

Civil Legal Aid

Frequently asked questions

What is civil legal aid?

Civil legal aid is a scheme designed to enable a person whose means would not otherwise permit them to obtain the services of an Advocate to have access to legal representation.

What is civil legal aid available for?

Civil Legal Aid is available for most proceedings in the Isle of Man High Court including personal injury, medical negligence, possession and family matters as well as domestic proceedings in the Summary Courts.

Civil legal aid is also available for some other proceedings such as Inquests, Mental Health Review Tribunals, Advocates Disciplinary Tribunals and Data Protection Tribunals.

If you are unsure whether civil legal aid is available for your case please contact the Legal Aid Office for clarification.

How do I find out whether I am financially eligible for civil legal aid?

If you are in receipt of any of the following Isle of Man benefits you will automatically pass the financial merits test for legal aid:

- Family Income Supplement (FIS)
- Income Support (IS)
- Income Based Job Seekers Allowance (JSA)
- Disability Working Allowance (DWA)

If you are not in receipt of any of those benefits you may still be eligible for civil legal aid. To check this, in the first instance you should read our guidance leaflet which explains how we determine whether you are eligible or not. You can also visit our website and use our online calculator at <http://www.gov.im/registries/legal/>. This will give you an indication as to whether you are likely to pass the financial test or not.

How do I apply for civil legal aid?

All applications for legal aid must be made through a Manx Advocate, as they must certify that your case has reasonable legal merits. If you feel you are financially eligible to receive legal aid you should make contact with an Advocate, and subject to them agreeing to represent you, they will progress your legal aid application on your behalf.

How do I find an Advocate?

The Legal Aid Office can provide you with what is called a "Legal Aid Panel of Advocates". This list contains all Advocates who are prepared to act for someone under the Legal Aid scheme. You should contact an Advocate on the list making it clear you are seeking advice under the Legal Aid scheme. The Advocate will assist you in completing the legal aid application form and when complete, the Advocate will submit the application to the Legal Aid Office for consideration.

I have tried to get an Advocate but without success. What can I do now?

Unfortunately the Legal Aid Office does not have the power to make an Advocate take on your case. If you experience difficulties getting an Advocate to represent you please contact the Isle of Man Law Society (662910), who may be able to assist.

How do you decide whether I am granted legal aid?

The Legal Aid Office applies two tests to your application, the Legal Merits Test and the Financial Means Test. Your application must pass both tests in order for legal aid to be issued. Please see our guidance for further details.

What can I do if I am unhappy with your decision?

There are steps you can take to have our decisions reviewed. Please read our guidance document or contact the Legal Aid Office for details of the procedure.

I have been granted legal aid. What do I have to do now?

Once you have been granted legal aid it is important that you do three things:

1. maintain a reasonable level of contact with your Advocate
2. notify the Legal Aid Office and your Advocate as soon as possible, should your financial situation change
3. retain evidence in support of your financial situation e.g. bank statements, pay slips etc.

Will I have to pay anything towards the cost of legal aid?

You may be required to pay towards the cost of legal aid if:

- You qualify for legal aid as a contributor
- You fail to maintain contact with your Advocate which results in your certificate being discharged
- You do not inform the Legal Aid Office when your circumstances change
- You do not respond to requests by the Legal Aid Office for financial information which may lead to your certificate being revoked.

How do I pay my contributions towards legal aid?

If you qualify for legal aid as a contributor you will be sent a letter which will explain how much you have to pay and the payment terms.

Payments are made on a monthly basis.

Failure to pay your contributions without prior agreement from the Legal Aid Office may result in your legal aid certificate being discharged.

I can't afford to pay the contribution payments required, what can I do?

You should write to the Legal Aid Office and state why you are finding it difficult to pay your contributions. If possible forward a list of your income and your outgoings. Please note however that only in exceptional circumstances will the period in which to pay your contributions be extended.

What happens to the information I submit to your office?

All information/evidence submitted to the Legal Aid Office is treated in strictest confidence. No other sections within the General Registry or other departments within Isle of Man Government have access to the information you supply. None of the information will be supplied to any other person or body without your express consent.

What should I do if I am receiving legal aid and my financial situation changes?

You must notify the Legal Aid Office immediately. This will assist us in re-assessing your financial situation as quickly as possible and reduces the likelihood that you will become liable for costs at a later date.

