



LEGAL AID

Frequently Asked Questions about Legal Aid in the Bailiwick of Guernsey

LEGAL AID

YOUR QUESTIONS ANSWERED

Frequently Asked Questions about Legal Aid in the Bailiwick of Guernsey

This leaflet provides a general guide to the provision of Legal Aid. If you have any specific questions, please contact us as detailed on the back page.

The Legal Aid Schemes are established under The Legal Aid (Bailiwick of Guernsey) Law, 2003, The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018 and the Legal Aid (Guernsey and Alderney) Rules, 2019.

Guernsey Legal Aid Service (“GLAS”) is the name of the service that administers the Legal Aid Schemes. GLAS is run by the Legal Aid Administrator who is an independent statutory official appointed by the States of Guernsey.

NB: Please see the Guernsey Legal Aid Service website at www.legalaid.gg for the Legal Aid Circulars which contain details of the Legal Aid Rules including the scope; eligibility criteria; remuneration arrangements for Advocates who provide legal services under the Legal Aid Schemes and rates of contributions to legal costs that an assisted person may have to pay.

1. What is Legal Aid?

Legal aid is a scheme which is funded by the States of Guernsey Government.

Legal Aid can provide free or reduced cost legal advice and assistance to people with limited means who could not otherwise afford the cost of an Advocate.

Whether or not a person could afford an Advocate is assessed by GLAS using eligibility criteria as specified by The States of Guernsey.

Legal Aid is available for criminal and civil matters.

Legal Aid covers advice and assistance in preparing your case and representation at court, including the Magistrate’s Court, Juvenile Court and Royal Court. It can also cover the making of a legal document, agreement or Will and limited assistance prior to and at a Children’s Convenor’s meeting.

Legal Aid will not be granted in Petty Debt cases, some personal injury cases in the Magistrate's Court, some cases before the Domestic Proceedings Court where people may represent themselves or in the Traffic Court. However, in exceptional circumstances the Administrator may grant Legal Aid.

Legal Aid may also be available for civil and criminal proceedings in the Court of Alderney and the Court of the S n schal in Sark.

Some types of case will not be covered by Legal Aid. The Legal Aid office will be able to advise you about this.

The Advocate can only assist a person in matters of Guernsey law. For example, the Advocate cannot assist someone to fill in a tax return or apply for a job or by countersigning a passport application or acting as a notary. A person's meeting with an Advocate must be to get legal Advice and Assistance in a matter of Guernsey law that affects that person in an actual situation in which they find themselves.

The Advocate cannot help persons that can obtain assistance elsewhere. A person can obtain assistance from H.M. Sergeant if they wish to issue a Petty Debts summons in the Island of Guernsey or from the Courts of Alderney or Sark if they wish to bring a small claim in those islands

Legal aid, whether provided by way of Green Form or full certificate must be a last resort and all other possible avenues must be exhausted before turning to the public purse for information, advice or assistance. This means that the individual seeking help should first approach any other agency or body who may be able to assist e.g. Citizens Advice Bureau, Employment Relations Service, Housing, The Greffe and H.M Sheriff, Trading Standards, Channel Islands Financial Ombudsman and so on.

In addition, all complaints, ombudsman or mediation procedures should have been fully followed before a person seeks publicly funded legal advice and assistance or representation.

Where more than one separate and distinct matter is involved, each matter will require a separate application for Legal Aid.

GLAS cannot pay for any legal advice and assistance or court proceedings that occur outside the Bailiwick of Guernsey. You may be able to apply for Legal Aid in other jurisdictions. Please see page 16 for contact details of Legal Aid authorities in other jurisdictions.

If you live outside the Bailiwick but your case is before a Bailiwick Court, you must contact the Administrator in the first instance.

2. What is Family Mediation and does Legal Aid cover it?

Family Mediation is an alternative to having your case heard in court. It can be quicker, less stressful and less expensive than a court hearing. The idea is that both sides should be able to come to an agreement to settle the claim or resolve an issue within the claim rather than seek a court order.

Legal Aid does not currently pay for Family Mediation. However, it can be accessed free of charge from the Family Proceedings Advisory Service (FPAS). See contact details below.

3. Does Legal Aid cover tribunals, such as an Employment & Discrimination Tribunal or the Child Youth and Community Tribunal (CYCT)?

Generally the answer is “no”. However, in exceptional circumstances, the Administrator may grant Legal Aid.

