

GUERNSEY LEGAL AID SERVICE

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Guernsey Legal Aid Service is established under The Legal Aid (Bailiwick of Guernsey) Law, 2003 and Schemes are administered under The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.

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

GENERAL GUIDE FOR APPLICANTS AND ADVOCATES CONCERNING THE GREEN FORM SCHEME.

1. What is the Guernsey Legal Aid Service (“GLAS”) and who runs it?

The States of Guernsey Advisory and Finance Committee set up the Guernsey Legal Aid Service following a Resolution of the States of Guernsey dated 25 July 2001. The Guernsey Legal Aid Service is established under The Legal Aid (Bailiwick of Guernsey) Law, 2003 and the Schemes are administered under The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.

It is run by the Statutory Legal Aid Administrator (“The Administrator”) who an independent official is appointed by the States of Guernsey. The Administrator is a Solicitor of the Supreme Court of England and Wales (non-practising).

This Guide should be read in conjunction with **Legal Aid Circular 4: The Legal Aid, Advice and Assistance (“Green Form”) Scheme.**

2. What is the purpose of Legal Advice and Assistance?

The Legal Advice and Assistance Scheme is called “The Green Form Scheme”.

The purpose of the Legal Advice and Assistance Scheme is to allow persons who might otherwise be unable to afford the services of an Advocate to obtain **ADVICE** on the application of Guernsey (Alderney or Sark) law to any particular circumstances which have arisen in relation to the person seeking the advice and to obtain **ASSISTANCE** in taking any appropriate steps in settling a claim, bringing or defending any proceedings, civil or criminal, making any agreement, Will or other document that has or is intended to have legal effect. This assistance can include an Advocate taking steps on behalf of the person seeking assistance or assisting that person in taking them.

REPRESENTATION refers to representation by an Advocate within court or tribunal proceedings and is more likely to need a full civil or criminal legal aid certificate.

Representation is not permitted under the Green Form Scheme for any proceedings except:

- 1) To obtain an order by consent (agreement) in family proceedings;
- 2) ESS supported Petty Debt proceedings;
- 3) criminal cases that can be fully concluded within the time limitations of the Green Form Scheme.

NOTE

For simplicity the word “Guernsey” is used in the remainder of the document means the Bailiwick of Guernsey. “Guernsey law” means the law of the part of the Bailiwick – the Island of Guernsey, Alderney or Sark, where the legal matter occurs.

3. What is the difference between this and Legal Aid?

The Legal Advice and Assistance Scheme is called the “Green Form Scheme”. It provides for a maximum of 2 hours of an Advocate’s time.

Legal Aid is a scheme that provides funds for a person to be represented in Court either in defending criminal charges or in bringing or defending civil proceedings. It is intended for situations where a person may require a considerable amount of an Advocate’s time.

4. How much is this time worth, how can it be used?

The value of the Advice and Assistance equals two hours of Advocate’s time at the current rate of £167 per hour i.e. a total of £334. The value may be used to pay the fees of the Advocate, of an assistant lawyer or a paralegal. (See paragraph 19). It may also be used for disbursements, for example, court fees or for obtaining advice from an expert, a medical report, etc.

The sum of £334 is currently the **Maximum** that is available under this scheme and **must include any disbursements** unless the Green Form is extended by the Administrator (see paragraph 5). An assisted person does not have the right to use up the entire sum. The Advocate is under a duty to the States of Guernsey to use public money wisely and cannot do more work than is strictly necessary in providing Advice and Assistance.

Only one Green Form may be used by each person in connection with the same matter. The Administrator may consider a second Green Form if a reasonable period of time has elapsed between the first and second Green Forms. The Administrator must be consulted prior to any work being undertaken on any second Green Form. Please note that it is not acceptable for a client to “shop around” for advice from different Advocates.

The Green Form must be signed and dated by the applicant at the first appointment with the Advocate. There is an exception where an applicant lives outside of Guernsey. See 20 below.

