



Royal Court of Jersey
Judicial Greffe

Your Ref:
Our Ref: AJC/dmd

510/4(2)

1st October 2019

Ms L Power
Assistant Scrutiny Officer
Morier House
St Helier
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Dear Lindsey

Education and Home Affairs Scrutiny Panel - Government Plan Review - Legal Aid – Supplemental questions

Thank you for your email and supplemental questions on the Legal Aid Office Funding. I set out your queries and the responses below:

Question 1: *Improvement of the provision of legal surgeries, additional advice to litigants in person and alternative dispute resolution is mentioned. There does not appear to be anything within the costings provided by the Judicial Greffe to cover these extensions in the service. How are they to be funded?*

Answer 1: It is important to be clear on the terms used and the remit of the services to be provided by the Legal Aid Office. References to legal surgeries should be read to mean Legal Aid surgeries, that is to say the facilities to assist parties applying for Legal Aid to successfully complete their applications as opposed to the provision of a wide ranging legal advice. The Legal Aid Office and its paid staff are specifically prohibited from giving legal advice to members of the public.

The extent to which procedural advice will be provided to the Litigants in Person will be limited to the provision of written guidelines presently being finalised by the Judicial Greffe with the assistance of the Master of the Royal Court.

The reference to Alternative Dispute Resolution (“ADR”) relates to the Legal Aid Office’s intention to signpost applicants for Legal Aid to the available ADR opportunities that already exists both within and without the Court process.

Given that the provision of these services can and should be covered by the introduction of the third member of staff, it is not anticipated that these will add to the costs anticipated in the previous budgetary response.



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Question 2: *It is noted within your submission that the CEO of the Law Society will apply 10-15% of his time to the administration of the Legal Aid scheme and that there may be formal request for an appropriate contribution to his salary. What is envisaged as an appropriate contribution will be and where do you anticipate the funding for this will be found?*

Answer 2: It is right and proper to recognise that since the start of 2019, the role of Acting Batonnier has gradually diminished to the extent that the CEO has now become the first line of response to most if not all executive decisions which would otherwise have fallen to be handled by the Acting Batonnier. It is therefore reasonable for a contribution to be made where possible and a contribution capped at 15% of the base salary of the CEO be considered. Such a payment might be satisfied from the contingency line in the budget. However, it must be the case that such a contribution can only be paid from funds that are available from the Legal Aid Budget at the end of the year. If the budget has been exhausted then no contribution can be made.

Question 3: *You have also stated that the CEO has assumed responsibility for the administration of the scheme since moving to the new Legal Aid Office. We note that there is no certainty as to what the rules of the new scheme will be at this time. When do you anticipate the Legal Aid Guidelines Committee approving a scheme?*

Answer 3: The Guideline committee is established by the coming into force of the Access to Justice (Jersey) Law 201- (“the Law”) which still awaits Royal Assent. However, when that occurs, the terms of the Law provide for a draft Scheme to be presented to the Chief Minister by the Committee within 6 months of the Law coming into force. Given the present understood timetable, that would be by no later than May 2020. However much work is already being undertaken by the Committee (in shadow form) and the parties to the Committee are keen to see progress as soon as possible. For the sake of clarity, the Panel should note that between the passing of the Law and the approval of a new Scheme, the present and existing scheme (created by the Law Society and updated last in 2010) remains in place and is administered by the Legal Aid Office under the supervision of the CEO of the Law Society.

I hope that these answers are of assistance to the Panel.

Yours sincerely



Advocate Adam Clarke
Judicial Greffier