

**Minutes of a meeting held at 2nd Floor Markwell House
on Wednesday 10th August 2022**

Members Present:	Ruth Costain (Chair)	RC
	Margaret Mansfield	MM
	Paul Coppell	PC
	Pam Pringle	PP
	Howard Connell	HC
	Bob Ayre (<i>via Teams</i>)	BA
	David Trace (<i>via Teams</i>)	DT
Officers Present:	Christine Clucas	CC
	Martina Jay	MJ
	Alex Powell (Note Taker)	AP
Apologies:	N/A	

34/22	WELCOME AND MINUTES		
	The Minutes of the meeting 13 th July 2022, having been previously circulated, were approved.		
35/22	MATTERS ARISING		
		See 37/22 below: HM ATTORNEY GENERAL'S LEGAL AID REVIEW – OPTIONS & RECOMMENDATIONS REPORT.	
36/22	MATTERS REQUIRING ACTION AND DECISION		
	(a)	Update from the Legal Aid Certifying Officer (MJ)	
	(i)	<p>MJ reported that there had been the anticipated increase in pre-holiday correspondence from Advocates which was now at a steady level.</p> <p>She voiced some concern with regard to Tribunal submissions from members of the public as there is not a prescribed format which can make matters more time consuming when preparing Legal Aid's response to complaints. There is another complaint lodged with the Tribunal regarding the funding of a Green Form, and MJ reminded the Committee that they had previously been advised that the Tribunal does not have jurisdiction over Green Forms (Min 02/22 (a) (i)).</p>	
	(a)	Update on Staffing/Operational Matters (CC)	
	(ii)	CC advised that Legal Aid office staffing remained an issue and the Team are an Administrative Assistant down and have a temporary Administrative Officer in post over the summer. Duties are to be reviewed when back at full complement.	

37/22	HM ATTORNEY GENERAL'S LEGAL AID REVIEW – OPTIONS & RECOMMENDATIONS REPORT			
		<p>Following on from their discussions 13th July, another revision of the response to HMAG Options and Recommendations Report had been circulated and the Committee was asked to comment on the Introduction and Closing Remarks contained herein.</p> <p>The meeting made further minor amendments which will be incorporated into a final version and sent to the Attorney General's Chambers, subject to the Committee's approval.</p>		MM/CC
38/22	FEEDBACK FROM MEETING WITH IOM LAW SOCIETY			
		<p>RC and MM had met with Kathryn Clough (President) and Vicki Unsworth (Vice-President) of the Law Society on 8th August. They were accompanied by MJ and CC.</p> <p>Discussions included Interim Costs for Personal Injury Cases (see 39/22 below) and the application of the Legal Merits Test in Childcare Proceedings (see 40/22 below).</p> <p>The Duty Advocate Schemes were also discussed with regard to ensuring quality standards. KC advised that the Law Society will be putting together a Working Party to address this area, which the Committee agreed was a welcome initiative.</p>		
39/22	INTERIM COSTS IN PERSONAL INJURY/MEDICAL NEGLIGENCE CASES			
		<p>A Paper – including background information; link to the Legal Aid Act 1986; Legal Aid General Regulations 1997; copy of Hansard March 2008; and correspondence between an Advocate and the Deputy Certifying Officer - was circulated prior to the meeting.</p> <p>The Committee was asked: "... to decide if it is content that Legal Aid makes interim payments to Legal Aid Advocates in personal injury/medical injuries cases where liability has been accepted but the Advocate wishes to claim costs at a commercial rate."</p> <p>After careful consideration, the Committee decided that Advocates cannot recover interim costs at a commercial rate from the other side in personal injury/medical injuries cases where liability has been accepted, without prejudicing the existence of the Legal Aid Certificate.</p>		

40/22	LEGAL MERITS TEST IN CHILDCARE PROCEEDINGS	
	<p>A Paper – including background information – was circulated to the Legal Aid Committee prior to the meeting. A 'direction' from the Committee had been requested by the Law Society (see 38/22 above).</p> <p>The meeting noted that the financial means test was to be removed in Childcare Proceedings by virtue of an amendment to legislation in Part 9 of the Justice Reform Act (section 102) once the relevant Appointed Day Order is made. It was agreed that HC and PP would look for further information – HC to regard the Justice Reform Act and PP to refer to her archives for reference to a judgment.</p> <p>The meeting further noted that the Legal Aid Committee does not have the powers to issue a directive and the Certifying Officer has not actually refused any Childcare Proceedings applications on the basis of the legal merits test not being met.</p>	HC/PP
41/22	ANY OTHER BUSINESS	
	<p>PC asked how - if at all - the Legal Aid office could take steps against individuals who had been prosecuted for benefit fraud, whose claim for Legal Aid relied upon them being in receipt of said fraudulently obtained benefit(s). CC advised that she and MJ were in talks with the Director of Prosecutions at the Attorney General's Chambers to look into this matter further.</p> <p><i>DT left the meeting at 15:15</i></p> <p>It was agreed that the next meeting would take place Thursday 15th September at 14:00.</p>	

The meeting closed at 15:20

Minutes agreed

**By
Chair**



Date 14/10/22

