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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.

**CIRCULAR 4 – THE LEGAL AID, ADVICE AND ASSISTANCE (“Green Form”)
SCHEME**

This Circular specifies the rules that apply to the provision of legal advice and assistance under the Legal Aid, Advice and Assistance Scheme (also referred to as the “Green Form” Scheme).

1. Definitions

In this Circular the following definitions apply:

“the Administrator” means the person who has been appointed by the States of Guernsey to the Office of the Legal Aid Administrator in accordance with the Legal Aid (Bailiwick of Guernsey) Law, 2003.

“Advocate” means an Advocate of the Royal Court of Guernsey.

“advice and assistance” means legal advice and assistance provided to the applicant under any aspect of the Legal Aid, Advice and Assistance Scheme (also referred to as the “Green Form Scheme”).

“the Alderney Firms” means those specific firms currently contracted under separate arrangements with the Legal Aid Administrator for the provision of legally aided services in Alderney.

“applicant” means a person that has been assessed by the Advocate as being financially eligible under the Scheme and in respect of a matter that is within the scope of the Scheme

“assistance by way of representation” refers to the limited situations in which representation in court or at a tribunal is permitted under any aspect of the Legal Aid, Advice and Assistance Scheme.

“certificate” means a legal aid certificate that has been issued by the Legal Aid Administrator to an applicant in connection with substantive proceedings under either the Civil or the Criminal Legal Aid Schemes.

“contribution” means the percentage of legal costs and disbursements that an applicant has been assessed by the Advocate to pay towards their legal costs under the Legal Aid Advice and Assistance (“Green Form”) Scheme.

“costs” means the total claim submitted by a fee earner and calculated on an hourly rate basis.

“CYCT” means the Child, Youth and Community Tribunal as established under the Children (Guernsey and Alderney) Law, 2008.

“DET Form” means a claim form for payment submitted by an Advocate under the Criminal Legal Aid Scheme in relation to legal services provided to a detained person.

“disbursements” means counsels’, experts’ or court fees, travel and witness expenses and other out of pocket expenses properly incurred by a fee earner which would be properly chargeable to a client. Disbursement expenses must fall within the total amount claimable under a Green Form.

“ESS” refers to the Committee *for* Employment and Social Security (previously known as Social Security).

“financial means test” means the standard means test as specified.

“GLAS” (Guernsey Legal Aid Service) refers to the Legal Aid Administrator and/or any member of staff.

“Green Form” means legal advice and assistance provided under the Legal Aid, Advice and Assistance (“Green Form”) Scheme.

“legal aid” means legal advice, assistance and representation as provided under any of the Legal Aid Schemes as established under the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.

“Legal Aid Schemes” means the Legal Aid, Advice and Assistance (Green Form) Scheme, the Criminal Legal Aid Scheme and the Civil Legal Aid Scheme.

“litigant in person” means an individual who is a party to legal proceedings and who exercises their right to conduct legal proceedings on their own behalf, without the assistance of or representation by an Advocate.

“MHCRT” means the Mental Health & Capacity Review Tribunal as established under the Capacity (Bailiwick of Guernsey) Law, 2020

“no means, no merits test” means an application for legal aid in which there is no requirement for an applicant to meet the financial eligibility criteria as specified nor the reasonableness test as specified.

This test is applied solely in respect of certain public law children cases in the court of first instance.

“the Ordinance” means the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.

“person” means an individual who is receiving or who wishes to seek advice and assistance from an Advocate under the Legal Aid, Advice and Assistance (“Green Form”) Scheme.

“Scheme” means the Legal Aid, Advice and Assistance (“Green Form”) Scheme.

“specified” means rules specified by the Committee *for* Employment and Social Security.

