time spent for taking them, and for the loss of time caused by necessary travelling is determined for a private attorney, as is compensation for his or her expenses. The fee and the compensation for expenses are paid from state funds, less the deductible referred to in section 20. For the determination of the fee, the attorney must present a detailed account of the measures taken and of the expenses incurred in the case, unless presenting such an account is unnecessary. If the account is to be handled in an oral hearing before the court, the attorney must submit an account of the measures taken and expenses incurred up to the hearing to the court and, if necessary, also to the opposing party well before the date of hearing and no later than on the weekday preceding the date of hearing. In criminal matters, the prosecutor shall comment on the requested fee and expenses, if this is necessary in view of the amounts requested or for some other reason. If a person who does not normally

pursue cases before the court in question has been appointed as an attorney, the extra travel expenses and the time spent shall be compensated for only if the use of such an attorney can be justified. Further provisions on the measures for which the fee shall be paid, the amount of the hourly fee, the minimum fee per matter, compensable expenses, and those reasons pertaining to the matter and the attorney that may lead to a raised or reduced fee shall be issued by government decree. Provisions on the manner in which the account of the claimed fees and compensations for expenses shall be presented to the court and on the conditions upon which such an account need not be presented may also be issued by government decree. (460/2011)

- (2) In so far as legal aid is being provided under this Act, the attorney must not collect any other fees or expenses than the deductible from the legal aid recipient. An agreement to the contrary is void.
- (3) If the attorney has been permitted to be temporarily replaced by another person, the fee and expenses arising from the measures taken by the replacement may be separately ordered to be paid to the replacement.
- (4) An appellate court may decide that the fee and expenses of the attorney are not to be paid from state funds, if the appeal is manifestly unfounded.

#### Section 18 – *Determination of fees and compensation for expenses*

- (1) In a case heard by a court of law, the court seised of the main matter shall determine the fees and compensation payable from state funds to a private attorney, to a witness and, in case the legal aid recipient is not pursuant to law otherwise entitled to free interpretation, to an interpreter, as well as the compensation payable to the legal aid recipient. (927/2008)
- (2) The fee and compensation payable to an attorney are determined by the court when the tasks of the attorney before that court are concluded. The decision on the fee and compensation shall be issued separately from the decision in the main matter. The decision shall be given in connection with the decision in the main matter or on the same day. For the purpose of deciding on the fees and compensations, a district court, an administrative court and the Insurance Court constitute a quorum also with one legally qualified judge present. (927/2008)
- (3) If legal aid has been applied for before the matter has been decided in the court, but the legal aid office decides to grant legal aid only after the issue of a court decision and the decision on the main matter has been appealed against, or if the appellate court accepts an appeal against a submission and the main matter is no longer pending in the subordinate court, the appellate court shall determine the attorney's fee and compensation also for the measures taken in the subordinate court. In any other case, the fee and compensation shall be determined by the court last seised of the case. If the task is to continue for a longer period, the fee and compensation may be determined on a semi-annual basis or, for special reasons, also on the basis of shorter periods. An attorney may be paid an advance for considerable expenses foreseen in the performance of his or her task, if there are special reasons for this. (927/2008)
- (4) The provisions on the compensation payable to witnesses from state funds apply to the determination of the compensation to a witness and a legal aid recipient, to the payment of such compensations and other costs of evidence, and to appeals against a decision on the amount of the compensation.
- (5) The prosecutor may appeal against decisions on the amount of the fee and compensation of an attorney in cases where he or she has been the prosecutor. (460/2011)
- (6) In cases not heard by a court, the legal aid office determines the fee and compensation of an attorney and an interpreter.

## Section 19 – *Compensation of the costs of evidence in certain cases*

If the hearing of a witness called by the legal aid recipient has been manifestly unnecessary, the recipient may be obligated to reimburse the state for the compensation ordered to be paid to that witness.