Patients who wish to apply to a Mental Health Review Tribunal will be entitled, in most cases, to free Legal Aid for representation at that particular tribunal.

4. Who grants Legal Aid?

The Administrator is responsible for granting Legal Aid. The Administrator is an independent statutory official appointed by the States of Guernsey and answerable to the Committee *for* Employment & Social Security. They have full discretion to grant or refuse Legal Aid within the terms of the scheme which the States prescribes.

The GLAS is the office that administers the Legal Aid schemes under the direction of the Administrator. See contact details at the end of this leaflet.

5. Who can get Legal Aid?

Legal Aid is only available to private individuals. It is not available to companies or groups of people.

GLAS expects all potential applicants to firstly investigate whether you have any other means of funding your legal expenses that make it unnecessary for you to obtain Legal Aid, for example, under an insurance policy (legal expenses, home or motor insurance) or membership of a professional association or trade union.

Legal Aid is available to an applicant who qualifies. To qualify for Legal Aid you must satisfy a two-part test.

The first part looks at your financial means, that is, how much money you have to spend after you have paid your income tax and social insurance. An allowance is also made for each dependent member of your family who lives with you, rent/mortgage/board and lodging and maintenance payments made. See below at questions 10 to 14.

The second part looks at the legal merits of your case. See below at question 19.

Legal Aid will only be granted once the Administrator is satisfied with **both** your financial assessment and the legal merits. A Legal Aid certificate only provides cover from the day it is issued and will not cover legal costs retrospectively, that is, before the date of the certificate.

It is very important for you to immediately provide all financial or other information requested by the Legal Aid office or there may be a delay in granting Legal Aid. This means you will be responsible for all of your legal costs until a Legal Aid certificate is granted unless some or all of these costs are covered under the Green Form scheme. Your Advocate will explain this to you.

Legal Aid will only be available to individuals who have instructed an Advocate and funding, including disbursements is not provided direct to individuals or paid out on their behalf where they are acting as a litigant in person.

6. How do I get Legal Aid?

In the first instance you should contact an Advocate of your choice and ask if they accept Legal Aid clients (not all Advocates undertake Legal Aid work). A list of the Advocates' firms who do work on a Legal Aid basis is available on the website or from the Administrator. You will usually find that if the Advocate you first contact does not undertake Legal Aid work they will tell you who else in their practice may see you. You should then ask for an appointment under the Green Form scheme.

7. What is a Green Form used for?

This is the process which generally covers your first appointment with your Advocate.

If the matter is fairly straightforward and can be dealt with by your Advocate doing work on your behalf for two hours or less, the Green Form will cover the whole matter. Many disputes can be settled quite quickly, for example by the Advocate giving you some advice or writing a letter on your behalf, etc.

If the matter is more complicated, the Green Form will cover initial advice and assistance but you will need to make a formal application for Legal Aid to cover the next stages.

You cannot be given advice and assistance under the Green Form Scheme for the same matter whether by the same or a different Advocate within a reasonable period of time, without the prior authority of the Administrator.

8. What should I take with me to the first appointment with my Advocate?

When you attend your first appointment you should take your payslip for the previous week/month or confirmation of any benefits you received in the previous week. If you do not have your payslip, please take a copy of your contract of employment or bank statements showing the pay you receive.

If you have a partner you must also take copies of their payslips and bank statements.

You should also take a copy of your rent account if you are a tenant or your mortgage statement if you own your own house and you have a mortgage. You must also provide evidence of any maintenance you or your partner is paying. The Advocate will need these to make an initial assessment of your financial means.

Take with you any documents relevant to the matter you wish to discuss with your Advocate, for example, if you have been served with any court documents, etc.

It may also be helpful for you to make some notes about the problem to give to your Advocate in order to use the limited time allowed under the Green Form most effectively.

9. I have tried to get an Advocate but without success. What can I do now?

The Administrator does not have the power to make an Advocate take on your case. If you have approached all the Advocates' firms on the list and you still experience difficulties getting an Advocate to represent you, please contact the Bâtonnier, who is the head of the Guernsey Bar, who may be able to assist. See the link at the end of this document for contact details.

10. What are the financial limits for getting Legal Aid?

There are no set financial limits regarding income, as each applicant for Legal Aid will have different financial circumstances. However, essentially, if the "residual income" of your family unit is £200.01 or more per week then you will not be eligible for Legal Aid assistance.

