

LEGAL AID FOR CRIMINAL MATTERS

Legal Aid for criminal matters is designed to financially assist members of the public who have been charged with a criminal offence and are unable to afford the services of an Advocate.

Legal Aid is not available for every criminal offence with which an applicant may be charged.

Application forms may be obtained from the Public Counter at the Isle of Man Courts of Justice or if you consult an Advocate you should make it clear that you wish to apply for Legal Aid. Application forms are also available at Police Headquarters, Douglas. The forms, when completed, must be forwarded to the Summary Courts Office.

Before Legal Aid is granted there are two points which the appropriate officer must consider and they are:

1. Whether the criminal offence with which the applicant is charged warrants the granting of Legal Aid and;
2. Whether the applicant is financially eligible for Legal Aid within the required limits in accordance with the Criminal Legal Aid Regulations 1993.

To determine whether or not an applicant is financially eligible the appropriate officer will complete a means test in which sources of income and expenditure/outgoings are considered.

INCOME

Earnings: Applicants must supply wage slips for the last three months/12 weeks, these are averaged out over a year to give a weekly sum.

Spouse earnings - as above.

State Benefits: the weekly amount received is sought e.g. unemployment benefit, child benefit etc.

Money from Property: the weekly amount (before deductions) of money from a letting house, flat or rooms.

Any other Income: details and weekly amounts sought.

Capital and Savings: Property: If house is owned - approximate selling price and amount of any outstanding mortgage:

Savings: Details of savings, amounts. To include money in any bank, building society, National Savings, cash, stocks and shares and any other investments.

Items of Value: Details required of any article of value that applicant owns (e.g. jewellery, furs, paintings) and their approx. value.

DEPENDANTS

Dependants are the people you or your spouse look after financially.

Details required.

Applicant must declare if maintenance is paid to any dependant who does not live with them, details required.

EXPENDITURE/OUTGOINGS

Details are required of housing expensed of applicant and spouse. If more than one house is owned then details are required of the house in which applicant lives. If applicant is paying expenses of more than one dependant who is not living with them they must also give details.

The amount per week is sought for : rent, mortgage payment, ground rent, service charge,
board and lodging, bed and breakfast.

TRAVEL TO AND FROM WORK

Details for applicant and spouse must be supplied.

OTHER EXPENSES

Applicants must give details of any other expenses which they think the Court should know about. They may include any payments on court orders and contributions to approved pension schemes but not hire-purchase debts or money for food, clothing or heating.

FURTHER INFORMATION

Applicants may use this part of the form to give any other financial information which they think the court should have when deciding your application for legal aid. It may also be used to tell the court of any future changes in circumstances which might alter the applicants position.

The total of your outgoings is deducted from the total of your income leaving a balance which is the applicants disposable income. From this your financial eligibility for legal aid is based

Should an applicant be liable to a Contribution Order such shall be calculated and paid by the applicant in weekly instalments for 26 weeks. Fortnightly or monthly instalments may also be considered. A contribution may also be ordered to be paid in a lump sum paid immediately and such legal aid certificate shall not take effect until such payment is made.

On receipt of a legal aid certificate and upon determination of the financial eligibility of the applicant, an advocate will be assigned.