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Lower Saxony

Labour Tribunal

Information Sheet

Legal advice / Legal Aid

Important notice: In principle, complaints and procedural documents are to be submitted in German. Any documents submitted in another language will not be translated ex officio.

This information sheet is for general information purposes only and provides an initial overview. No claim is made to completeness.

Legal advice (at the County Court)

What is legal advice?

For those who are unable to pay for legal counselling from a solicitor, there is the possibility of applying for legal advice at the County Court. The legal application office at the Labour Court is **not** permitted to provide legal counselling. For this reason, there is the possibility to seek legal counselling from a solicitor via the legal advice service before legal proceedings are initiated.

Legal aid (see below) comes into consideration once legal proceedings are underway.

How do I get legal advice?

The basic prerequisite for legal advice is that there is no other option for obtaining legal assistance, e.g. legal expenses insurance or membership in a trade union.

To obtain legal advice, a written or oral application must be filed with your local **County Court**. The County Court assesses whether the conditions for legal advice are met. You must submit up-to-date documentation of all incomings and outgoings to the County Court so as to enable an assessment of your personal and financial circumstances.

What does legal advice achieve and how much does it cost?

If you fulfil the requirements for legal advice and it is granted, you will receive a so-called *Beratungshilfeschein* (translator's note: a legal advice certification or coupon). You can then take this document to a solicitor of your choosing, where you can receive legal advice for a fee of just € 15, which may be waived in exceptional cases. If out-of-court representation against the opposing party or an authority is necessary, this is also covered by the *Beratungshilfeschein*.

Applications and decisions related to legal advice at the County Court are free of charge.

Citizens advice hotline

Another option for obtaining information out-of-court is provided by the Federal Ministry of Labour and Social Affairs at www.bmas.de or via the citizens advice hotline, which deals with a range of topics at the following extensions:

Pensions:	030 221911-001
Labour market policy and support:	030 221911-003
Labour law:	030 221911-004

Part-time work, partial retirement, marginal employment:	030 221911-005
Information for people with disabilities:	030 221911-006
Minimum wage:	030 60280028

Legal aid

What is legal aid?

Court proceedings entail court fees and, if they involve a solicitor, legal fees. In proceedings before the Labour Court in first instance, each party bears its own legal fees, regardless of the result of the proceedings. Those who cannot pay these fees or cannot do so in a single payment may be granted legal aid upon application. If you are granted legal aid, your legal and court fees shall initially be covered by the state treasury.

Legal aid therefore enables even those in a more difficult financial position to assert a legitimate claim in court or to defend themselves against an invalid claim.

How do I get legal aid?

The prerequisite for legal aid is that the complaint has a chance of succeeding; that it is not submitted in bad faith; and that, according to your personal and financial circumstances, you are unable to cover the procedural costs. In order for legal aid to be granted, an application must be filed at the Labour Court. You can file an informal application yourself or through your solicitor.

You will then receive a form (either from the Labour Court or your solicitor) entitled “*Erklärung über die persönlichen und wirtschaftlichen Verhältnisse*” (tn: Declaration of personal and financial circumstances). It is also available on the Labour Court website under Service → Costs.

This form is to be completed fully and accurately, and all statements must be proven with copies of supporting documents. You must then submit the documents to the court, either by post or via your solicitor.

What does legal aid achieve?

If you fulfil the requirements for legal aid, you will receive one of the following in accordance with your monthly net income and your monthly payment obligations:

- Legal aid with an order to pay in instalments. In this case, the state treasury will initially cover the incurred legal and court fees, which you will then pay back to the state treasury in appropriate instalments (depending on your income) *or*
- Legal aid with no order to pay in instalments. In this case, you do not have to repay anything initially.

What else should I be aware of?

You are **obligated** to provide unsolicited and immediate notification to the court of any significant improvements to your financial circumstances of more than € 100 or of any change of address over the course of the court proceedings or **within four years** of the conclusion of proceedings.

Within a four-year period following the conclusion of proceedings, the court can check whether your personal and financial circumstances have changed. If there has been a significant improvement, payment instalments or one-time payments can be ordered retrospectively.

The granting of legal aid can be revoked if you are more than three months behind schedule with the payment instalments or if you fail to meet the court's request to disclose your personal and financial circumstances. If legal aid is revoked, all costs paid by the state treasury are due immediately in a single payment.

Note: No guarantee is assumed for the accuracy of the translation of the German text.

Information as of January 2025. Subject to statutory amendments and new regulations.