

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.

CIRCULAR 5 – INTEREST PAYABLE UNDER THE LEGAL AID SCHEMES

This Circular specifies the rate of interest that may be applied to the reimbursement to the Administrator of payments made under any of the Schemes as established by the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.

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.

“assisted person” means a person that is applying, has applied for, or who has been granted legal advice and assistance under the Legal Aid Advice and Assistance Scheme and/or legal advice, assistance and representation under the Civil Legal Aid Scheme and/or the Criminal Legal Aid Scheme.

“certificate” means a legal aid certificate that has been issued by the Legal Aid Administrator to an assisted person under either the Civil Legal Aid Scheme or the Criminal Legal Aid Scheme.

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

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

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

“revoked” or “revocation” means when a legal aid certificate is not only cancelled from a specific date but is also deemed never to have existed.

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

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

GENERAL PRINCIPLES

2. The Legal Aid (Bailiwick of Guernsey) Law, 2003 (“the Law”) gives power to make provision by Ordinance for reimbursement to the Administrator of payments paid or payable under the provisions of the Law.¹
3. The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous provisions) Ordinance, 2018 (“the Ordinance”) provides for reimbursement to the Administrator of payments made under the Legal Aid Schemes together with such interest as may be specified.²
4. Interest may be applied in respect of a payment made under any of the Schemes which are made:
 - (a) in error,
 - (b) in respect of an assisted person who is no longer eligible under a Scheme whether under the specified financial eligibility test or the applicable specified legal merits test,
 - (c) as a result of any misrepresentation made to the Administrator,
 - (d) for the purpose of enabling a person to recover or preserve any property (and which has enabled the property to be recovered or preserved),
 - (e) in respect of any contributions that are owed to the Administrator for payments made under the Criminal Legal Aid Scheme or where contributions to be made under the Civil Legal Aid Schemes have been treated by the Administrator as contributions arising under the Criminal Legal Aid Scheme,
 - (f) in respect of any certificate or Green Form that has been revoked by the Administrator.
5. Interest may be charged, at the Administrator’s discretion at any time, at a rate not exceeding 3% above the base rate of RBS International Limited published from time to time and calculated on a daily basis, on the amount of any sum owed to the

¹ The Legal Aid (Bailiwick of Guernsey) Law, 2003. S 15

² The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.S10

Administrator for legal services provided through the Schemes to the assisted person.

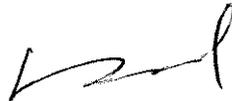
6. All interest charged by the Administrator will be simple interest and will be applied 30 days after the date of GLAS' invoice to the assisted person requesting reimbursement to Administrator of payments made under the Schemes.

Dated this 4th day of April, 2022



P. J. ROFFEY

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



L. H. HAYWOOD
Legal Aid Administrator