"Residual income" is the income you have left after income tax and social security payments, a housing allowance, (See question 13) any maintenance payments actually made, childminding costs (if they are to enable you to work) and the weekly requirements for you and any other dependent members of your family who live with you have been taken into account.

If you are in receipt of Income Support you will be automatically financially eligible for Legal Aid whilst you are in receipt of Income Support. All other benefits, except Severe Disability Benefit are means tested. The Administrator will ask you to sign an authority

in the assessment form so that a check can be made with Social Security to confirm your benefit status.

If you live in Sark, The Administrator may check with the Procureur of the Poor or the Treasurer for Sark.

11. How is the financial assessment for full Legal Aid made?

You will be required to complete a detailed application form giving details of your income from **all** sources (for example, any benefits, wages, child benefit, maintenance, interest, pensions, dividends, trust income, etc.), savings and any assets you own or part own (for example, property, land, cars, savings, shares etc.). You must also include details of your partner's income, savings and property/assets.

When you send the completed form to the Administrator you must include all the supporting evidence requested including; your payslips and those of your partner, for the previous 13 consecutive weeks, evidence of rent/mortgage/board and lodging and any maintenance being paid. A bank statement showing these payments, or rental/mortgage agreement or Court Order will usually be sufficient. If you do not provide all this information the Administrator will not be able to process your application.

Even if you are in custody, details of both your and your partner's income and capital for the previous 13 weeks will still be required.

We do not take account of any debts that you have or the finance required to support your lifestyle.

The assessment will be made against the criteria which the States have approved. Full details of the financial assessment criteria are available on request from the Administrator or refer to Circular 1 Assessment of Financial Means of Applicants (see our website www.legalaid.gg).

You must send the fully completed application form with all supporting evidence to the Administrator or to your Advocate for forwarding to the Administrator as quickly as possible as any delays may mean that your case will not be covered by Legal Aid.

12. Whose income and savings/assets will be taken into account when making the financial assessment?

If you have a partner, their income, savings and assets will be taken into consideration regardless of whether or not they would be willing to pay your legal costs.

“Partner” means the person to whom you are married or who you ordinarily live with as a couple in the same household.

A partner includes a partner of the same sex.

If you and your partner are **not** living in the same household **but** this physical separation is not because the relationship is at an end or is likely to be permanent but due to financial or other practical reasons, the Administrator will still require their financial information.

For example, you may be living separately from your partner due to; job location, accommodation difficulties/requirements, financial reasons or the fact that one of the parties is in prison, hospital, residential care, awaiting the sale of the former matrimonial home etc.

If your partner is the opponent in the proceedings that you are applying for Legal Aid, we do not need to know about their income or savings/assets.

13. My mortgage repayments/rent are/is very high; will this be allowed for when my residual income is calculated?

We do not give you an allowance for the full amount of the rent or mortgage that you pay.

If you pay a mortgage on the house you are living in, the Administrator will take into account housing costs of **either** 25% (one quarter) of you and your partner's total gross income per week (other than Family Allowance and Severe Disability Benefit) **or** 90% of the mortgage payment per week, whichever is the lesser amount.

If you are renting the house you live in, the Administrator will take into account **either** 20% (one fifth) of you and your partner's total gross income per week, (other than Family Allowance and Severe Disability Benefit) **or** the amount of the weekly rent payable, whichever is the lesser amount.

If you are paying board and lodging, we will allow you one half of the total amount being paid or the amount being paid for accommodation only, whichever is appropriate.

We will require evidence of any housing costs that you are paying.

14. I have some savings/assets/capital resources will this affect my eligibility for Legal Aid?

The value of any assets/capital resources worldwide will be taken into account; the Administrator will consider whether it is reasonable to expect you to use these to fund your legal advice and assistance.

Capital assets include anything which has a monetary value e.g. cash, savings, investments, premium bonds, shares, property, land, time shares, valuable furniture, paintings, jewellery, cars, rare registration numbers, boats, etc.

The capital resources limits for legal aid are the same as those set down by Employment and Social Security for persons applying for Income Support. The amount depends on the makeup of your family unit as follows:-a single householder or non-householder with no children can have up to £15,000, a couple who ordinarily live together in the same household (whether a householder or non-householder) with no children can have up to £18,000, a couple or single householder or non-householder with one child dependant, £20,000, a couple or single householder or non-householder with two child dependants, £25,000 and a couple or single householder or non-householder with three or more dependent children, £27,000.