The Advocate cannot undertake and claim for any work they may have done before the signing/dating of the Green Form.

5. What if more work is needed?

The Advocate must apply to the Administrator for an extension by email. Until an extension has been approved by the Administrator the Advocate cannot do any further work. If they do then their payment is not underwritten by the Administrator on behalf of the States of Guernsey.

An extension can only be granted if the Advocate confirms that the extension will bring the matter to a conclusion and that it is accepted that no further legal aid (whether by way of Green Form, a full certificate or under the Duty Advocate Scheme (if relevant)) will be available in connection with the same matter.

6. What cannot be done under this Scheme?

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, neither is the Advocate there to provide a social chat. **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 is not there to talk about law generally, but only about a legal matter that affects the assisted person directly.

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. A person who belongs to a Trades Union,

professional body or who has legal expenses insurance can only obtain assistance from the Guernsey Legal Aid Service if it cannot be obtained through the Union, professional body or the insurer.

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. CAB, Employment Relations Service, Housing, The Greffe and H.M Sheriff, Trading Standards 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.

As a general guide, Advice and Assistance will be allowed for the following:

- Personal “bankruptcy” i.e. Désastre and insolvency
- Power of Attorney but only in very limited circumstances such as it being required on grounds of age or mental capacity. The Advocate must seek the prior approval of the Administrator before commencing any such work.
- Inquests but only relating to whilst in lawful detention or in the care of a public body (including police/customs, prison, accommodation under the direct care and control of the Committee for Health and Social Care’s Mental Health and Children’s Services.)
- The preparation of wills.
- Divorce and Judicial Separation, ancillary relief including children arrangements and financial matters, etc.
- Family matters including affiliation and/or maintenance applications at the request of ESS, domestic violence injunctions, etc.
- Public Law Children cases e.g. Community parenting orders, special contact orders, secure accommodation orders, etc.
- Matters arising under the Children (Guernsey & Alderney) Law 2008 and the Criminal Justice (Children & Juvenile Court Reform) (Bailiwick of Guernsey) Law 2008 – together “The Children Laws”. See 12 below.
- Advice and Assistance regarding the Mental Health (Bailiwick of Guernsey) Law, 2010, but excluding Advice about the Mental Health Review Tribunal (MHRT) for which there are specific procedures. If information is required about legal aid for the MHRT, please speak with the Administrator.
- Other civil matters, e.g. personal injury, medical negligence (both subject to the level of the claim being in excess of £2,500), confiscation proceedings, guardianship, eviction, inheritance claims and so on.
- Advice assistance and representation in criminal cases, save as excluded at paragraph 8 below.
- Review of Prison adjudications. In appeals against an award of forfeiture or remission of sentence, or against a finding of guilt resulting in such an award, or in any other case where the interests of justice so require, the prisoner may obtain legal advice to draft/redraft the written review.

- Parole Review Dossier. A prisoner who wishes to apply for parole or a parole recall review and who requires legal advice in order to review their dossier, is entitled to legal advice and assistance under the Green Form Scheme only.
- Petty Debt proceedings in the Guernsey Magistrates Court or small claims proceedings in the Court of Alderney issued at the request of ESS in relation to arrears of maintenance owed to a person in receipt of Income Support.

If the Advocate believes that there are **exceptional circumstances**, then they may seek pre-approval of a Green Form **before** commencing any work. **Exceptional circumstances** could include age, language difficulties or mental capacity of the client.

In cases of doubt, an Advocate will consult with the Administrator before proceeding in any matter that seems to be border line.