## Section 20 – *Determination of the deductible*

- (1) The amount of the deductible is calculated based on the determined attorney's fee and compensation for expenses, inclusive of VAT. If the deductible set when legal aid was granted would clearly be unreasonable in view of the financial circumstances of the legal aid recipient, the amount of the deductible may be reduced. The deductible is calculated on a case-by-case basis. An advance payment towards the deductible or a part thereof may be collected.
- (2) When a private attorney has provided legal aid against a partial compensation in a matter heard by a court, the court referred to in section 18(2) and (3) must, after having reserved the legal aid recipient an opportunity to comment on the correctness of the bill, order the legal aid recipient to pay the deductible to the attorney at the same time as it determines the attorney's fee payable from state funds. Any opportunity to comment on the correctness of the bill need not, however, be reserved for the legal aid recipient, if the attorney confirms that the legal aid recipient has approved the bill. In any other case, the legal aid office determines the amount of the deductible. (927/2008)
- (3) The deductible ordered to be paid to a private attorney shall, on request, be ordered to bear interest for late payment at the rate referred to in section 4(1) of the Interest Act (633/1982; *korkolaki*) as from one month after the date of the order. (927/2008)

## Section 21 – *Collection of payments by way of enforcement and interest for late payment*

- (1) Pursuant to a decision of the legal aid office, the deductible payable to the state, the expenses paid from state funds on behalf of the legal aid recipient but not covered by legal aid, and the legal aid charge may be collected from the recipient without a judgment or court order as provided in the Act on the enforced collection of taxes and charges (367/1961; *laki verojen ja maksujen perimisestä ulosottoihin*). Before any collection measures are undertaken, the legal aid office must reserve the person liable an opportunity to be heard.
- (2) If the deductible or the legal aid charge payable to the state has not been paid on the due date, the delayed amount shall bear interest at the rate referred to in section 4(1) of the Interest Act as from one month after the date when the relevant court order has been available to the person liable or when the bill has been sent to the person liable. (927/2008)

## Section 22 – *Liability of the opposing party to pay compensation*

- (1) If the party opposing the legal aid recipient would be liable to compensate in full or in part for the recipient's legal costs by virtue of Chapter 21 of the Code of Judicial Procedure, Chapter 9 of the Criminal Procedure Act or Chapter 13 of the Act on Administrative Judicial Proceedings, that party shall be ordered to compensate the state for the expenses paid from state funds and the estimated fee of the public legal aid attorney under this Act. The amounts shall bear interest for late payment, at the rate referred to in section 4(1) of the Interest Act, as from one month after the date when the relevant court order has been available to the person liable. (927/2008)

- (2) If legal aid has been granted retroactively to cover such expenses that the party opposing the legal aid recipient has been ordered to compensate the recipient as legal costs by a final judgment of the subordinate court, the right to the compensation reverts to the state in respect of the amount paid from state funds.
- (3) A public legal aid attorney must present an account of the measures taken and the expenses incurred in the case.

#### Section 23 – *Legal aid in a case considered abroad*

- (1) In cases considered abroad, legal aid covers the provision of general legal advice.
- (2) For especially weighty reasons, the Ministry of Justice may grant more extensive legal aid than determined in subsection 1 in a case to be considered abroad. In such cases, the Ministry of Justice determines the necessary fees and compensations to be paid from state funds.
- (3) Provisions on the maximum legal aid to be provided abroad and on the filing and contents of a legal aid application in a case considered abroad may be issued by a decree of the Ministry of Justice.

### Chapter 4 *Appeal*

#### Section 24 – *Submitting a decision of the legal aid office to a court for reconsideration*

- (1) A decision made by virtue of this Act by a legal aid office may be submitted to the court for reconsideration (*submission*). The submission shall be filed within 30 days of the service of the decision of the legal aid office; however, it shall be filed before the decision in the main matter becomes final. The submission shall be filed with the legal aid office that made the decision. It shall be made in writing and it shall mention the decision that the submission concerns, as well as state how and on what basis the applicant is dissatisfied with the decision. (927/2008)
- (2) The legal aid office shall, without delay, forward the submission to the court seized of the main matter or the court with jurisdiction over the main matter. If the hearing of the main matter in the court has been concluded and the statutory appeal period has not yet ended, the submission shall be forwarded to the court last seized of the case. If the legal aid decision pertains to a matter that cannot be brought to court, or a matter where the avenue of appeal is directly to the Supreme Administrative Court, the submission shall be forwarded to the Administrative Court in whose jurisdiction the legal aid office that made the decision is located. The court to which the legal aid office forwards the submission shall have jurisdiction over it.
- (3) The decisions made by the legal aid office under this Act are not open to appeal, unless otherwise provided in another Act.

#### Section 25 – *Self-rectification by the legal aid office*

- (1) The legal aid office may rectify its own decision, if a submission referred to in section 24 shows cause for it.
- (2) The applicant who filed the submission must immediately be notified of a decision on self-rectification. The decision may be delivered to the applicant in the manner referred to in section 11(1).

