

## Meetings of the Access to Justice Review Expert Group

held on 11<sup>th</sup> May, 14<sup>th</sup> July, 4<sup>th</sup> August and 9<sup>th</sup> August 2017  
in the Meeting Room, 9th Floor, Cyril Le Marquand House, St Helier,

### Attendees

Mr T. Walker, Department for Community and Constitutional Affairs (Chair)  
Mr D. Le Marquand, Department for Community and Constitutional Affairs (*for 3 meetings*)  
Mr R. MacRae QC, Attorney General (*for 1 meeting*)  
Mr M. Temple QC, Solicitor General (*for 3 meetings*)  
Dr D. Dixon, Law Officers' Department (*for 3 meetings*)  
Mr M. Berry, Law Officers' Department (*for 1 meeting*)  
Mr P. Matthews, Judicial Greffe  
Mr M. Ferey, Citizens Advice Jersey (*for 3 meetings*)  
Advocate R. Colley, Jersey Consumer Council  
Mrs A. King, Jersey Consumer Council  
Advocate D. Cadin, Bâtonnier (*for 1 meeting*)  
Mr N. Benbow, Law Society of Jersey

*Note: the above attendees were present at all 4 meetings, unless otherwise noted above.*

### *Welcome*

1. The Chairman welcomed the members of the Expert Group ('the Group') to the meetings and apologies were duly noted.

### *Review of the Legal Aid Scheme*

2. The meetings of the Group continued to focus upon proposed revisions to the Legal Aid Scheme ('the Scheme'), with detailed considerations being undertaken within the Expert Group and revised proposals then being reviewed periodically by the Advisory Panel.

### *Consultation regarding the proposed Legal Aid Scheme*

3. The Group noted that a consultation was undertaken regarding the proposed revised Scheme, which involved initial consultation with members of the Law Society during April/May, followed by a more general public and focussed consultation during May/June, involving the Government, Judiciary, Law Officers, Jersey Consumer Council and Citizens Advice Jersey.

### *Advisory Panel*

4. The Group noted that, as part of the open consultation process, the Advisory Panel held a Public Hearing on 26<sup>th</sup> May in order to hear from the Law Society, Citizens Advice Jersey and the Jersey Consumer Council.

### *Further revisions to the Legal Aid Scheme*

5. The Group considered further revisions to the proposed Scheme as a result of the feedback received during the consultation. This included consideration of a number of aspects of the proposed Scheme, including: eligibility (financial criteria, residency and thresholds for criminal offences), personal contributions and subsequent payment reviews, the scope of public and private law matters to be covered, provision of legal support for young people,

complaints and appeals mechanisms, overall cost neutrality and any additional costs for the public purse, fall-back provisions for the opt-in panel system and other general aspects of the Scheme. Whilst reserving respective formal positions, the Group engaged in further discussions regarding relevant dimensions of the scheme, and made comparisons with aspects of the legal aid schemes elsewhere in the British Isles, particularly Guernsey, the Isle of Man and England & Wales. A further revised Scheme was prepared as a result of the Expert Group discussions, which it was expected would be considered by relevant parties during August, September and October.

*Legislation required for the revised Scheme*

6. The Group noted that changes to legislation would be required in order to establish a suitable statutory underpinning and to bring all aspects of the revised Scheme fully into effect. Law drafting instructions were to be prepared during August, with law drafting expected to be undertaken in September and October, with a view to consultation with the Law Society and other interested parties in November, before then being considered in final draft form by the States Assembly at the start of 2018.

*Next Steps*

7. The Group noted that the Advisory Panel would be meeting later in August in order to consider the revised proposed Scheme. The Law Society advised that the revised proposed Scheme would also be circulated to their members later in August, in advance of an Extraordinary General Meeting (EGM) of the Society scheduled for 12<sup>th</sup> September. It was expected that the Advisory Panel would meet again later in September to understand the outcome of the Law Society's EGM, and that the Scheme might then be considered by the Council of Ministers in October.

ENDS

*18<sup>th</sup> August 2017*