

**WRITTEN QUESTION TO THE CHIEF MINISTER BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 16th JUNE 2009**

Question

Is the Chief Minister confident that there is equality between the state and other litigants when the Law Officers act in a criminal or civil case, either in person or through a Crown Advocate, and when the other litigants involved might have to be represented by an assigned and unfunded lawyer under Jersey's legal aid system?

Does the Chief Minister agree that there should be a funded legal aid system, such as that which exists in Guernsey which permits a greater choice for litigants and encourages specialist lawyers to be matched to particular types of cases?

What investigations, if any, has the Chief Minister made as to improving the current legal aid system and ensuring that it complies with the European Convention on Human Rights and, if none, does he intend to request any investigation of the current system?

Is the Chief Minister concerned as to the workings of the current unfunded legal aid system in Jersey, which operates on a rota basis with lawyers being assigned cases in turn, irrespective of their particular area of expertise?

Answer

To the extent that this question raises legal issues of whether the present system of legal aid enables the Island structurally to meet its obligations under Article 6 of the European Convention on Human Rights, I believe the undoubted answer is that it does.

Meeting the legal threshold is only part of the answer. I and the Council of Ministers are aware that the provision of legal aid raises a number of practical issues both for the profession and the public and discussions with the Law Society have been underway for some time and are ongoing.

I should add that the Legislation Advisory Panel has a legal aid group and I have asked them to consider whether and, if so, how the Legal Aid system should be reviewed to ensure that it remains fit for the future.