What is a “show cause” letter and what should I do if I receive one?

A “show cause” letter is sent to an assisted person by the Legal Aid Certifying Officer before considering whether to revoke or discharge a legal aid certificate. A “show cause” letter may be issued for the following reasons:

- Your case does not continue to meet the legal merits test
- You have not supplied financial information to the Legal Aid Office when requested to do so
- You have not maintained a reasonable level of contact with your Advocate

If you receive a “show cause” letter **do not ignore it!** Contact the Legal Aid Office immediately and explain you have received it. The Legal Aid Office will be able to tell you why it was issued and what you can do to resolve the situation.

If you ignore a “show cause” letter your legal aid certificate will either be revoked or discharged. This will lead to you becoming liable for your Advocates cost, either in part or in full.

If I am in receipt of legal aid, can I change my Advocate in the middle of the proceedings?

There is nothing to prevent you from changing Advocates. However, before this can happen the transfer has to be approved by the Legal Aid Certifying Officer. This is due to the fact that any transfer will lead to additional costs being incurred under the certificate. In order to consider whether it is reasonable to transfer the legal aid certificate from one Advocate to another, the Legal Aid Certifying Officer will seek a report from the nominated Advocate. Following receipt of the report the Legal Aid Certifying Officer will then consider your application to change Advocates.

The opponent in my case is in receipt of legal aid but I don't think they have declared everything to your office. I think they may be ineligible for legal aid, what can I do about it?

You should write to the Legal Aid Office stating why you feel the assisted person should not be receiving legal aid. If possible you should send evidence with your letter which supports your contention.

What will you do about it?

Upon receipt of your letter, we can either:

- Send a copy of your letter to the assisted person
- Write to the assisted person and paraphrase your letter (which will mean your identity will remain anonymous from the assisted person)

In each case we will seek the comments of the assisted person and when they have been received we will consider whether any further action needs to be taken.

When this process has been completed we will respond to you to confirm the outcome of our enquiry.

What is the Green Form Scheme?

The Green Form Scheme is an informal name for the Legal Advice and Assistance Scheme 1997. This scheme allows an Advocate to provide initial advice and assistance in relation to a legal matter. The scheme can also be used to provide a quick resolution to a legal matter. Should it be necessary the Scheme can also be used by Advocates to complete and progress legal aid applications. Please see our separate guidance document on the Green Form Scheme which includes the qualifying criteria.

How do you decide how much my Advocate is to be paid for representing me under my legal aid certificate?

The hourly rates payable to an Advocate for work done under a legal aid certificate are prescribed within the prevailing Legal Aid Order and are set by the Treasury. These rates apply to criminal and civil legal aid work.

Once your legal aid funding has concluded the Advocate will submit a bill of costs to the Legal Aid Office for assessment. An Assessing Officer will conduct a review of the work done and will certify an amount to be paid.

Does the Legal Aid Office provide legal advice?

No. The administrative staff who work in the Legal Aid Office must be impartial and are in any event not legally qualified to provide legal advice. You must consult an Advocate for legal advice.

I live on the Isle of Man but I am involved in court proceedings in another court jurisdiction. Can I still apply for legal aid?

You may still make an application for legal aid; however your application should be submitted to the legal aid authority which exists within the same jurisdiction as the Court proceedings. You should contact them for further details as to how to apply for legal aid. Please see below for contact details.

I need to contact another jurisdiction to enquire about legal aid, what are their contact details?

Contact details for the legal aid authorities in other jurisdictions are as follows:

England and Wales	Legal Services Commission Web: www.legalservices.gov.uk Tel: 020 7759 0000
Scotland	Scottish Legal Aid Board Web: www.slab.org.uk Email: general@slab.org.uk Tel: 0131 226 7061
Northern Ireland	Northern Ireland Legal Services Commission Web: www.nilsc.org.uk Tel: 028 9040 888

Republic of Ireland	Republic of Ireland Legal Aid Board Web: www.legalaidboard.ie Email: info@legalaidboard.ie Tel: 066 947 1000
Guernsey	Guernsey Legal Aid Service Email: legalaid@gov.gg Tel: 01481 727934
Jersey	Jersey Legal Aid Service Email: acting.batonnier@ogier.com Tel: 0845 800 1066

I live outside the Isle of Man. Can I still make an application for legal aid in the Isle of Man?

