



Legal advice - Legal Aid

Legal Aid supports access to justice for people who can't afford to pay for their own legal advice. It is available to individuals on the Island (not to companies) for most matters which are subject to Manx Law.

Civil Legal Aid covers 'Family' and 'Non-Family' legal matters:

- **Family matters** e.g. family mediation to resolve financial disputes, child contact arrangements, non-molestation orders which seek to prevent a person from abusing or threatening to abuse you
- **Non-Family matters** e.g. personal injury, medical negligence, wills, breach of contract

There are two Civil Legal Aid routes:

1. **Advice & Assistance** for initial advice to resolve something quickly.
2. **Civil Legal Aid** for more complex matters.

All application forms for Legal Aid are completed by an Advocate on your behalf. You don't have to fill in lots of paperwork.

If you need help or advice on a legal matter you should contact an Advocate directly. See the list

of Advocates who are able to provide legally aided services at www.gov.im/legalaidpanel.

If you have any problems finding an Advocate you should contact the IoM Law Society.

IoM Law Society
01624 662910
www.iomlawsociety.co.im

If you qualify for Legal Aid and you receive legal advice and/or representation from an Advocate, the IoM Government will pay your legal fees directly to the Advocate either fully or in part, depending on your eligibility.

Qualifying for Legal Aid

You will automatically financially qualify for Legal Aid if you get:

- Employed Person's Allowance
- Income Support
- Income Based Jobseeker's Allowance

Take proof of your benefits to your first meeting with your Advocate.

If you are on a low income but **not** getting one of these benefits you need to take proof of your **income** to your Advocate.

This includes any income from your wife, husband or partner, if you live with them, such as:

- Benefits
- Pensions
- Recent bank statements
- Your lease/ property information
- Maintenance payments
- Savings/ capital over £13,000

This information will be used to decide if you are:

- eligible for free legal advice
- partially eligible and required to pay a contribution
- not eligible and liable to meet the full costs yourself

Mediation

Mediation aims to achieve a good outcome for both parties without involving the Courts.

Your Advocate will talk to you at an early stage about whether mediation is a good option to progress your matter. In many cases it will be carried out by an approved and accredited mediator as recommended by your Advocate.

Legal Aid may be available to cover the cost of mediation and your Advocate will seek approval from the Legal Aid Certifying Officer to pay for it.

www.gov.im/mediation

Advice and Assistance

The Advice and Assistance Scheme is for initial legal advice or a quick resolution to a legal matter.

An Advocate can give you advice on almost any aspect of Manx law (not property transactions or company matters) up to:

- General matters – up to 3 hours' work
- Divorce matters – up to 4 hours' work

To qualify – you must be:

- Over 16
- Financially eligible

www.gov.im/greenform

Privacy & how we use your data

When we collect your personal data we will:

- only collect what we need and no more
- keep your information secure
- tell you how we will use your information
- delete your information when it is no longer needed
- only process your information in line with Manx Data Protection Legislation

www.gov.im/treasuryprivacynotice

Contact us

Civil Legal Aid Office
2nd Floor Markwell House
Market Street
Douglas
Isle of Man, IM1 2RZ

01624 685977

legalaid.treasury@gov.im

www.gov.im/legalaid

Feedback and complaints

If you have any feedback on our service, or you wish to complain about our service or about a legally assisted person, please email legalaid.treasury@gov.im

Contact us if you need our information in a different format.

Civil Legal Aid

With Civil Legal Aid, an Advocate can provide you with legal advice and also represent you in Court if needed.

Once you have found an Advocate, they will apply for Civil Legal Aid on your behalf.

An application for Civil Legal Aid must pass two tests:

- financial means test
- legal merits test

The financial means test is to check that you can't afford to pay your own legal fees.

The legal merits test is to ensure there are reasonable legal grounds for your case to be taken forward, and that it is reasonable for your legal costs to be paid for by IoM Government.

If your application passes both tests, a 'Civil Legal Aid Certificate' will be issued by the Legal Aid Certifying Officer. This certificate authorises your Advocate to carry out agreed legal work on your behalf and receive payment for it.

Appeals

If your application doesn't pass the financial means test, it will be refused and there is no right of appeal. However, you can contact us and ask us to review the decision.

If your application doesn't pass the legal merits test, it will be refused. However, you can appeal this decision.

www.gov.im/legalaidappeals

Your commitment

If you receive Civil Legal Aid, you need to:

- keep in regular contact with your Advocate
- submit any information required by your Advocate or the Civil Legal Aid Office
- tell us about any change in your circumstances (e.g. if you change your job or address, or if your benefits stop)
- take a reasonable view in the conduct of your case, and don't refuse a reasonable offer to resolve the case, without good cause
- attend all necessary meetings & hearings
- be open to compromise/ negotiation and settling the matter efficiently

If you do not follow these principles you may lose your Legal Aid and be asked to pay it back.

Emergency Legal Aid

When Emergency Legal Aid is granted (e.g. for a Prohibited Steps Order to prevent a parent taking a child off-island) the financial tests are usually carried out after a Civil Legal Aid Certificate has been granted, rather than before.

An application for Emergency Legal Aid is made by your Advocate, who will complete the forms with you. You'll be asked to sign a declaration to say that you:

- Agree to be granted Civil Legal Aid if you are financially eligible, and
- Understand that you will have to pay back any Civil Legal Aid costs if you are assessed as not being financially eligible