GUERNSEY LEGAL AID SERVICE
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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.

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.

The Guernsey Legal Aid Service (GLAS) makes the necessary arrangements with Advocates for persons of limited financial means to obtain legal services. This is either provided free or paid for in part by the applicant, depending on the financial circumstances of the applicant.

Legal Aid is provided to residents of Alderney under the Legal Aid Schemes as established by *The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.* The same rules apply to legal aid applications made by residents of Alderney as residents in Guernsey and Sark.

Legal aid can only be granted by GLAS for legal matters regarding Bailiwick law and before the Bailiwick courts.

Please see the GLAS FAQ leaflet for more information concerning the Legal Aid Schemes.

Alderney Arrangements

There are special arrangements under the Legal Aid Schemes in respect of applicants who are Alderney residents.

GLAS has entered an agreement with three Guernsey firms of Advocates to provide legal aid services for the residents of Alderney in respect of criminal and civil proceedings that come before the Alderney Court. These three firms are referred to in GLAS documentation as "**the Alderney Firms**".

Only the Alderney Firms can be paid by GLAS for:

- Any Green Form that falls within the scope of the Legal Aid, Advice and Assistance (Green Form) Scheme,
- Civil cases before the Alderney Court that fall within the scope of the Civil Legal Aid Scheme, or
- Duty Advocate and criminal cases before the Alderney Police Court that fall within the scope of the Criminal Legal Aid Scheme.

No Advocate, other than from one of the Alderney Firms may represent a defendant as Court Duty Advocate in Alderney under the Scheme unless the Administrator has approved the same in advance.

The Court Duty Advocate is provided to a defendant free of charge. If a defendant wants to use a particular Advocate who is not the Court Duty Advocate, the defendant will have to pay for his choice of advocate privately.

The names of the Alderney Firms are given at the end of this guide.

Any Guernsey Firm may be remunerated under the Schemes to advise, assist and represent an applicant who usually resides in Alderney in proceedings before the Guernsey Royal Court, such as divorce and ancillaries or serious criminal cases.

Any Guernsey firm may be remunerated under the Criminal Legal Aid Scheme to provide telephone advice and assistance under the Duty Advocate arrangements to an applicant who usually resides Alderney.

A list of Guernsey Firms who undertake legal aid work is available from the GLAS office.

What is the difference between legal advice and assistance (Green Form) and legal aid?

Legal Advice and Assistance (referred to as a "Green Form") is often the first stage in a legal case. It means that an Alderney resident can get advice about a legal problem involving Bailiwick law from an Advocate and possibly assistance in preparing a document of legal effect, such as an agreement, will or by taking a matter to Court where there is agreement with the person's opponent. For example, child maintenance where both sides agree as to its terms, or representing a person that pleads guilty to an offence and the only matter to be decided is the sentence.

Legal Advice and Assistance is usually given for a limited amount of Advocate's time. Some matters are excluded, for example the purchase of land or a long-term lease.

Legal advice and assistance is not given for some civil actions, notably bringing or defending a claim for a sum of money not above £2,500.

Legal aid is the use of the service of an Advocate where there is disagreement between a person and their opponent and it is likely that the matter will need to go to Court. This could mean a dispute about maintenance and residence or contact concerning a child, a claim for compensation as a result of an accident, or a not guilty plea in a criminal matter.

If a person is granted full legal aid, they will be given a legal aid certificate which confirms the terms and conditions of the grant of legal aid.

What is the Green Form Scheme and how can I make use of it?

This is operated by the Alderney Firms that have agreed with the Guernsey Legal Aid Service to do legal aid work in Alderney.

The object of the Green Form Scheme is to give a person the opportunity to meet with an Advocate to discuss their legal problem. If it can be solved quickly then it is possible that the time allowed under the Scheme (maximum 2 hours only) is sufficient. If not, the Advocate will either help you to apply for legal aid or may apply to GLAS for some limited extra time under the Green Form.

What is a Legal Aid Certificate and how do I get one?

A Legal Aid Certificate entitles a person to receive the services of an Advocate about a matter this is likely to be a subject of disagreement and could end up in Court.

Before granting a Legal Aid Certificate the Administrator must receive an Advocate's legal opinion. Usually, an Advocate's opinion will be prepared within the time allotted under the Green Form Scheme. In addition, an applicant must complete a detailed statement of means on Form 1F. This form will be provided by your Advocate. The Form 1F when completed, must be sent, together with all supporting documentation directly to the Administrator at the address on the top of the first page.

What are the financial eligibility rules?

Most legal aid provided under the Green Form Scheme, the Civil or Criminal Legal Aid Schemes is means tested.

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 more than £200.01 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, 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.

An applicant may be eligible subject to paying a contribution which is the percentage of legal costs and disbursements that an applicant has been assessed to pay under a Green Form and/or a legal aid certificate.

If you are on 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 application form so that a check can be made with Social Security to confirm your benefit status.

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.

If you use the Duty Advocate either whilst you are being detained by the police / customs or the Court Duty Advocate at the police court, this service is provided free of charge.