PART I GENERAL PROVISIONS

2. Purpose of the Scheme

2.1 The purpose of the Legal Aid, Advice and Assistance Scheme (also known as the “Green Form Scheme”) is to enable an individual, who satisfies specified eligibility criteria, to obtain:

- (a) advice about the application of the laws of Guernsey and Alderney to specified circumstances which have arisen in relation to:
 - (i) that individual, or
 - (ii) such other individual as may be specified, and
- (b) in specified circumstances, assistance in order to:
 - (i) settle a claim,
 - (ii) defend criminal proceedings,
 - (iii) bring or defend civil proceedings, or
 - (iv) make any specified agreement or other document that has or is intended to have legal effect, subject to specified conditions.¹

¹ The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018 S4

3. Alderney Arrangements

There are special arrangements under the Scheme in respect of applicants who are Alderney residents; only the Alderney Firms will be remunerated by the Administrator for any Green Form that falls within the scope of the Legal Aid, Advice and Assistance (Green Form) Scheme unless the Green Form is to advise, assist and represent an applicant who usually resides in Alderney in proceedings before the Matrimonial Causes Division of the Guernsey Royal Court or in relation to a serious criminal matter before the Guernsey Royal Court when any Guernsey firm may be remunerated under the Scheme.

4. Limitations and extent

- 4.1 Advice, Assistance or representation under the Scheme is not available to legal proceedings before a court outside Guernsey or Alderney, or any matter where the relevant governing or applicable law, is a law other than the law of Guernsey or Alderney, and the matter is a matter that is not justiciable before a court in Guernsey or Alderney.
- 4.2 Advice and assistance is only available to individuals: not companies, charities or groups of people.
- 4.3 Advice and assistance is only available in respect of individuals who have instructed an Advocate and funding, including any disbursements, will not be provided direct to individuals or paid out on their behalf where they are acting as a litigant in person.
- 4.4 Advice and assistance may not be remunerated if an applicant has not fully utilised all alternative methods of resolving the dispute such as any complaints procedure, mediation, ombudsman and so on; turning to the public purse for assistance should be seen as a last resort and only if all other methods of resolving a legal dispute have been exhausted.
- 4.5 The Scheme allow persons who might otherwise be unable to afford the services of an Advocate to obtain advice on the application of Guernsey or Alderney 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.
- 4.6 Representation generally refers to representation by an Advocate within court or such Tribunal proceedings as fall within the Legal Aid Schemes. Such representation is more likely to require a certificate.
Assistance by way of representation is permitted under the Scheme in limited circumstance See Paragraph 14.

4.7 The Scheme may also be used to apply for a certificate under the Civil Legal Aid or Criminal Legal Aid Schemes.

4.8 *Maximum time permitted*

The total costs that can be claimed by an Advocate in connection with the provision of legal advice and assistance under any individual Green Form is limited up to a maximum value of two hours of an Advocate's hourly rate, as specified, including any disbursements that are properly incurred by the Advocate on behalf of that assisted person. The only exception to this is in relation to Divorce, Judicial Separation, Nullity of Marriage and Judicial Separation by Consent matters (see 4.9, 4.10, 4.11 and 4.12 below)

4.9 For Divorce, Judicial Separation and Nullity of Marriage, the total costs that can be claimed by an Advocate are as follows:

- a) For the first party/applicant 2 hours;
- b) For the second party/non-applicant – 1 hour.

4.10 For Judicial Separation by Consent, the total costs that can be claimed by an Advocate are as follows:

- a) For the first party/applicant whose Advocate drafts the Judicial Separation Order and Vesting Order, 2 hours;
- b) For the second party, 2 hours.

4.11 For a party/applicant requiring a Divorce after Judicial Separation or Judicial Separation by Consent Order, 1 hour.

4.12 For the matters referred to in 4.9 and 4.11 no disbursements are claimable. For the matters under 4.10, Notary fees and one half the Court and Vesting Order fees are payable in addition to the permitted hours.

4.13 In certain circumstances the maximum costs claimable under any individual Green Form may be extended by the Administrator. See paragraph 15.

4.14 If advice and assistance under a Green Form is excluded in respect of a particular type of case; representation in a court or tribunal under a certificate is also excluded.

4.15 Advice and assistance provided to an applicant in respect of a matter for which a certificate has already been granted will not be remunerated under the Scheme. There can be no co-existence of Green Form or certificate relating to the same matter.

