

A bronze statue of Lady Justice, blindfolded and holding scales of justice, set against a blurred background of a library or court.

We want to hear your views

Legal Aid is changing...

The Legal Aid Review Panel is carrying out a review into possible changes to the Jersey Legal Aid scheme. Legal Aid is the scheme where people who need legal help and cannot afford to pay the full costs of a lawyer, can apply for help.

What does the Draft Law mean to you? Does it improve what currently exists or not? What do you think of the proposed scheme as detailed in the proposition? A comparison of the proposed scheme versus the current scheme can be found over the page. Find out more at statesassembly.gov.je/scrutiny and send us your views by emailing scrutiny@gov.je by **9th April 2019**.



Your views will normally be published on the States Assembly website but we reserve the right not to publish them. Any views you wish to remain confidential will not be published in accordance with Data Protection legislation. For more info, please visit statesassembly.gov.je/scrutiny or email us.



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Current	Proposed
Who manages the scheme?	
<p>Both criminal and civil cases are entirely funded by the legal profession and administered by the Bâtonnier (head of the legal profession in the Island). The only commitment from public funds is from the Judicial Greffier who makes a contribution of about £70,000 to support the Legal Aid Office, but this isn't to pay for any legal aid work itself.</p> <p>The Scheme is not established in Law. Oversight for the scheme rests with the Bâtonnier.</p>	<p>The proposed Scheme would be jointly funded by the Government (who would pay for criminal legal aid work) and the legal profession (who would cover civil legal aid work) and would be established in Law.</p> <p>Oversight would be the responsibility of the Judicial Greffier. The JG would likely delegate responsibility for the operation of the Scheme to the Law Society.</p>
Who determines if I receive legal aid?	
<p>The Bâtonnier assesses each case on its own, in line with the eligibility criteria.</p> <p>The Bâtonnier has discretion to grant legal aid under exceptional circumstances.</p>	<p>A Legal Aid Office would assess on a case by case basis subject to eligibility criteria.</p> <p>The Draft Law makes provision in Article 9 for legal aid to be provided in exceptional circumstances, outside of the criteria that is stipulated in the Scheme.</p>
What is the eligibility criteria?	
<p>If disposable capital is over £15,000 then not eligible. If disposable capital is under £15,000 but gross household income* is over £45,000 per annum then not eligible.</p> <p>> £45,000 – liable to pay up to 100% of fees £35,000 - £45,000 – liable to pay up to 75% £25,000 - £35,000 – liable to pay up 50% £15,000 - £25,000 – liable to pay up to 25% < £15,000 – No liability</p> <p>*£2,100 is deducted from the total if person lives with another adult. £2,900 is deducted per child where the child lives with the person more than 50% of the time.</p>	<p>Disposable capital of £15,000 and gross household income* of £35,000 then not eligible.</p> <p>> £35,000 – not eligible for legal aid £25,001 - £35,000 – 50% contribution to costs £20,001 - £25,000 – 25% contribution to costs £15,001 - £20,000 – 10% contribution to costs Under £15,000 – No contribution</p> <p>*there are no financial exemptions applied under the proposed scheme at present.</p>
Who will represent me?	
<p>A person in receipt of legal aid is assigned a lawyer from the tour de role system (lawyers that have practiced for less than 15 years are automatically assigned onto this system).</p>	<p>The proposed scheme would allow those in receipt of legal aid for criminal cases to have access to representation from a specialist panel of lawyers. The system for civil cases will not change. The duty lawyer and duty advocate schemes will be publically funded and taken from an accredited panel.</p>
What happens if I'm acquitted?	
<p>At present in the event a defendant is acquitted of a criminal offence they are eligible to have their defence costs fully reimbursed.</p>	<p>In future, a defendant is acquitted, they may only be able to receive back the costs that would have been paid under legal aid.</p>