If the family unit as set out above has aggregated capital resources in excess of the specified maximum amounts, the applicant will be ineligible for any legal aid funding.

We do not take into account the house you live in or any assets that are in dispute within the proceedings for which you are applying for Legal Aid.

15. What happens if my income is only just over the threshold?

There is a sliding scale whereby if you are only just over the financial threshold (see question 10 above) you will have to contribute a percentage (20,40,60 or 80%) of the total Legal Aid costs and disbursements of your case.

If you are assessed to be on a contribution in a criminal matter the Administrator will collect the contribution at the conclusion of the proceedings. Please note, that the contribution will be payable to the Administrator whether you are acquitted, convicted or should the charges against you be dropped.

In civil matters you will be billed for your contribution by your Advocate as the case proceeds. If you are assessed to be liable for any contribution, you should ask your Advocate to keep you informed as to the amount of costs incurred as the case progresses.

Your contribution percentage may vary during the life of your Legal Aid certificate depending on any changes that may happen in relation to your (and any partner's) financial circumstances.

16. What happens if my income or capital situations change after Legal Aid has been granted?

When you sign the agreement (Form 3) with the Administrator you are agreeing to notify the Administrator immediately of any changes to your financial situation. This includes if you have a baby, one of your children leaves home or leaves school and starts work, you or your partner start or finish work, you become entitled to a benefit such as Income Support, you stop receiving benefits or you are given, inherit or win a sum of money.

A change to your income or capital may increase or reduce the level of contribution to the costs that you have been assessed to make or may make you ineligible for Legal Aid.

Whatever the cause, you must notify the Administrator immediately of any changes in your financial situation. This will assist us in re-assessing your financial situation as quickly as possible and reduces the likelihood that you will become liable for costs at a later date.

Your Advocate also has a responsibility to tell the Administrator if they believe that your financial circumstances have changed.

17. What would happen if I didn't notify the Administrator of any changes?

If you make a false statement about your case or financial circumstances or fail to tell the Administrator of any changes, you risk not only your Legal Aid being withdrawn and you being required to repay some or all of the Legal Aid costs you have incurred but you could also face prosecution.

18. What else will be considered?

In addition to the financial assessment the Administrator will assess the legal merits of the matter for which you are seeking Legal Aid.

A consideration of the legal merits is the second stage of the test for eligibility.

In **civil cases**, the Administrator looks at the strengths and weaknesses of the matter for which you are requesting Legal Aid to decide whether it would be reasonable in all of the circumstances for you to receive public funding for your case. The Advocate you have consulted will write an opinion for the Administrator based on the legal position and what you have told them about the matter. The Administrator will assess your application against a set of criteria which have been approved by the States.

Legal Aid does not exist to place legally aided persons in any better position than privately paying clients. At its simplest, the Administrator will be asking: - *“Would a person of average means be advised to pursue or defend this matter if they were paying the full legal costs himself?”*

In **criminal cases**, the Administrator looks at the Interests of Justice, that is the merits of the case – which include a consideration of a person's previous convictions, the nature of the offence and the risk of custody – to determine if an applicant qualifies for Legal Aid. The more serious the charge or possible consequences for the applicant, the more likely that their case will qualify for Legal Aid.

The legal merits test in criminal cases is likely to be met if your Advocate considers that if convicted, you run the **real risk** of: a custodial sentence; of losing your livelihood, or a serious loss of reputation. It is also likely to be met if you are under 18 years old, you

have insufficient understanding of English or you suffer from a physical or mental disability.

Full details for the legal merits assessment criteria are available on request from the Administrator.

Your Advocate is under an ongoing obligation to tell us if they consider at any time that your case no longer meets the legal merits test and GLAS may then consider whether you should continue to receive Legal Aid.

GLAS also undertake regular reviews of cases that we are funding and may ask you for additional information concerning your financial and other circumstances.

19. What happens once my application has been considered by the Administrator?

If you are not financially eligible or the case does not meet the legal merits test – Legal Aid will not be offered. See question 21 below for the review procedure.

If you are financially eligible **and** your case meets the legal merits test, the Administrator will make an offer of Legal Aid to you that confirms the proceedings or cover (e.g. negotiations only) that Legal Aid has been granted for and also the terms and conditions that will apply to you.

The offer of Legal Aid may be subject to a contribution to costs and disbursements. See question 15 above.

You must read all of the conditions of the Legal Aid certificate very carefully.