Yes, if the legal proceedings are being progressed on the Isle of Man you can make an application to the Isle of Man Legal Aid Office for consideration. Please follow the procedure outlined in our guidance documents.

How do I contact your office?

Civil Legal Aid and Legal Costs Division

Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR

Tel: 01624 685977

Fax: 01624 685367

Web: <http://www.gov.im/registries/legal/>

Email: legalaid@registries.gov.im

How do I apply for criminal legal aid?

You should contact the Court which is dealing with your case.

If your case is presently before the High Bailiff, Deputy High Bailiff or Magistrates you will need to contact the Summary Courts Office for further information. If your case is being heard in the Court of General Gaol Delivery you will need to contact the High Court Office.

Summary Courts Office Tel: 01624 685469
 Fax: 01624 685475
 Email: summarycourt@registry.gov.im

High Court Office Tel: 01624 685253
 Fax: 01624 865236
 Email: highcourt@registry.gov.im

Address Isle of Man Courts of Justice
 Deemsters Walk
 Bucks Road
 Douglas
 Isle of Man
 IM1 3AR

Please note that criminal legal aid is dealt with on an entirely different basis to civil legal aid.

Glossary of Terms

Term	Definition
Amendment Certificate	This amends the terms/scope of your legal aid.
Assessment of Costs	A procedure generally undertaken once legal aid has ended to establish and certify the cost of the legal aid work, the amount payable to your Advocate and if applicable, your contribution towards that cost.
Assisted Person	The person in receipt of legal aid.
Client of Modest Means	A person who could afford the cost of an Advocate if it meant they had to sacrifice something such as a foreign holiday or the purchase of a new car.
Co-habitee	One of two persons living together as spouses Note two persons of the same gender are to be treated as living together as spouses, if (and only if) they would be so treated were they of different genders.
Contribution	The amount if any you are required to pay towards the cost of your Advocate.
Determination	The process to establish whether you qualify for legal aid.
Discharge	This is when your legal aid certificate ends or is stopped.
DWA	Isle of Man Disability Working Allowance.
Eligibility	Entitlement to legal aid.
Emergency Legal Aid	Legal Aid which is required immediately for Injunctive Court proceedings and is usually granted prior to the calculation of whether the applicant is financially eligible to receive legal aid. Please note that emergency does not mean late.
FIS	Isle of Man Family Income Supplement.
Green Form Scheme	Legal Advice and Assistance Scheme, please see separate guidance document in this regard.
High Court	Cases heard by a Deemster (Judge), for example, divorce, personal injury, possession.
Income	The amount of money you receive from all sources.
IS	Isle of Man Income Support.

Term	Definition
JSA	Isle of Man Income Based Job Seekers Allowance.
Legal Aid	Financial assistance towards the cost of legal representation.
Legal Aid Certificate	Document which describes the terms/scope of your legal aid.
Legal Aid Certifying Officer	The legal officer appointed by the Governor to decide the legal merit of your application.
Legal Aid Committee	The statutory body which oversees the provision of Legal Aid.
Legal Merits	Whether your application has reasonable grounds for being supported, both in terms of its chances of success and its cost effectiveness.
Limitation	Any conditions or limits that restrict the amount of work an Advocate can do under a legal aid certificate.
Net Resources/Disposable Income	The amount by which your income exceeds the prescribed amount.
Next Friend	A person who has agreed to act as the assisted person's friend (e.g. when the applicant is a minor).
Nominated Advocate	The Advocate who is representing the assisted person.
Panel of Advocates	A list of Advocates who are prepared to represent clients who may be funded by a legal aid certificate. This list is maintained by the Legal Aid Office.
Revocation	Revocation is when your legal aid certificate is not only stopped but is deemed never to have existed. If a revocation certificate is issued this means that the assisted person becomes liable for the cost of all the work undertaken by the Advocate under the legal aid certificate.
Spouse	Your husband or wife.
Summary Court	Cases heard by the High Bailiff, Deputy High Bailiff and Magistrates. For example, domestic proceedings, care proceedings.
Unassisted Person	A person involved in proceedings who is not legally aided. (Generally the opponent of the legally aided person).