5. **Financial Assessment**

5.1 The Scheme is means tested by the Advocate that the applicant approaches to provide advice and assistance. The applicant has free choice of any Advocate of the Royal Court of Guernsey who is prepared to undertake the work within the remit of the Scheme.

- 5.2 The Advocate will financially assess the applicant and any partner as specified.
- 5.3 An Advocate cannot carry out any work until the financial assessment has been undertaken by the Advocate and the Green Form has been signed and dated by the applicant in the Advocate's presence. The signing of the Green Form by the applicant confirms their agreement to the terms and conditions upon which a Green Form has been granted, including the payment of any contribution that they have been assessed to pay. The relevant financial information must be provided by the applicant to the Advocate at the same time as the completion, including signing and dating, of the form.
- 5.4 The assessment period for the financial assessment under the Scheme is the week immediately preceding the applicant's first appointment with the Advocate for advice and assistance under the Scheme.
- 5.5 It is the responsibility of the Advocate to be satisfied before providing any advice and assistance that the applicant is:
- (a) financially eligible within the Scheme as specified,
 - (b) whether any contribution is payable, **and**
 - (c) that the advice and assistance sought is on a matter of law that falls within the scope of the Scheme.
- 5.6 If the applicant satisfies the financial means test as specified, the Advocate may then proceed to provide advice and assistance for up to the maximum time limits

6. Exceptions to requirement for a means test

No financial assessment is required when the case is one to which the no means, no merits test, as specified, applies.

7. Advice for other people

- 7.1 Generally, advice and assistance must be for the assisted person alone and the means to be assessed are those of the applicant and any other person whose means must be aggregated.
- 7.2 There are a number of exceptions: where 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. A guardian of an elderly person can obtain advice on behalf of that person provided the elderly person is financially eligible to receive advice and assistance under the Scheme.

- 7.3 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.
- 7.4 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 to their parents/guardian. In such circumstances, the Advocate should ensure that the child has the capacity and understanding to instruct the Advocate and the means to be assessed will be those of the person under 16 years of age.

8. Types of Green Forms.

There are three different types of Green Form available under the Legal Aid, Advice and Assistance Scheme.

- (a) Green Form AAS 1. This is used for all general civil, family and criminal advice and assistance other than matters referred to in 8(b) and 8(c) below.
- (b) Green Form AAS 1 CL. (commonly called The Peach Form). This form is only used for the following limited subject areas arising under the Children (Guernsey and Alderney) Law, 2008:
 - (i) The duties, responsibilities and investigations of the Children’s Convenor including representation at the Convenor’s Meeting,
 - (ii) The duties, responsibilities and decisions of the CYCT but excluding representation at a CYCT hearing,
 - (iii) The public law children orders available under the Children (Guernsey and Alderney) Law, 2008.
- (c) Green Form AAS 1 (ESS): This is only used for Petty Debt proceedings at the request of ESS who will issue the Green Form in respect of any such proceedings.

9. Criminal matters

Pre-charge advice and assistance may be provided to the potential defendant under a Green Form, provided the person is financially eligible and the matter is one that falls within scope of the Green Form Scheme.

10. Numbers of Green Forms permitted

- 10.1 An applicant cannot be given advice and assistance by the same Advocate in relation to the same criminal or civil matter (whether or not at the relevant time the subject of proceedings) more than once within a period of 3 months without the prior approval of the Administrator.

- 10.2 An applicant cannot be given advice and assistance in relation to the same matter by more than one Advocate (whether or not at the relevant time the subject of proceedings) within a period of 3 months without the prior authority of the Administrator.
- 10.3 Only one Green Form can be used to provide advice and assistance in situations where there is more than one issue all of which are “reasonably ancillary”. Reasonably ancillary, is also likely to be the position where all matters are likely to be heard together and be covered by one certificate.
- 10.4 There may be exceptions when more than one Green Form may be authorised in advance by the Administrator.