## Section 26 – Appeal

- (1) A decision made by a court under this Act may be appealed against in conjunction with an appeal in the main matter or, if the decision has been made before the main matter is decided, separately in accordance with the provisions on appeal in the main matter.
- (2) If a decision of an administrative court pertains to the granting of legal aid in a matter that cannot be brought to court, or a matter where the avenue of appeal is directly to the Supreme Administrative Court, the decision is open to appeal only if the Supreme Administrative Court grants leave to appeal. Leave to appeal may be granted if:
  - (1) it is important to bring the case before the Supreme Administrative Court for a decision with regard to the application of the law in other similar matters or because of the uniformity of legal practice,
  - (2) there is a special reason to bring the case before the Supreme Administrative Court for a decision because of a clear error that has been made in the matter, or
  - (3) there is another important economic or other reason for granting leave to appeal.

## Section 27 – Court proceedings

- (1) A matter concerning the granting, amending or ceasing of legal aid that is to be heard by a court separately from the main matter must be considered urgently. In a district court, a legal aid matter decided separately from the main matter shall be considered, in so far as appropriate, in accordance with the provisions on the proceedings in petitionary matters; in an administrative court and in the Insurance Court, the matter shall be considered, in so far as appropriate, as provided in the Act on Administrative Judicial Proceedings.
- (2) In legal aid matters, a district court, an administrative court and the Insurance Court constitute a quorum also with one legally qualified judge present. If the applicant is not present when a decision is to be made, and appealing against the decision is dependent on a declaration of intent to appeal, the date of the decision must be notified to the applicant in writing well before the decision is issued in the event that the matter is not decided in accordance with the submission.

## Chapter 5

### *Miscellaneous provisions*

## Section 28 – Measures when an application for legal aid is rejected

If the legal aid office has rejected an application for legal aid and the decision has been submitted to the court for reconsideration, a public legal aid attorney shall, on the request of the applicant, undertake the measures that are necessary for safeguarding the rights of the applicant until the matter is decided by the court. If the court upholds the decision of the legal aid office, the applicant is charged a compensation for the measures taken. An advance payment of the compensation or a part thereof may be collected.

## Section 28 a (972/2004) – Transmission of applications for legal aid between the Member States of the European Union

- (1) Legal aid offices may function as the transmitting and receiving authorities referred to in the Council Directive 2002/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such

disputes. Provisions determining which legal aid offices are responsible for these tasks shall be issued by government decree. In addition, the Ministry of Justice functions as a transmitting authority referred to in the above-mentioned Directive in matters determined in more detail by government decree.

- (2) The transmitting authority referred to in subsection 1 shall assist, free of charge, the legal aid applicant in obtaining the necessary supporting documents required for the processing of the application as well as a translation of the application and the supporting documents. Translation costs are paid from state funds.
- (3) The competent transmitting authority must transmit the application to the competent receiving authority in the other Member State within 15 days of the receipt of the duly completed application and the supporting documents as well as translations of these, where necessary. The transmitting authority may, however, refuse to transmit an application, if the application is manifestly unfounded or if it clearly pertains to a matter falling outside the scope of application of the Directive referred to in subsection 1.
- (4) Further provisions on the procedure to be followed in the transmission and reception of legal aid applications referred to in this section may be issued by government decree. Provisions on the languages, other than Finnish and Swedish, in which the receiving authority referred to in subsection 1 may accept legal aid applications shall also be issued by government decree.

#### Section 29 – *Further provisions*

Further provisions on the implementation of this Act shall be issued by a decree of the Ministry of Justice.

#### Section 30 – *Entry into force*

- (1) This Act enters into force on 1 June 2002.
- (2) This Act repeals the Act on Cost-Free Legal Proceedings of 2 February 1973 (87/1973; *laki maksuttomasta oikeudenkäynnistä*) as amended, and the Public Legal Aid Act of 6 February 1998 (104/1998; *laki yleisestä oikeusavusta*).
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

#### Section 31 – *Transitional provisions*

- (1) In the event of references in other legislation to the Act on Cost-Free Legal Proceedings or the Public Legal Aid Act, the provisions of this Act apply instead of the Acts mentioned above, where appropriate.
- (2) In a case where cost-free legal proceedings have been granted before the entry into force of this Act, the preceding provisions in force continue to apply.
- (3) In a case where public legal aid has been granted before the entry into force of this Act, the preceding provisions in force continue to apply.