Please see Legal Aid Circular 1-The Legal Aid Schemes: Assessment of Financial Means of Applicants for details of the financial means and capital limits.

I have been detained by the Police or Customs, can I speak to an Advocate?

Yes. The Police or Customs can put you in touch with a Duty Advocate who will give you advice over the phone. There is no charge for this service whatever your financial means. An Advocate will only travel to Alderney to see you whilst in detention if there are special reasons.

I have been summoned to appear before the Court of Alderney on a Police Court or Juvenile Court matter, can I get help from an Advocate?

An Advocate from one of the Alderney Firms will be present at the principal sittings of the Police and Juvenile Courts and will be able to give general advice and assistance to anyone appearing in those courts and assist with the presentation of mitigation.

No charge is made for this service whatever the means of the person involved. However, if you require the services of a particular Advocate who is not the Duty Advocate then the cost

is a private matter between you and that Advocate. If the matter is adjourned to a later date then you will need to apply either for advice and assistance under the Green Form Scheme or for a full Legal Aid certificate- provided you are financially eligible. The Duty Advocate who represents in Court will advise you on this.

What is the Alderney legal aid clinic? When does it happen?

An Advocate from an Alderney Firm who comes over to the Alderney Police Court to assist un-represented defendants in that Court, will make him or herself available after the Police Court during the legal aid clinic to advise and assist Alderney residents. This usually occurs on the second Thursday of each month.

If there is no Police Court sitting, the Duty Advocate will not travel to Alderney merely to provide a legal aid clinic. If a person wishes to discuss matters urgently with an Advocate, they should contact by telephone or email either:

- one of the Alderney Firms – if the matter will be heard before the Alderney Court, or
- any Guernsey firm – if the matter will take place before a Guernsey Court.

A person seeking such advice and assistance at the legal aid clinic must be financially eligible under the rules of the Legal Aid Schemes and the matter must be something that would fall into the scope of the Legal Aid Schemes.

Conveyancing matters or other issues that would not attract full legal aid or be eligible for Green Form advice cannot be dealt with under the legal aid umbrella during the legal aid clinic; these issues will have to be paid for privately.

The Alderney Court office will be able to advise when the Court Duty Advocate will next be in Alderney.

Guernsey Employment and Social Security requires me to apply for affiliation and maintenance. What do I do?

Make contact with one of the Firms of Advocates doing legal aid work in Alderney and they will take care of the matter at no cost to yourself as you are in receipt of Income Support.

I want to bring private law proceedings in Alderney to apply for contact with my child.

Provided you are financially eligible and your case meets the legal merits test, you may be granted legal aid to make this court application in Alderney.

What if the matter is being dealt with in Guernsey? Or in another country?

Serious criminal matters are transferred to Guernsey. If you are financially eligible and the legal merits test is met, you are likely to be granted legal aid for representation for a serious criminal matter in the Guernsey Court.

The Royal Court in Guernsey deals with all divorce and ancillary matters. Someone who meets the scope and financial eligibility and legal merits test criteria may be granted legal aid in connection with such proceedings. You can apply through any Advocate that does legal aid work in Guernsey but you may find it more convenient to use the services of one of the Alderney Firms listed below.

Apart from the above you cannot get legal aid through the Guernsey Legal Aid Service for matters outside Alderney. You must apply for legal aid in the country where the matter is taking place.

Which Advocates are permitted to do legal aid work in Alderney?

Only the following three firms are permitted to undertake legal aid work in Alderney:

Randell & Loveridge 1-6, Court Row St Peter Port Guernsey GY1 2PD	Telephone: (01481) 720225 Email: info@randellandloveridge.gg
SJM Legal 21 Smith Street St Peter Port Guernsey GY1 2JD	Telephone: (01481) 743333 Email: office@sjmlegal.gg
Lefebvre Chambers 3 College Street St Peter Port Guernsey GY1 2NY	Telephone: (01481) 711728

Further information

Information concerning which firm of Advocates will next be attending Alderney for the Police Court and Legal Aid clinic can be obtained from the Alderney Court Office on (01481) 820050.

If you have any queries concerning legal aid, please contact the Administrator at the addresses at the top of this Guide.

Other Guidance and Information that can be obtained from the GLAS Office:

- FAQ Leaflet
- List of Legal Aid Advocates.
- Circular 1 – The Legal Aid Schemes: Assessment of Financial Means of Applicants- contains the rules relating to the financial means test.
- Circular 2 – The Civil Legal Aid Scheme: Scope and Legal Merits -contains the rules concerning legal aid in civil matters
- Circular 3 – The Criminal Legal Aid Scheme: Scope and Legal Merits - contains the rules concerning legal aid for criminal cases and regarding the Duty Advocate Schemes for Alderney residents.
- Circular 4 – The Legal Aid, Advice and Assistance (Green Form) Scheme and Legal Aid Guide to Green Form (Forms AAS1 and AAS 1CL) provides information regarding matters that would fall within the scope of the Green Form Scheme.