



# Press Release

## LEGAL AID COMPLAINTS INVESTIGATION TO HEAR FROM PETITIONER

The Select Committee of Tynwald on Legal Aid in Family Matters (Petition for Redress of Grievance) intends to hear evidence in public on Thursday 26<sup>th</sup> August 2010 at 2.30pm in the Millennium Room, Legislative Buildings, Finch Road, Douglas. Members of the public are welcome to attend.

Evidence will be taken from the following person at the times stated:

2.30pm	Mr Paul Smith
3.00pm	Mrs Marion Ashcroft
3.30pm	Mrs Aileen Fraser
4.00pm	Mr John Wright

The Committee was established by Tynwald on 21<sup>st</sup> October 2009 with a remit to consider the Petition for Redress of Grievance of Mr Stephen Broad presented at St John's on 6<sup>th</sup> July 2009 with regard to the impact on the administration of justice of awarding Civil Legal Aid to one side only in family cases in the Isle of Man and to report with recommendations.

Following the presentation of its report to Tynwald in July, the Select Committee has been instructed to take further evidence on the matters raised in the Petition for Redress of Grievance of Mr Paul Smith, as set out in the Third Report of the Standing Orders Committee for Session 2009-2010, and to report to the Court by December 2010.

The Petition for Redress of Paul Smith of 5<sup>th</sup> July 2010 said:

“The post of Legal Aid Certifying Officer is not a Civil Service position but is a Crown Appointment who holds office at the pleasure of the Lieutenant Governor. Therefore,

if you make a complaint about the Legal Aid Certifying Officer you have to complain to the Lieutenant Governor. If however your complaint is about the Legal Aid Certifying Officer's discretion to issue legal aid certificates in favour of an ex-partner in matters relating to proceedings issued in the Family Division of the High Court the Lieutenant Governor does not have jurisdiction to adjudicate a complaint of this nature. In these circumstances you can only pursue your complaint by applying to the High Court and taking legal advice. Section 6 and 7 of the European Convention of Human Rights states that there has to be in place within any Government body a process by which any complaint against any person working within that public authority is heard along with an appeals process. The cost and risks involved in High Court action will be a deterrent to any complainant of moderate means. As such they are not likely to be able to proceed with a complaint against the Legal Aid Certifying Officer.

Wherefore your Petitioner seeks that, This Honourable Court enquire into the impact on the administration of justice of the lack of a cost free complaints process through the Lieutenant Governor or internal Government procedures in relation to decisions by the Legal Aid Certifying Officer."

Jonathan King, Clerk of the Committee  
Legislative Buildings, Douglas, IM1 3PW

01624 686303

[j.king@tynwald.org.im](mailto:j.king@tynwald.org.im)

18<sup>th</sup> August 2010