

Legal Aid Committee

Minutes of a meeting held at 2.30pm on Wednesday 6th July 2016 at the Public Records Office, Unit 40A, Spring Valley Industrial Estate

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|-------------------|----------------------------|-----|
| Members Present: | Andrew Swithinbank (Chair) | AS |
| | David Trace (Vice Chair) | DT |
| | Chris Callow | CC |
| | Tony Jones | TJ |
| | Steph Lowe | SL |
| | Jane O'Rourke | JO |
| | Tony Warham | TW |
| Officers Present: | Martin Blackburn | MB |
| | Christine Clucas | ChC |
| Apologies: | Ross Stephens – Officer | RS |
| Note taker: | Kendra Lace | KL |

Action

45/16 PROCEDURAL

ChC was introduced to the Committee and it was noted she would be joining the Committee to fulfil some of the functions of MB whilst he was on secondment.

46/16 MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting of 1st June 2016, having previously been circulated, were approved and signed.

47/16 MATTERS ARISING

(a) Changes to Policy and Procedures (16/16(p), 24/16(e), 32/16(d), 40/16(c))

Additional resources had been made available and a matrix would be available in due course.

MB

(b) Financial Directive 8 (FD8) (25/16(e), 32/16(i), 40/16(f))

RS had been looking into this and presumably now it would be passed to ChC. She would discuss the matter with RS.

ChC

(c) Legal Aid in the Small Claims Procedure (26/16(e), 32/16(m), 40/16(f))

It was noted that an email had been sent to Paul Coppell to establish what happens if there was no indication that ADR had been taken up.

The origin of this item was queried and KL would circulate the background to it.

KL

(d) Mediation, Current Process, Procedures and Remuneration (40/16(g))

See item 48/16(b).

- (e) **Pilot Scheme that has been introduced in the running of Care Proceedings – a letter from Deemster Roberts (40/i)**
See item 48/16(d).
- (f) **Application for admission to the Legal Aid Panel and appeal process (40/16(j))**
See item 48/16(d).
- (g) **Review of Legal Aid – report (40/16(a)(l))**
See item 49/16(a).
- (h) **Law Society User Group (40/16(m))**
Wendy Montgomerie would be inviting DT to the next meeting.
- (i) **Amendment to Regulations – time limits for submitting bills of costs (40/16(n))**
See item 49/16(B).
- (j) **Treatment of Principal Residence – consideration of change in regulations (34/16(c), 40/16(o))**
See item 49/16(c).
- (k) **Representation at SSAT hearings (40/16(p))**
Some observations had been made at the recent sub-Committee meeting and this would be picked up during the Consultation exercise.
- (l) **Review of the Website (40/16(q))**
The website had been updated as requested.
- (m) **Legal Aid Tribunal Statistics (41/16(f))**
See item 48/16(f).
- (n) **Section 14 of the Legal Aid Act 1986 and assessment reviews (41/16(g))**
See item 48/16(g).
- (o) **Legal Aid Consultation (42/16(a))**
See item 49/16(a).
- (p) **Proportionality Principle in Criminal Matters (42/16(d))**
See item 49/16(d).

(q) **Regulation 2(2) of the Legal Aid (Financial Resources) Regulations 1997 (42/16(e))**

See item 49/16(e).

48/16 **CURRENT PROCESSES AND CONTROLS – (ADMINISTRATION/FINANCE/STRUCTURE)**

(a) **Declaration of any interests specific to the agenda**

It was agreed that for future meetings, unless an interest was declared at the start of the meeting, it would be assumed no member had an interest and that the onus would be on members of the Committee to notify the Secretary of any changes to their registered interests.

CC declared an interest in respect of item 51/16(a).

(b) **Mediation, Current Process, Procedures and Remuneration**

JO advised that progress was being made towards obtaining affiliation with the UK. The next meeting was scheduled on 28th July.

(c) **Pilot Scheme that has been introduced in the running of Care Proceedings – letter from Deemster Roberts**

An impact assessment had been dispatched to and received from Paul Coppell and this was reinforced by the judgement circulated by MB.

It was agreed that it may be possible to develop some costings using the information provided by Paul Coppell and it was agreed to look at the issue again once the costs were to hand.

ChC

The impact assessment form would be appended to the online Handbook within the next week.

(d) **Application for admission to and interviews for Legal Aid Panels and appeal process**

The Law Society would be discussing this issue on 20th July 2016. In attendance would be DT, ChC and Wendy Montgomerie.

(e) **Legal Aid Appeal Tribunal**

An approach for a meeting with the LAAT had been made and a response was awaited.

AP

It was noted that the LAAT Rules were still with the Attorney General's Chambers.

(f) **Section 14 of the Legal Aid Act 1986 and assessment reviews**

It was noted that opinion was awaited from the Attorney General's Chambers on whether the legal aid form could be altered without amending the legislation.

MB

(iv) **Unified Criminal/Civil Legal Aid Service**

Agreement was required on the underlying principles of what should be unified and what should remain independent.

(b) **Amendment to Regulations – time limits for submitting bills of costs**

MB tabled draft Regulations.

No time limit currently existed, but any bill currently submitted over 6 years old was rejected on the basis that the files had been destroyed under the retention policy.

It was agreed to consult with the Law Society on setting the time limit for submission of bills at 3 months from the end of discharge, subject to an extension of 3 months in extenuating circumstances.

MB

(c) **Treatment of Principal Residence – consideration of changes to regulations**

RS to provide an update at the August meeting.

RS

(d) **Proportionality Principle in Criminal Matters**

Information has been sought from the Law Society and John Kennish and the response from the Law Society was awaited.

AP

(e) **Policy in respect of paid next friends**

A recent issue concerning a disbursement for a next friend was discussed and it was agreed that the information on McKenzie friends and any decisions reached on those discussion should be circulated for discussion at the August meeting.

KL

(f) **Regulation 2(2) of the Legal Aid (Financial Resources) Regulations 1997**

No response had yet been received to the request for completion of an impact assessment.

AP

(g) **Meeting on remuneration of members for research and development**

AS reported on a meeting he had attend with DT, ChC and Colin Cowley (Senior Treasury Policy Adviser) regarding remuneration for R&D outside of LAC meetings. Given the information proffered by Treasury regarding a general overview of public appointment committee and tribunal allowances, it was agreed not to progress this any further at this stage, but noted that Treasury were amenable to looking at business cases for major programmes of development which would involve members in large scale additional work.

50/16 **REVIEW OF THE WEBSITE**

A number of certificates had been revised and were awaiting approval by the Courts. These would be updated on the website when/if approval was given.

51/16 **ANY OTHER BUSINESS**

(a) **Certifying Officer**

CC declared an interest for this item.

It was noted that Mrs Montgomerie's current contract expired in December 2016 and it was agreed that AP should schedule a sub-Committee consisting of DT, SL and TW to consider the way forward. KL to circulate the relevant paperwork.

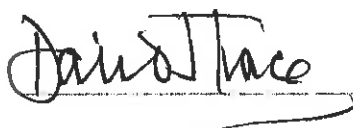
AP
KL

52/16 **DATE OF NEXT MEETING**

2.30pm on Wednesday 3rd August 2016 at Public Records Office. AS and TJ would not be available for this meeting and JO may not be available.

The meeting closed at 4.55pm.

Minutes agreed by Chairman



Date

03 Aug. 16