11. Remuneration of the Advocate

- 11.1 The Administrator will not remunerate any Advocate under the Scheme if an applicant has not fully utilised all alternative methods of obtaining advice and assistance such as any complaints procedure, mediation, ombudsman and so on; turning to the public purse through the Scheme for advice and assistance should be seen as a last resort.
- 11.2 Advice and assistance will not be remunerated under the Scheme where an applicant has available to them:
- (a) other rights and facilities making it unnecessary for them to obtain advice and assistance, or
 - (b) a reasonable expectation of receiving financial or other help from a body of which they are a member.
- 11.3 Advice and assistance will not be remunerated under the Scheme where an applicant is seeking a second opinion from an Advocate regarding a matter upon which the applicant has already received advice and assistance from a different Advocate within a period of three months or on a matter that is already covered under a certificate with a different Advocate.
- 11.4 Advice and Assistance will not be remunerated under the Scheme, where documentary evidence that the applicant is financially eligible, as specified, is not attached to the Green Form at the time that the Green Form is submitted for payment to the Administrator.

12. Recovery and preservation of property/assets

If an applicant recovers, preserves or has their entitlement to any property/ asset confirmed with the use of their Green Form, the Administrator requires the reimbursement of all costs and disbursements incurred under the Scheme.

13. Costs

If a Court awards costs against an applicant, the Administrator will not accept liability to pay those costs.

14. Representation under the Scheme

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

- (a) Assistance by way of representation to obtain an order by consent (agreement) in family proceedings,
- (b) Assistance by way of representation for Petty Debt Proceedings in Guernsey or the Court of Alderney where such proceedings are instituted at the request of ESS to recover unpaid maintenance where the applicant is currently in receipt of Income Support,
- (c) Assistance by way of representation for criminal cases that can be fully concluded within the time limitations of the Scheme including situations where an extension to the Green Form has been approved in advance by the Administrator. See Paragraph 15.

15. Extension of Green Forms

15.1 The time permitted under a Green Form AAS 1 may be extended by the Administrator by up to a maximum additional 2 hours of an Advocate's time. This will amount to a maximum total of 4 hours at an Advocate's hourly rate, as specified. The exception to this is in relation to Divorce, Judicial Separation, Nullity of Marriage and Judicial Separation by Consent (for the second party whose Advocate is not drafting the documentation) matters where, as a general rule there shall be no extensions granted. See 15.2 below for extensions for Judicial Separation by Consent Orders for the first party/applicant.

15.2 The time permitted under a Green Form AAS1 for Judicial Separation by Consent matters may be extended by the Administrator up to the maximum limits below:

- a) by 1 hour to a maximum of 3 hours for the first party/applicant where there are either dependent children or a property or;
- b) by 2 hours to a maximum of 4 hours for the first party/applicant where there are dependent children and a property.

15.3 A Green Form AAS 1 CL. (commonly called The Peach Form -see 8(b)) If a matter is to be referred to a Convenor's meeting, the Peach Form will automatically be extended by a maximum of two hours in total including disbursements. This extension is to cover; representation at the Convenor's Meeting, any advice following and applying for a full certificate (if required).

15.4 If the advocate can justify to the Administrator that the matter is exceptional due to it being significantly more complicated or there are mental health issues or language

difficulties, then a further and final extension of two hours (including disbursements) may be considered. Unless there are such exceptional issues, a Peach Form is limited to a maximum of 4 hours including disbursements.

- 15.5 The maximum approved extension must include any disbursements (where disbursements are permitted under these Rules).
- 15.6 The extension must conclude the matter in hand and no further Green Form, DET Form or certificate will subsequently be available to that assisted person in connection with that particular matter.
- 15.7 Any extension granted is in lieu of a legal aid certificate, consequently an extension can only be granted for a matter that would otherwise have been eligible for a certificate.
- 15.8 The Administrator may in very exceptional circumstances consider granting an extension in excess of the standard 2 hours.
- 15.9 The extension must be requested by the Advocate and approved by the Administrator before the matter in hand is concluded. An extension will not be approved once the matter in hand has concluded. If the extension is to conclude a criminal matter, the case has concluded once the case has been finalised in court.
- 15.10 An extension will not be approved by the Administrator if the matter for which the advice and assistance is sought is not one that would attract a certificate.
- 15.11 Assistance by way of representation in criminal cases may be permitted under an extended Green Form. See paragraph 14(c).