If you have any questions about the basis upon which Legal Aid is being offered to you, please ask your Advocate to explain or contact GLAS. If you accept the terms and conditions upon which Legal Aid is being offered to you, you must sign and return the offer of Legal Aid (Form 3) to your Advocate immediately. The Legal Aid certificate is only effective from the date the certificate is issued.

20. What are my obligations if I decide to accept an offer of Legal Aid?

These will be detailed on the Legal Aid certificate that is issued to you.

In summary, you must:-

- Keep the GLAS and your Advocate advised as to any changes in your or your partner's financial circumstances,
- Maintain a reasonable level of contact with your Advocate, and
- Attend all appointments/court hearings as required by your Advocate.

If you fail to comply with your obligations your Legal Aid certificate may be discharged or revoked.

21. If I am refused Legal Aid can I appeal against the decision?

Yes. You will always be told the reason why Legal Aid has been refused.

In the first instance you should write to the Administrator setting out the reasons why you think the decision is unfair and include any supporting evidence you may have.

If you have been refused Legal Aid because you are financially ineligible, there is no independent review process. However, the Administrator will review your financial assessment if you request it.

If Legal Aid has been refused because the legal merits test is not met, you can challenge this decision through an independent review process. You would be sent details of this when you receive the decision of refusal of Legal Aid.

22. Can I change my Advocate part way through?

The Administrator will only allow you to change Advocate if you can show there are exceptional reasons for changing. You would need to be able to satisfy the Administrator that your Advocate was unable to advise and assist you fairly and impartially and that it would prejudice your case if you were not allowed to consult another Advocate. This is because any change of Advocate is likely to lead to additional costs being incurred under the certificate.

23. If I am arrested or attend the police station / customs voluntarily, can I get an Advocate?

Free legal advice is available from the Duty Advocate to any person detained by the police or customs or attending the police/Border Agency as a volunteer in respect of a matter for which they could otherwise be arrested.

There is a Duty Advocate on call. The Custody Sergeant will ask you when you first arrive at the police station/Border Agency if you wish to speak with the Duty Advocate. They will be called if you want to see them and the Duty Advocate can either give advice over the telephone or attend the police station/customs, if necessary. You do not have any choice in the Advocate you can consult under this scheme.

24. Will I have to pay to consult the Duty Advocate?

No. Regardless of your means you may consult the Duty Advocate for free.

25. Can I have my own Advocate rather than use the Duty Advocate?

If you want to see an Advocate of your choice you will have to pay for that consultation in the normal way.

26. Can I use the Duty Advocate to represent me in a criminal case in Court?

There is a Duty Advocate present at most sittings of the Magistrate's and Juvenile Courts. A Duty Advocate also attends the Police Court in Alderney.

27. Will I have to pay?

As with the Duty Advocate at the police station you may consult the Court Duty Advocate for free.

28. Can I use my own Advocate rather than use the Court Duty Advocate?

As with the Duty Advocate at the police station you may consult an Advocate of your choice but you will have to pay for this unless the "Green Form" scheme is available to you or you have made a full application for Legal Aid and a Legal Aid certificate has been granted in advance of the court hearing.

29. Will I have to repay the cost of any Legal Aid I receive?

In some cases you will be required to repay all or part of the costs of your Legal Aid. These are referred to as recovery and/or preservation. A recovery can be made against any assets you receive or secure through the assistance provided by the Advocate under the Legal Aid certificate and any "Green Form". Your Advocate will be able to advise you about this.

You may also be required to pay interest on money that you owe to GLAS.

For example, if you are awarded any sum of money in matrimonial proceedings or compensation for a personal injury you have suffered, you will have to repay the full costs of your Legal Aid from the money you have received, at the end of the case.

Similarly, if in divorce proceedings you are awarded full or retain part ownership of the house that you and your ex-spouse own, then you will have to repay your Legal Aid costs from the value of that house. Full repayment may be required immediately or may be deferred and a bond taken out by the Legal Aid Administrator on the house at your expense. The purpose of the bond is to ensure that when the house is sold the Administrator will be automatically repaid from the proceeds of the sale. This works in the same way as when any mortgage is repaid when a house is sold.

If the Administrator exceptionally agrees to defer the repayment in full of your costs to GLAS, then you will be expected to come to an arrangement to start paying off the costs by way of manageable regular payments.

