

Meeting of the Access to Justice Review Advisory Panel

Held on Monday 21st August 2017
at 1.00pm in the Concord Room, 4th Floor, Cyril Le Marquand House, St Helier

Attendees

Senator P.F. Routier M.B.E. (Chair)
Connétable J. Gallichan
Deputy M. Tadier
Connétable D.W. Mezbourian

Apologies: Deputy J.A. Hilton

Also in attendance: Mr T. Walker, Mr P. Matthews and Mr D. Le Marquand

Welcome and apologies

1. The Chairman noted apologies from Deputy J.A. Hilton and welcomed Mr P Matthews, Judicial Greffier, to the meeting.

Review of the Legal Aid Scheme

2. The Panel recalled that a public consultation had been undertaken during May/June regarding the proposed Legal Aid Scheme ('the Scheme') and that the Panel had held a Public Hearing on 26th May in order to hear from the Law Society, Citizens Advice Jersey and the Jersey Consumer Council. The Panel noted that 3 meetings of the Expert Group had taken place during July and August in order to consider the responses to the consultation and the points raised. As a result, the Law Society had proposed some further amendments to the draft Scheme.
3. The Panel considered documents supplied by the Law Society which described the further amendments to the proposed Scheme. It was understood that these documents had also been circulated to members of the Law Society in advance of an Extraordinary General Meeting (EGM) of the Society scheduled for mid-September. The Panel noted the improvements proposed to the draft Scheme, including to eligibility, personal contributions, the scope of matters to be covered, the provision of legal support for young people, the fall-back provisions for the opt-in panel system and other general aspects of the Scheme.
4. The Panel also received an update from the Judicial Greffier regarding the cost neutrality of the public law provisions and the aspects of the Scheme which would require additional public funds.
5. The Panel indicated that, whilst broadly content with the proposed changes following the public consultation, there were a number of areas which would benefit from further consideration by the Expert Group, including: the lowering of the income eligibility threshold from the current level, the making of personal contributions by those in receipt of income support, the addition of special provisions for vulnerable adults or those lacking capacity, and the overall amount of additional public funding required in order to achieve the potential benefits offered by the revised Scheme.
6. The Panel noted that changes to legislation would also be required in order to establish a suitable statutory basis and to bring all aspects of the revised Scheme fully into effect. A draft Law would be developed by officers and considered by the Panel in due course. It was noted that any such draft Law would need to be lodged by the Chief Minister and considered by the States Assembly, following the usual formal process for the review and adoption of legislation.

Next steps

7. The Panel will meet again in September, in order to understand the outcome of the Law Society EGM, to receive an update regarding the matters noted above, and to consider progress in the development of a suitable draft Law.

Any other business

8. There was no other business considered at this meeting.

ENDS