The following are specifically excluded:

- Advice of a general nature as opposed to advice to an individual with a specific and current problem.
- Advice to one person for the benefit of another except to one person as legal guardian of another or to a person on behalf of a close relative that is unable to attend in person because of infirmity.
- Advice to a company official concerning the company (as opposed to their duties as an official).
- Advice to a trustee concerning the trust (as opposed to their duties as a trustee).
- Advice on a matter when another person is providing financial support on the matter, unless in conflict with that person;
- Advice concerning the sale, purchase or transfer of real property or any associated matters e.g. mortgages, bonds etc.
- Advice concerning a commercial lease regardless of length or a lease of a home of more than 5 years' duration.
- Advice on any matter involving the law of any place other than the Island of the Bailiwick of Guernsey where the applicant lives. Assistance in connection with any proceedings outside the Bailiwick of Guernsey.
- Advice and Assistance in respect of Magistrates Court (Petty Debts) cases with a value of less than £2,500 or making small claims in the Courts of Alderney or Sark. For the avoidance of doubt, no representation in Court in such cases will be permitted. The only exception is where such proceedings are at the request of the ESS in which case special procedures apply. Your Advocate will be able to advise you on this.
- Assistance in applying to the Ecclesiastical Court for a Grant of Probate/Letters of Administration.
- Advice and Assistance prior to or representation at any Tribunal. See 12 below for information regarding the CYCT.

- Advice and Assistance regarding libel, defamation or slander except in limited cases where the person wishes to defend proceedings and equality of arms is an issue.
- Advice and Assistance regarding a change of name deed / Deed Poll.
- Advice and Assistance regarding commercial litigation or actions arising out of a business venture (including sole proprietorship).
- Advice and Assistance regarding inquests unless relating to deaths in custody (including police/customs, prison, accommodation under the direct care and control of the Committee for Health and Social Care's Mental Health and Children's Services).
- Advice and Assistance to corporate or unincorporated bodies including partnerships or to individual partners of a firm to pursue/defend proceedings brought by or against the partnership. Advice and Assistance may be available to an individual partner of a firm if they can indicate an interest distinct from the partnership.
- Excluded criminal matters as detailed at 8 below.
- Advice and Assistance to pursue any complaints procedure e.g. the police, prisons or hospital complaints procedures. Where there is a complaints procedure, this must be fully exhausted before the person can apply for public funds through the Legal Aid Schemes.

If advice and assistance is excluded for a particular issue; representation in a court or tribunal under a full legal aid certificate will also be excluded.

7. What about advice for other people?

Generally, Advice and Assistance must be for the assisted person alone.

There are a number of exceptions; if an assisted person is the legal or natural guardian of another person then a Green Form must be completed both in the name of the applicant and as best can be done in the name of the other person. For example, a guardian of a 14 year old child that has been charged with a criminal offence can obtain advice on behalf of that child, provided the child has insufficient means to pay for the service of an Advocate. Again, a guardian of an elderly person can obtain advice on behalf of that person provided the elderly person has insufficient means to pay for the services of an Advocate.

If a relative wishes to obtain legal advice about applying to become the guardian of an elderly person, the means to be assessed will be those of the elderly person.

A person under 16 years of age should as a general rule apply for Advice and Assistance through their parents/guardian, although there may be circumstances in which they may wish to apply for Advice and Assistance independently e.g. where they have a contrary interest. In which case, they must first write to the Administrator explaining why they wish to do this. There will be no need to contact the Administrator in advance for any matters arising under The Children Laws. See 12 below.

8. How far does this Scheme go in criminal matters?

Any person detained by the Police or Border Agency or attending the Police or Border Agency as a volunteer in respect of a matter for which they could otherwise be arrested can receive legal Advice and Assistance from the Duty Advocate free of charge and without any means test. A Duty Advocate is present at the principle sittings of the Magistrate's Court in the Island of Guernsey and at the scheduled monthly sitting of the Police Court in Alderney. This Advocate can give Advice and Assistance free of charge at the time of the sitting.

From then on, that person can apply for legal Advice and Assistance under the Green Form Scheme. This requires a means test. The means test is a simple one and is done by the Advocate. If successful in a means test, Advice and Assistance can continue to include representation at a guilty plea hearing with mitigation, remand hearings and so forth up to a maximum value of 2 hours work, unless extended. It is possible that a person may be required to pay a contribution. This will be calculated by the Advocate and collected by the States after the criminal proceedings are finished. Generally, full legal aid is needed for such matters as a not guilty plea, a lengthy guilty plea with complex mitigation or a hearing to establish facts (a *Newton* hearing), committal proceedings or proceedings in the Royal Court. For these an application should be made for Criminal Legal Aid.

