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### Freedom of Information Exemption(s)

Decision Summary:	None.
Written Report:	None.
Supporting Document(s):	None.

### Reason for the application of a Freedom of Information Exemption(s)

Decision Summary:	N/A - There are no exemptions being applied.
Written Report:	N/A - There are no exemptions being applied.
Supporting Document(s):	N/A - There are no exemptions being applied.

### Data Protection

[Data Protection principles](#) have been applied to this Written Report and the Supporting Document(s), if any. The following can be shared with Scrutiny and/or published:

Decision Summary:	Yes - redaction(s)/pseudonymization is not required.
Written Report:	Yes - redaction(s)/pseudonymization is not required.
Supporting Document(s):	Yes - redaction(s)/pseudonymization is not required.

### Legal Advice

In accordance with the [Ministerial Code](#), its supplementary guidance on [Ministerial Decisions](#), and legal privilege principles: no verbatim legal advice, nor any text alluding to legal advice having been sought, is found in any of the documentation supporting the Ministerial Decision.

### Preparatory Information

<b>Ministerial Decision Type:</b>	Miscellaneous
<b>Ministerial Office:</b>	Justice and Home Affairs
<b>Signatory:</b>	Minister
<b>Lead Department:</b>	Justice and Home Affairs
<b>Lead Officer:</b>	Judicial Greffier

<b>Required for the States Assembly:</b>	No - the document(s) supporting this Ministerial Decision DO NOT require presenting/lodging with the States Assembly.
<b>Children's Rights Impact Assessment:</b>	Yes, the decision-maker gave due regard and determined that neither a CRIA Screener nor Full Assessment were required.
<b>Human Rights Impact Assessment:</b>	A Human Rights Impact Assessment is not required as part of this decision.

## Legal Aid Scheme changes: January 2025

### Introduction

This is a written report to support a Ministerial Decision and is to be read alongside the supporting documents, if any. This report has been prepared by officers and is viewed to be in accordance with the [Ministerial Code](#), supplementary guidance on [Ministerial Decisions](#), appropriate [Freedom of Information exemptions](#), and with consideration of [Data Protection Principles](#).

### Supporting Documents

- Update to Minister for Justice and Home Affairs, November 2024, Legal Aid Office

### Reason for the Decision

The Access to Justice (Jersey) Law 2019 ("the Law") was adopted by the States Assembly on 1st May 2019 and was substantively brought into force, following the publication of the Legal Aid Guidelines ([R.191-2021](#)), in April 2022.

The revised arrangements for criminal legal aid under the Law have therefore now been in operation for two full years.

One change has been made during that time, the previous Minister for Justice and Home Affairs approved an increase fixed/tariff fees payable in criminal matters on 14 December 2023. The revised fees were implemented with effect from 1 January 2024.

The Judicial Greffier and the Law Society of Jersey have, in the appended report, brought to the Minister's attention further matters which require consideration for amendment.

Article 7 (12) of the Access to Justice (Jersey) Law 2019 provides that '*the Minister may, from time to time, revise the Legal Aid Guidelines made under this Article*'.

### Recommendation

The Minister is recommended to:

- Note that, in accordance with the established terms of the Legal Aid Scheme, financial eligibility thresholds are amended on an annual basis, in accordance with the agreed measure, and this will be implemented on 1 January 2025.
- Approve the following changes in relation to the Legal Aid Scheme, to be effective from 1 January 2025:
  - Increase to fixed fee rates for 2025 in line with September 24 inflation as outlined in the revised schedule detailing the changes to reflect the 3% RPI increase
  - Changes to personal contributions to give effect an increase in rates and introduction of a 40% band
  - Introduction of disregard for childcare benefit in calculation of personal contributions
  - That there will be an annual revision of criminal fees in line with Jersey RPI for the year to September, to form part of an annual review of the Scheme
  - That revised Guidelines should be published to reflect the above changes.

**Action Required if the Recommendation is Adopted**

The department and/or Ministerial Office to update relevant parties of the decision.

**Resource Implications**

There is an additional cost, but the department has been able to accommodate this within its budget for 2025. As is always the case with the Court and Case Cost budget, this would be subject to any exceptional cases arising in 2025.

**Conflict of Interest**

The decision-maker does not have an actual or perceived conflict of interest as relates to this decision.