You may also have to contribute to some of the costs of your Legal Aid if you are financially assessed to be on a contribution – see question 15 above.

30. How will I know that I have to repay any Legal Aid costs?

When Legal Aid is granted you will have to sign an agreement (Form 3) with the Legal Aid Administrator and your Advocate. The agreement sets out the situations when Legal Aid costs must be repaid and will also confirm if any contribution is required. When your case is concluded, if relevant, the Administrator will tell you how much you owe to reimburse the States, whether interest will be payable and the Administrator will arrange with you how you will repay the debt. Depending on your circumstances, the Administrator may allow you to pay by way of reasonable instalments.

31. Are there any other situations when I will have to repay any Legal Aid costs?

Yes, if you are shown to have made a false or incomplete disclosure about your income, savings and assets or fail to co-operate with your Advocate.

For example, if you keep missing appointments with your Advocate without good reason, or do not give him or her instructions about how to proceed, or fail to follow the advice or instructions your Advocate gives you, the Administrator can withdraw your Legal Aid certificate and demand that you repay all or part of the costs of Legal Aid.

Failure to provide correct and complete information can also amount to a fraud on the States of Guernsey and GLAS may refer any such case for criminal prosecution.

32. What will happen if I don't pay?

The Administrator will take you to Court to recover the debt. Depending on how much is owed this will either involve you receiving a Magistrate's Court or Royal Court summons.

If the Administrator has to take you to Court, the cost of the proceedings will be added to your debt.

As with any other debts recovered in this way the Administrator can ask for:

- (a) A wage arrest, that is a proportion of the debt will be paid directly from your wages each week or month;
- (b) Goods you own to be seized and sold at auction to repay the debt; or
- (c) If you own property and the debt is substantial, for a bond to be attached to the property or for the property to be sold to repay the money owed.

33. The opponent in my case is in receipt of Legal Aid but I don't think they have declared everything to GLAS. I think they may be ineligible for Legal Aid either due to their finances or the merits of their case- what can I do about it?

You should initially write to the GLAS stating why you feel the assisted person should not be receiving Legal Aid. You should also send any evidence that you may have which supports your concerns. See Guide to Challenging Legal Aid on our website.

34. Will the information I provide to GLAS remain confidential?

Information provided to the Guernsey Legal Aid Service will be treated confidentially and only used for the purpose for which it was provided, in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2017 and the Legal Aid (Bailiwick of Guernsey) Law, 2003. Full details of how we process your data are on our website.

In order to process your application for Legal Aid and during or at the conclusion of your case, GLAS may disclose the information you have provided to other agencies for specific purposes, as detailed in the forms you will complete and sign in relation to your Legal Aid application and funding. This will only be undertaken where you have provided consent to GLAS or where GLAS is legally required or permitted to do so.

The information you provide will only be used for the purposes for which it has been provided to us or in accordance with any legal requirements.

35. How can I complain about the Legal Aid Administrator or any of her staff?

If you are unhappy about a decision taken in relation to the merits test for your Legal Aid funding, there is a formal appeal process that you may use.

If you are unhappy in relation to a decision based on the means test to refuse Legal Aid or where a decision is taken that you should pay a financial contribution towards your Legal Aid, there is no legislative appeal against this decision. However, you can ask for a review of the assessment by another member of the GLAS office and this review decision will be final. You should ask the Administrator or their office for information about these processes.

If you are unhappy as to how you have been dealt with in any other way by this office, you should speak to or write to the Legal Aid Administrator in the first instance who will look into your complaint and try to resolve it for you or will direct you to the appropriate person if your complaint relates to an issue that should be dealt with outside the Administrator's office.

36. Where is the Legal Aid office and how can I get in touch?

The Legal Aid office is open Monday to Friday between 8.30am and 4.30pm at:
Edward T Wheadon House,
Le Truchot,
St Peter Port,
Guernsey,
GY1 3WH

Website www.legalaid.gg

If you have any queries regarding Legal Aid you can contact the office by –

Telephone 01481 227530
E-mail legalaid@gov.gg

If your enquiry cannot be dealt with by phone we will be more than happy to meet with you in person to discuss your enquiry. Please contact our office in advance to arrange an appointment in this regard. This will ensure that the appropriate staff member is available when you attend our offices.