The Green Form Scheme can include the services of an Advocate to assist in making an application for Legal Aid.

No form of representation in the Magistrate's Court either under the Green Form Scheme or a legal aid certificate is permitted in the following matters:

- a) Any offence where the accused does not appear and wishes, for their own convenience to be represented. (For example, an Advocate appearing to deal with a minor driving without due care and attention offence on behalf of a client that does not wish to take time off work);
- b) Minor motoring offences unless there is a **real** risk of loss of licence **and** livelihood;
- c) A guilty plea for driving under the influence of drink or drugs unless there is **real** risk of imprisonment;
- d) A guilty plea for the possession of small quantities of a Class B or C drug unless there is a **real** risk of imprisonment;

This rule does not apply if the accused cannot understand the proceedings because of language difficulties or because they are mentally or physically disabled.

An accused can always make use of the services of the Duty Advocate or seek advice under the Green Form Scheme, but not representation in court for cases a) to d) listed above. If the Judge calls for a sentencing report or otherwise indicates that he is considering a custodial sentence, then the Administrator will consider an application for legal aid at such a stage.

9. How far does this Scheme go in civil matters?

For family matters see paragraphs 10, 11 and 12 below.

The Scheme is intended to allow a person of limited means to obtain the service of an Advocate for Advice and Assistance. Excluded matters are set out in paragraph 6. **This Scheme does not provide for representation in any Family Court except in applying for a final consent order.**

The Scheme can assist a person in obtaining advice as to whether to make a claim or to defend one. It can be used to obtain the services of an Advocate to apply for Legal Aid in civil matters.

It can be used for legal assistance in matters not involving an application to a Court such as the making of a Will, writing of Advocate's letters, etc.

It cannot be used for providing Advice and Assistance or representation at a Tribunal, other than the CYCT (see 12 below)

It is impossible at this or indeed at any stage to give a full list of items that may be covered. Advocates who have difficulty in deciding about a particular matter should consult the Administrator before proceeding.

10. Can the Scheme be used in connection with divorce or judicial separation?

Yes. It can be used for initial Advice and Assistance for both husband and wife and to complete a full application for a Legal Aid Certificate, if appropriate.

A Legal Aid Certificate, under the Fixed Fee Scheme may be granted to a petitioner for a judicial separation by consent and divorce by consent, provided the applicant is financially eligible. A separate certificate may also be needed for any contested ancillary matters connected with the divorce such as financial arrangements or issues about children e.g. parental responsibility, residence or contact. The Advice and Assistance scheme can be used to obtain assistance from an Advocate in applying for legal aid.

11. How can the Scheme be used in connection with other family matters?

It can be used to obtain agreed orders from a Court. For example, a Court Order might say that A cannot take their children by B out of Guernsey. Both A and B agree that A can take the children to Jersey for a holiday. A variation of a Court Order by agreement is seen as a matter for Advice and Assistance rather than Legal Aid. However, a person who seeks an agreed Order should first contact the Greffe to see if the matter can be done without the assistance of an Advocate.

If A and B are in dispute, the Green Form can only be used for giving advice. It cannot be used to bring a matter to Court if there is no agreement. In such a case an application must be made for a Legal Aid Certificate. Persons should note that the Greffe would assist in making applications in domestic and affiliation matters to the Magistrate's Court. HM Sheriff would assist in the enforcement of maintenance orders by way of Wage Arrest. The Scheme cannot be used for an emergency application. For example, if A believes that B is running off to Australia with their children against a Court Order, then an Advocate can make an urgent application for full legal aid. An Advocate has details as to how to do this.

The Green Form AAS 1 should be used for Advice and Assistance in all private law family matters including under the Children Laws.

