

The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) (Amendment) Ordinance, 2024

THE STATES, in pursuance of their Resolution of the 24th May, 2023^a, and in exercise of the powers conferred on them by sections 14 and 30 of the Legal Aid (Bailiwick of Guernsey) Law, 2003^b and all other powers enabling them in that behalf, hereby order:-

Amendment of Legal Aid Ordinance.

1. (1) The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018^c is amended as follows.

(2) After section 16 (appointment), insert -

"Appointment of Deputy Commissioner.

16A. (1) The Committee may, subject to such terms and conditions as the Committee thinks fit, appoint one or more persons as Deputy Commissioner with authority to exercise the Commissioner's functions -

(a) during any period during which the Commissioner is unavailable, and

^a Article I of Billet d'État No. VII of 2023.

^b Order in Council No. VI of 2004; this enactment has been amended.

^c Ordinance No. XLII of 2018.

- (b) in respect of any matter in relation to which the Commissioner considers that he or she is unable to act, because of a conflict of interest or for any other reason.

(2) A function exercised by a Deputy Commissioner pursuant to an appointment under this section is for all purposes exercised by the Commissioner; and every decision taken or other thing done by a Deputy Commissioner pursuant to such an appointment has the same effect as if taken or done by the Commissioner.

(3) For the avoidance of doubt, and without prejudice to the generality of subsections (1) and (2) above –

- (a) the duty of confidentiality imposed on the Commissioner under section 18 is also imposed on any Deputy Commissioner, and
- (b) subsection (6) of section 20 applies to an appeal from a decision of any Deputy Commissioner as it does to an appeal from a decision of the Commissioner.

(4) An appointment under this section of a Deputy Commissioner -

- (a) may be varied or terminated at any time by the Committee, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment,

- (b) does not prevent the exercise of the function by the Commissioner while the appointment subsists."

Citation.

2. This Ordinance may be cited as the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) (Amendment) Ordinance, 2024.

Commencement.

3. This Ordinance shall come into force on being made.