

JUSTICE PRESS RELEASE

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For immediate release

Legal aid: the maintenance of independence

Independence must be maintained in decisions on legal aid, says JUSTICE in a letter sent today to Lord Bach, Parliamentary Under-Secretary of State in the Ministry of Justice.

The letter points out that the recommendations in the recent report of Sir Ian McGee do not adequately meet his acceptance that independence should be maintained in the grant and refusal of applications for legal aid by individuals. His recommendation that the Legal Services Commission be abolished and replaced by an Executive Agency would destroy that independence. Sir Ian asserts that independence can be maintained but does not indicate how this might be done.

Roger Smith, JUSTICE's director, said:

Sir Ian's proposal could mean that Ministry of Justice officials decide whether legal aid be granted for a claim in relation to a prison, an inquest or judicial review against a government department.

Care has been taken since the inception of legal aid to ensure that decisions of this kind were taken by those with no interest, apparent or real, in the result. Such conflicts of interest must be avoided. Abolition of the Legal Services Commission will pose more difficulties than Sir Ian admits.

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