The peach coloured Form AAS 1CL should be completed in all public law cases and matters concerning the Children's Convenor.

12. Can the Scheme be used where a child is referred to the Children's Convenor?

Yes, if a person's child is referred to the Children's Convenor under the Children Laws, he or she may seek preliminary advice from an Advocate under the Green Form Scheme. If the person and the child are not in agreement, then each may seek separate legal advice from an Advocate. The Advocate may also attend the Convenor's meeting under the Green Form scheme.

If the case is then referred to the Child Youth and Community Tribunal (CYCT) no legal aid is available at the CYCT other than in very limited and exceptional circumstances. Your Advocate will be able to advise if these apply to you. The parent and the child may take a supporter/friend to the CYCT Hearing.

If the case is referred from the CYCT to the Court, then the child and their parent together or separately, if they do not agree, may apply for a full legal aid certificate. Your Advocate will help you with this.

The peach coloured Form AAS CL should be used for all matters where a referral/notification has been made to the Children's Convenor as well as for public law matters.

13. Must a person apply to the Administrator before seeing an Advocate under the Advice and Assistance Scheme?

No. A person should apply directly to a Firm of Advocates prepared to do legal aid work. A list of these Advocates can be obtained on our website www.legalaid.gg or from the Legal Aid Office (contact details below). The Court Office in Alderney has a list of Firms that do legal aid work in that Island. Legal Aid in Sark is by arrangement and the Administrator should be consulted in advance of any work being carried out.

14. What are the financial limits for obtaining Advice and Assistance under the Green Form Scheme?

Advocates have details of this. Essentially, if a person is in receipt of Income Support they can obtain free Advice and Assistance under the Green Form Scheme. If they are not entitled to Income Support, but close to it then they may be entitled to free advice or upon paying a proportion of the Advocate's costs.

15. How is an Advocate chosen?

It is not the responsibility of the Legal Aid Service to allocate an Advocate. A person who wishes to apply for Advice and Assistance under the Green Form Scheme should go directly to a Firm of Advocates, see Section 13. The Firm will select the Advocate best able to assist in the matter. A person cannot insist on a particular Advocate. Sometimes an Advocate may not be able to give Advice or Assistance because he or his Firm is closely connected with a person that the applicant wishes to oppose. Anything so far discussed will remain confidential to the Advocate concerned, but the Applicant must find another Advocate or Firm. Sometimes an Advocate will feel able to give Advice but cannot give Assistance for similar reasons. In this instance, too, the advice will remain confidential to the Advocate who gave it.

16. How does the means test work?

See the **Circular 1 – The Legal Aid Schemes: Assessment of Financial Means of Applicants** on our website www.legalaid.gg for full details or staff at the Guernsey Legal Aid Service will be able to assist with any enquiries.

Aggregation of resources

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 a person, whether married or not, with whom the Applicant ordinarily lives as a couple. If the partner lives away due, for example, to illness, imprisonment or work rather than the relationship having broken down, resources will still have to be aggregated (combined).

It is irrelevant if the Applicant and partner do not share finances; if they are in a continuing relationship, all joint resources must be declared.

The resources of the partner are not added to those of the Applicant if advice or assistance is required in connection with a dispute with that person (i.e. your partner is your opponent). For example, if A wishes to have advice about divorcing B, a wealthy spouse, then B's wealth is not taken into account when calculating A's resources.

In brief, the following procedure must be followed by the Advocate undertaking the financial assessment:

a) Capital resources

Capital includes savings of the Applicant and partner, valuable items belonging to the Applicant or partner such as cars, boats, antiques, paintings, jewellery, vehicle number plates, investments, shares in companies, etc. It does not include the house lived in by the Applicant and their partner but does include other houses, land or other real property owned by either or both of them anywhere in the world.

The maximum capital allowances as set out below are in line with those applicable to persons applying for Income Support.

