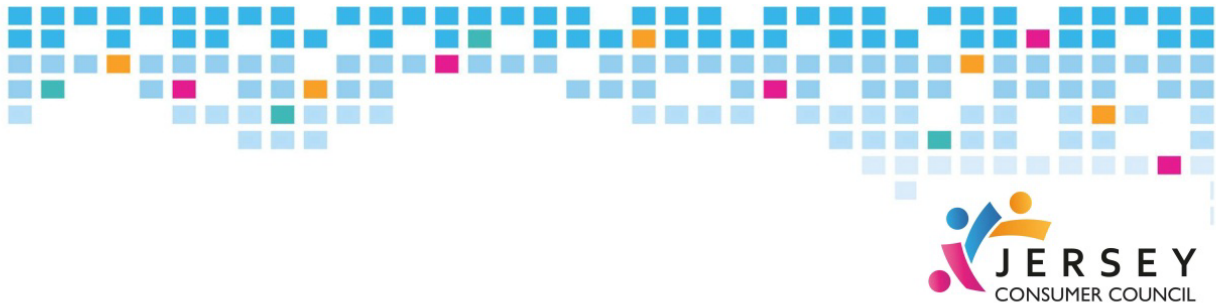


## Submission from Jersey Consumer Council



Access to Justice

Thank you for the opportunity to forward views from the Consumer Council on Access to Justice in Jersey.

The Consumer Council represents all islanders and we aim to ensure that the Jersey consumers' voice is heard and is made to count. One of our top priorities is to help consumers to make informed decisions when using goods and services.

The Consumer Council promotes a culture of transparency so that islanders can understand consumer issues better.

We have kept our comments to a minimum but would be happy to discuss the points in greater detail.

1. **Legal Aid:** The Consumer Council highlight that the current legal aid system is not consumer focussed. For example; there is no choice of lawyer therefore a consumer can end up with a non-specialist lawyer which will not be in their best interests. In many cases fees are charged by the lawyer to the 'legally aided' client. Naturally this can put that client at a disadvantage particularly where the opponent is also on legal aid but not being charged by his/her lawyer. Thus the Council are highlighting that the legal aid guidelines on charging are too loose. There are strong arguments in many cases for a funded legal aid system by Government.



2. **Court Procedures & Processes:** Neither is consumer focussed. In England & Wales there have been many changes in procedure in respect of both civil and family law matters e.g. Wolfe and Jackson reforms. These have not been followed in Jersey. This makes our court process not only outmoded but also more expensive for consumers.
3. **Court Language:** There has been no attempt to change the language used by the justice system. Many legal concepts are still in French and again no attempt has been made to update phrases used e.g. financial claims in matrimonial cases are still called ‘ancillary relief’. Many legal phrases such as this were changed on the mainland several years ago.
4. **The Courts:** The courts themselves can be very stressful places for consumers to enter. This is particularly so with the Royal Court. An example of this is that the Bailiff has rejected calls from some lawyers in family cases that gowns should not be worn. In England this happened again several years ago.
5. **Royal Court Facilities:** The facilities in the Royal Court building are not adequate for consumers. There are insufficient waiting areas and rooms to give lawyers instructions. This again is a particular problem in family cases where there are not separate waiting rooms for each side to the dispute. This is in stark contrast to the Magistrates Court that has extremely good facilities but of course primarily deals with criminal cases and not civil or family matters.
6. **Parish Halls and Honorary Policing System;** The Council recognize the invaluable role of the volunteer police Honorary system in Jersey but we would urge greater clarity for islanders on who is responsible for what within the policing systems. Also for what infringements is a Parish Hall enquiry held (what are the range of ‘crimes’ that fall to a parish hall) and who makes the key decisions regarding penalties/punishments.



7. **The Petty Debts Court;** The Petty Debts part of our legal system has jurisdiction to deal with all civil causes and matters where the claim is less than £10,000. Whilst access and process relating to the Petty Debts is communicated effectively, the Council suggest that perhaps the claim value be reviewed and raised given that costs of goods and services have risen over the since the 2000 Petty Debts Court (Miscellaneous Provisions Jersey) Law.