

The organisation
of socialist lawyers ;
affiliated to the
Labour Party

HALDANE SOCIETY

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5th December, 1948.

CONFERENCE ON LEGAL AID AND ADVICE SCHEME.

December 13th, 1948, at 2.30 p.m. in the Lord Chief
Justice's Court, Royal Courts of Justice, Strand,
London W.C.2.

To Delegates and to
Members of the Haldane Society.

A copy of the Legal Aid and Advice Bill, now before Parliament,
and of the official Summary of the Proposed New Scheme, are
enclosed herewith.

Main points of the proposed Service are as follows:-

CIVIL PROCEEDINGS.

- (1) Legal aid will be available to "Assisted Persons," i.e. persons whose "disposable income" does not exceed £420 per annum.
- (2) Assisted persons may be required to make contributions to the legal aid fund. The amount of such contributions will depend upon the assisted person's "disposable income" and "disposable capital".
- (3) The National Assistance Board will assess the "disposable income" of persons applying for assistance and the contributions payable by them.
- (4) Legal aid will be available for proceedings in substantially all the ordinary civil courts by other tribunals are to be excluded, at any rate for the time-being. It will be granted, however, only if the applicant has "reasonable grounds" for engaging in the proceedings, and it will not be available, in any event, for certain specified categories of proceedings, including proceedings for defamation.
- (5) Legal advice (oral advice by solicitors) is to be made available at centres all over the country and a sum up to 2/6 per interview may be charged for this.
- (6) Organisation of the scheme - to be in the hands of the Law Society, with representation from the Bar Council. There are to be 12 Area Committees in England and Wales, and, within each Area, local committees which will deal with applications for legal aid; and Area and local committees will together arrange for the setting up of the Advice centres. The whole scheme is to be under the guidance of the Lord Chancellor, who is to have power to make regulations; he is to be assisted by an Advisory Committee.

- (7) Finance - the legal aid fund is to be fed from
 - (a) the Treasury
 - (b) Contributions from Assisted Persons (and fees paid to Advice centres)
 - (c) Costs recovered from unsuccessful parties to proceedings.
- (8) Lawyers - panels of barristers and solicitors willing to act under the scheme will be prepared by Area Committees. Barristers will be paid 85% of their fees allowed on taxation in the High Court, solicitors 85% of their profit costs; in County courts they will be allowed the full amount of the taxed fees and costs respectively. The Legal Advice Centres will be staffed by salaried full and part-time solicitors.

CRIMINAL PROCEEDINGS.

- (9) Provision will be made to make legal aid more widely available in criminal cases, by extending the present system.

The Haldane Society Executive Committee have considered the proposed scheme and we suggest that your organisation may care to consider the following questions - in addition, of course, to any other matters which you desire to raise for discussion at the Conference.

- (1) Is it desirable that the scheme should be administered solely by lawyers, or should there be "consumer representation" in the organisation? If so, what form should this take, what bodies should be represented? And should there be consumer representation on all the proposed Committees, at all levels, or only, say, on the Advisory Committee?
- (2) Is it desirable that there should be an income limit for qualification for assistance under the scheme? If so, is the proposed figure of £420 per annum "disposable income" satisfactory? If a limit is desirable, should the figure be adjustable by legislation?
- (3) Is the proposed method of assessment of "disposable income" and "disposable capital" satisfactory? Is it desirable that the assessment should be carried out by the National Assistance Board? Are the amounts which it is proposed shall be contributed by Assisted Persons satisfactory?
- (4) Is the list of proceedings excluded from the scheme satisfactory?

The views of members of the Society on these and other questions will be presented to the Conference for discussion.

JOHN ELTON

Hon. Secretary.