Household	Maximum amount of capital resources
Person who is directly responsible for household necessities and rent (if any) (" Single householder ")	£15,000
Couple or other persons ordinarily cohabiting who are either members of the same household where they (individually or jointly) are directly responsible for household necessities and rent/mortgage (if any) (" Couple Householder ") or who are not responsible for household necessities and rent/mortgage (" Couple Non-Householder ")	£18,000
Couple or single householder or non-householder with one child dependant	£20,000
Couple or single householder or non-householder with two child dependants	£25,000
Couple or single householder or non-householder with three or more child dependants	£27,000

A child dependant is a child who is below the school leaving age, is in full time education and is living in the applicant's house.

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 and no further assessment will be necessary.

b) Income resources

If the family unit is eligible on capital, the following means test of income resources will then be undertaken.

Income resources means test

The means test involves a calculation of total income resources against permitted allowances to ascertain the applicant's assessed residual weekly income. Your Advocate will carry out the calculation at the first appointment.

The figures used are those that relate to the week before the applicant's visit to the Advocate. The financial assessment procedure for Advice and Assistance is generally the same as for full legal aid – except that the assessment period for full legal aid is 13 weeks compared with a one week assessment period for Advice and Assistance.

If during that week the Applicant received Income Support then no further means test is necessary. The Applicant must however obtain confirmation from the Social Security office (or the States Office in Alderney) and take it with them to the first appointment with the Advocate.

If the Applicant has a case in Sark, the Administrator may consult with the Procureur of the Poor or the Treasurer of Sark regarding financial assessment of the applicant.

Total Income Resources include the following:-

All income of the Applicant and partner (unless the partner is the opponent – see above in this paragraph) received from **every** source in the week before the first appointment with the Advocate.

Income includes: earnings, Family Allowance, benefits (other than Severe Disability Benefit), pensions, interest, maintenance, dividends etc.

Earned income is taken as net income, that is; gross earnings less social insurance contributions and income tax deductions.

Once the total weekly income Resources of the applicant and any other person whose resources must be aggregated have been calculated, the following allowances, as applicable, are deducted:-

a) Housing Allowance.

This refers to accommodation costs paid by the Applicant for the property currently being occupied, by the applicant calculated on a pro rata basis if appropriate. The permitted allowances depend on the type of accommodation the applicant is living in.

Rented accommodation

If the applicant lives in rented accommodation, they will be given an allowance of **either**; the actual weekly rent paid by the Applicant and partner for the home that they occupy **or** 20% of the Applicant and partner's gross weekly income (excluding Family Allowance and Severe Disability Benefit), whichever is the lesser amount.

Owner/occupied accommodation

If the applicant is an owner /occupier and there is a mortgage on the home that the applicant occupies, they will be given an allowance of **either** 25% of the gross weekly income of the Applicant and partner (excluding Family Allowance and Severe Disability Benefit) **or** 90% of the weekly mortgage repayment, whichever is the lesser amount.

Board and lodging,

If the applicant is paying an inclusive amount for board and lodging, the allowance is **half the actual amount being paid.**

If the applicant is paying for a room only the amount being paid for accommodation will be allowed.

Only one Housing Allowance will be given in respect of each applicant.

b) Maintenance or wage arrest payments actually paid.

Maintenance means payment made to another person not living in the same household as the Applicant, e.g. maintenance payments to a former partner or to children. This is often paid under a Court Order. If the maintenance has not been paid i.e. is in arrears, then it cannot be claimed.

c) Long Term Weekly Requirements.

This is an allowance made for the client, partner and any dependants in full time education living in the same household (see E&SS Leaflet 50).

Having deducted all permitted allowances from total net income resources, if the **assessed residual weekly income** is zero or less, then no contribution to legal costs is required. If the assessed residual weekly income is £200.01 or more, then no Advice or Assistance can be given under the Legal Aid Scheme. There is a sliding scale of contributions up to a maximum of £133.60 for each hour of Advocate's time that is used. The maximum time allowed on a Green Form (without an extension) is 2 hours of an Advocate's time. The Advocate will carry out the eligibility calculation.