IMPORTANT NOTICE

The Administrator and the staff of the Guernsey Legal Aid Service are unable to provide legal advice

USEFUL CONTACTS AND INFORMATION IN THE BAILIWICK

<u>Name</u>	<u>Telephone</u>	<u>Email address</u>
Citizens Advice Bureau	01481 242266	team@citizensadvice.org.gg
The Greffe Guernsey	01481 225277	hmgreffier@guernseyroyalcourt.gg
Alderney Court Office	01481 820050	court@alderney.gov.gg
The Greffe Sark	01481 832012	greffier@gov.sark.gg
HM Sheriff	01481 221281	hmsheriff@gov.gg
Family Proceedings Advisory Service (FPAS)	01481 223700	fpasadmin@gov.gg
The Bâtonnier		http://www.guernseybar.com/about-the-bar/the-guernsey-bar-council.aspx
Royal Court website		ww.guernseyroyalcourt.gg

LEGAL AID AUTHORITIES IN OTHER JURISDICTIONS

England and Wales

Legal Aid Agency
Web: www.gov.uk/legal-aid
Tel: 0345 345 4345

Scotland

Scottish Legal Aid Board
Web: www.slab.org.uk
Email: general@slab.org.uk
Tel: 0131 226 7061

Northern Ireland

Northern Ireland Legal Services Commission
Web: www.nilsc.org.uk
Email: accesstojustice@nilsc.org.uk
Tel: 028 9040 8888

Republic of Ireland

Republic of Ireland Legal Aid Board
Web: www.legalaidboard.ie
Email: info@legalaidboard.ie
Tel: 066 947 1000

Isle of Man

Civil Legal Aid and Legal Costs Section
Web: www.gov.im/registries
Email: legalaid@registry.gov.im
Tel: 01624 685977

Jersey

Jersey Legal Aid Service
Web: www.legalaid.je
Email: email@legalaid.je
Tel: 0845 800 1066

GLOSSARY OF TERMS

“Administrator” means the Administrator of the Guernsey Legal Aid Service

“GLAS” means the Guernsey Legal Aid Service

“Applicant “or “assisted person” or “You” refers to the individual who has applied for or been granted a Legal Aid certificate.

“States” means the States of Guernsey

“Certificate” means a Legal Aid certificate granted by the Administrator

“Green Form” refers to limited Legal Aid funding which may be available to enable a person to take preliminary legal advice/legal assistance.

“Costs” includes:-

- Legal fees that we pay to your Advocate for the work they do on your behalf, and
- disbursements, which are out of pocket expenses that your Advocate will pay on your behalf if these are necessary for your case, such as court fees, doctor’s or other expert’s expenses.

“Contribution” refers to the percentage of legal costs and disbursements that an applicant has been assessed to pay towards their legal proceedings.

“Property” is defined in the Legal Aid (Bailiwick of Guernsey) Law, 2003” and includes any property which is capable of being owned and has material value, including but not limited to: a property or interest in a property, land, endowment policies, investments, premium bonds, pensions, cash, money in bank accounts, valuable items e.g. paintings, furniture, cars, boats, jewellery, shares, car number plates, the value of a debt owed to you and so on. We also use the word “assets” which has the same meaning as 2 property” within this document,

“Recovery” is where a party to the proceedings succeeds in claiming ownership of someone else’s property or obtaining possession of property to which the title was not in issue or where a property is sold and the proceeds of sale distributed or where the assisted person recovers more than he or she was legally entitled to. At the end of the dispute there is a gain for the assisted person.

“Preservation” is where the assisted person succeeds in fending off a claim by someone else to his or her property or to possession of his or her property i.e. at the end of the dispute the legally aided individual keeps all or part of what he or she regards as his or her own.

“Confirming entitlement to all or part of any property” means that the assisted person either agrees to accept what is legally theirs or where the court confirms that the assisted person will keep what is legally theirs. For example, where a house is jointly

owned by the parties and the parties agree or the Court confirms that each party will retain their respective 50% share of the house or where the property is in a party's sole name and the Court confirms that party will retain it.

“Discharged” means when a Legal Aid certificate has been cancelled from a specific date. This happens automatically when the work under a Legal Aid certificate has concluded. A certificate can also be discharged when an assisted person becomes financially ineligible or fails to provide information requested by the Administrator.

“Revoked” means that if the full facts had been known by the Administrator when the grant of a certificate was being considered, the certificate would never had been granted and therefore no public funds should have been spent on the case.

Revocation can also happen when an assisted person has not provided full instructions to their Advocate and if they had done so Legal Aid would not have been granted.

January 2023