16. Endorsed Green Form

- 16.1 A person living outside of the Bailiwick will require the Administrator's prior authorisation before they can make an application for and receive advice and assistance under the Scheme; they can contact the Administrator directly or through their Advocate. The person must advise the Administrator why they require advice and/or assistance in matters of Bailiwick Law.
- 16.2 Before any Endorsed Green Form can be approved, the Administrator will require evidence of the financial circumstances of the person seeking advice and assistance under an Endorsed Green Form, to ensure that the applicant is financially eligible as specified.
- 16.3 Provided the Administrator is satisfied that the applicant is financially eligible, the Administrator may authorise up to 2 hours advice and assistance under an Endorsed Green Form (unless it relates to Divorce, Judicial Separation, Nullity of Marriage and Judicial Separation by Consent matters referred to in 15.1 and 15.2 above) without the requirement for the person to sign the Green Form prior to any advice or assistance being provided by the Advocate.

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

17. Contributions

Contributions in criminal cases

17.1 Where any applicant in criminal proceedings is assessed to be on a contribution to their legal costs and disbursements under a Green Form, all contributions are collected by the Administrator once the criminal proceedings have concluded.

17.2 Repayment of contributions to the Administrator are required even if the defendant is acquitted or the case against the defendant is not proceeded with for any reason.

Contributions in quasi-civil /criminal proceedings

17.3 Any contribution assessed to be payable by the applicant in quasi-civil/criminal proceedings will be treated as a contribution payable in criminal proceedings and will be collected by the Administrator at the conclusion of the case.

Contributions in civil cases

17.4 Where any applicant in civil proceedings is assessed to be on a contribution to their legal costs and disbursements under a Green Form, all contributions are collected and retained by the instructed Advocate. The balance due to the Advocate will be paid by the Administrator once the case has concluded and taxation of the Advocate's costs has taken place.

Contributions under an extended Green Form

17.5 Where an assisted person has been assessed to be on a contribution and an extension to the Green Form has been approved by the Administrator, the contribution is payable on the total amount of costs incurred under both the Green Form and the extension to the Green Form. This will usually be a maximum of 4 hours at an Advocate's hourly rate as specified.

**PART II
SCOPE OF THE SCHEME**

18. What is included

As a general guide, provided the applicant is financially eligible under the Scheme, advice and assistance will be remunerated under the Scheme for the following:

- (a) Personal "bankruptcy" i.e. Désastre and insolvency,
- (b) Power of Attorney but only in 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,

- (c) Guardianship of adults under an incapacity,
- (d) Inquests but only relating to deaths occurring to persons whilst in lawful detention or in the care of a public body (including police/Border Agency, prison, accommodation under the direct care and control of the Committee for Health and Social Care's Mental Health and Children's Services),
- (e) The preparation of wills,
- (f) Divorce, Judicial Separation, Nullity of Marriage and Judicial Separation by Consent (subject to a limited number of permitted hours -see section 4), ancillary relief including children arrangements and financial matters, etc. Limited assistance by way of representation, to obtain a Court order by consent within family proceedings, may also be included. See paragraph 14(a),
- (g) Private law family matters including affiliation and/or maintenance applications at the request of ESS, Domestic Abuse Protection/Non Molestation Orders etc.,
- (h) Specified Public Law Children cases. Green Form (AAS 1 CL- referred to as the Peach Form) must be used to provide advice and assistance for specified Public Law Children cases. See paragraph 8(b),
- (i) The Children's Convenor and CYCT. Green Form (AAS 1 CL referred to as the Peach Form) must be used in relation to advice and assistance for certain cases regarding children. See paragraph 8(b),
- (j) Private family law matters arising under the Children (Guernsey & Alderney) Law 2008,
- (k) Criminal law matters in relation to juveniles arising under the Criminal Justice (Children & Juvenile Court Reform) (Bailiwick of Guernsey) Law 2008,
- (l) Advice and assistance regarding the Mental Health (Bailiwick of Guernsey) Law, 2010, but excluding advice about the Mental Health & Capacity Review Tribunal (MHCRT) for which there are specific procedures,
- (m) Other civil matters, including but not limited to; personal injury, medical negligence guardianship, eviction, saisie, inheritance claims (all subject to the quantifiable value of any claim being in excess of £2,500),
- (n) Advice, assistance and assistance by way representation in criminal cases, save such representation as is excluded below at paragraph 19(2),
- (o) 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,

- (p) Parole Review of 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,
- (q) 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. See paragraph 14(b).