17. What else must an Applicant fill in on the Application Form?

When the Applicant first sees the Advocate, they will be required to sign a declaration that they:-

- are over 16,
- have not received help from any Advocate in the matter in question under the Legal Advice and Assistance Scheme, i.e. under a Green Form,
- do not have a Legal Aid Certificate in respect of the work in hand,
- have answered all questions correctly and not knowingly given any false information,
- agree to the Administrator contacting other parties (including the Committee *for* Employment and Social Security (“E&SS”), Benefit Agencies in other Jurisdictions, the Sark Procureur of the Poor and Sark Treasurer) and authorising those parties to provide the information they are asked for. (e.g. if you fail to provide your Advocate with your previous week’s pay slip or benefit confirmation),
- agree that E&SS may disclose any address/contact details that they hold about the Applicant to enable GLAS to contact the Applicant to recover any monies owed to GLAS under the Guernsey Legal Aid Schemes,
- agree to any contribution they have been assessed to have to make to the costs incurred under the Green Form,
- agree to reimburse GLAS all the costs incurred under the Green Form, if they recover and/or preserve assets using the Green Form and any extension granted,
- agree that the Administrator may inspect the Advocate’s file in relation to work done under the Green Form.

Where an Applicant is less than 16 years of age, a parent/guardian should sign the Green Form, unless they have a contrary interest.

18. What happens if an Applicant gives false information in order to get Legal Advice and Assistance?

This is a fraud on the States. The States of Guernsey agree to pay for the services of an Advocate on the basis of the information supplied by the Applicant. If the States have been misled by the Applicant, the contract between the States and the Applicant can be set aside and the States can demand that the Applicant repay any money paid or owing to the Advocate. In addition, the Administrator can refer the matter to the Law Officers with the possibility that there may be a criminal prosecution.

19. Can persons in an Advocate’s Firm that are not Advocates of the Royal Court give Advice and Assistance?

Only Advocates of the Royal Court can give advice in matters of Guernsey law. However other qualified lawyers and experienced non-lawyers (paralegals) can give assistance when appropriate, for example by taking witness statements or drafting documents. If an Advocate proposes to use other persons to assist you then you should be told.

20. Can a person living outside Guernsey get legal Advice and Assistance?

Legal Advice and Assistance can only be given to allow persons who, because of their financial means, might otherwise be unable to obtain the services of an Guernsey Advocate to obtain ADVICE on the application of Guernsey law to any particular circumstances which have arisen in relation to the person seeking the advice and to obtain ASSISTANCE in taking any appropriate steps in settling a claim, bringing or defending any proceedings, civil or criminal, making any agreement, will or other document that has or is intended to have legal effect. This assistance can include an Advocate taking steps on behalf of the person seeking assistance or assisting that person in taking them.

If a person is living outside Guernsey they will need permission from the Administrator before they can make an application for Advice and Assistance; they can contact the Administrator directly or through their Advocate. They must explain why they need advice and/or assistance in matters of Guernsey law and give a brief outline of their financial resources. If the Administrator is satisfied that they have a good reason for seeking such advice and also that they are financially eligible, then the Administrator may authorise up to 2 hours Advice and Assistance under an “Endorsed Green Form” without the requirement for the Applicant to sign the Green Form at the very outset.

Before any Endorsed Green Form can be approved, The Administrator will require evidence of the financial circumstances of the person seeking an Endorsed Green Form, to ensure that the applicant is financially eligible

The Administrator may also send an application Form (Form 1F Overseas) for full legal aid to the person.

A non-resident remanded in custody by a Guernsey Court is treated as being resident in Guernsey for the purposes of the Green Form Scheme.

21. How can the Guernsey Legal Aid Service be contacted?

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

If you have any queries regarding legal aid you can contact the office by –
Telephone 01481 227530 E-mail legalaid@gov.gg

Or visit our website at www.legalaid.gg

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