19. Exclusions

19.1 As a general guide, the following are specifically excluded from remuneration under the Scheme:

- (a) Advice of a general nature as opposed to advice to an individual with a specific and current legal problem,
- (b) 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,
- (c) Advice to a company official concerning the company (as opposed to their duties as an official),
- (d) Advice to a trustee concerning the trust (as opposed to their duties as a trustee),
- (e) Advice on a matter when another person is providing financial support on the matter, unless in conflict with that person,
- (f) Advice concerning the sale, purchase or transfer of real property or any associated matters, e.g. mortgages, bonds etc.
- (g) Advice concerning a commercial lease regardless of length or a lease of a home of more than 5 years' duration,
- (h) Advice on any matter involving the law of any place other than the Bailiwick of Guernsey where the applicant lives. Assistance in connection with any proceedings outside the Bailiwick of Guernsey,
- (i) 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 ESS when special procedures apply. See paragraph 14(b),

- (j) Advice and assistance in applying to the Ecclesiastical Court for a Grant of Probate/Letters of Administration,
- (k) Advice and assistance prior to or representation at any Tribunal other than in relation to proceedings in the CYCT,
- (l) Advice and assistance in relation to fixed penalty offences under The Offences (Fixed Penalty) (Guernsey) Law, 2009 such as: failure to wear a seat belt; offences in relation to vehicles in disc parking places; littering; driving a car whilst holding a mobile telephone, failure to produce documents to the police etc.
- (m) 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,
- (n) Advice and assistance regarding a change of name deed/Deed Poll,
- (o) Advice and assistance regarding commercial litigation or actions arising out of a business venture (including sole proprietorship),
- (p) 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,
- (q) Advice and assistance regarding inquests unless relating to deaths 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),
- (r) Advice and assistance to pursue any complaints procedure, including but not limited to; the police, prisons or hospital complaints procedures or to correspond with the Channel Islands Financial Ombudsman Service or any other ombudsman scheme,
- (s) Any advice and assistance that could be obtained from any agency or body other than from an Advocate, including but not limited to; Citizens Advice Bureau, Greffe, the Channel Islands Financial Ombudsman Service or any other ombudsman scheme,
- (t) Advice and assistance in relation to any matter where an applicant has available to them:
 - (i) other rights and facilities making it unnecessary for them to obtain legal aid, or

- (ii) a reasonable expectation of receiving financial or other help from a body of which they are a member.

19.2 No assistance by way of representation in the Magistrate’s Court or the Court of Alderney is permitted under the Scheme for the following matters:

- (a) Any offence where the accused does not appear and wishes, for their own convenience to be represented,
- (b) Minor motoring offences unless in the event of a conviction, it is likely that the court would impose a sentence which would deprive the accused of licence **and** livelihood,
- (c) A guilty plea for driving under the influence of drink or drugs unless, it is likely that the court would impose a sentence which would deprive the accused of their liberty,
- (d) A guilty plea for the possession of small quantities of a Class B or C drug unless it is likely that the court would impose a sentence which would deprive the accused of their liberty,
- (e) An accused may make use of the services of the Duty Advocate or seek advice under the Green Form Scheme, subject to being financially eligible, but not assistance by way of representation in court for cases (a) to (d) at 19.2.

19.3 The Administrator may exceptionally agree to cover under the Schemes those matters at 19.2 if, having considered the evidence regarding the same the Administrator concludes that the accused cannot understand the proceedings because of language difficulties or because they are mentally or physically disabled.

Dated this 29th day of July, 2025



T. L. BURY

President of the Committee *for* Employment & Social Security
For and on behalf of the Committee



L. H. HAYWOOD
Legal Aid Administrator

