

THE ISLE OF MAN LAW SOCIETY

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Please reply to:-

Press Release

BEGIN

"The Isle of Man Law Society (the Society) has noted that the Securing Added Value and Efficiencies (SAVE) Programme Progress Report – June 2018 is to be laid before Tynwald on the 19th June 2018 including the recommendation from the Joint Programme Board to progress and implement the establishment of a Public Defender's Unit (PDU), notwithstanding that the Society has repeatedly been informed to date that no policy decision in respect of the proposal has been made by Government. The Society has endeavoured to obtain more detailed information as to the structure and financing of the proposed PDU. All such requests made to date have either been refused or avoided. It is the Society's view that the financial case for such a scheme has not yet been established, may not exist and from what is known Members of Tynwald are yet to be provided with adequate information in order to make any informed decisions. From the little information available it appears that the intention is to save tax payers money by actually expanding the role of Government.

The introduction of PDUs in England and Wales has been a failure.

The Society has serious concerns both as to the recommendations made by the SAVE Programme Board on the cost benefits and the Manx Citizens' access to justice. In comparison to other jurisdictions implementing a similar scheme has in fact increased the cost to the public purse whilst limiting access to justice. It is a basic human right of all to have proper independent legal representation and the role of the state in such situations must be closely scrutinised.

The prospect of the state playing such a central role in every aspect of the criminal justice system and in particular taking responsibility for prosecuting and defending the citizens is a central concern. How the Government will seek to protect the rights of those members of the public who will need safeguarding in the future under the proposed scheme is yet to be identified.

The introduction of a PDU is viewed by the Society as a one way street. Once set up, if it proves unsuccessful either financially or practically, it will be difficult if not impossible, to replace as there would likely be no independent Manx criminal bar left in private practice. The experience of the Society leads it to fear that a PDU scheme may result in government costs spiralling out of control with additional salaries, sick pay, pension obligations and general overheads all falling on the taxpayer and may quickly exceed the closely monitored legal aid scheme at present.

An independent legal system is central to any modern democracy and the state being both prosecutor and defender in criminal matters is a major concern. The Society notes it is a key stakeholder in the maintenance of an independent Manx bar to represent the Manx people and it will continue to request a full and transparent disclosure of the Government's proposals as part of its ongoing scrutiny."

END

Jane Gray - [REDACTED]
President, Isle of Man Law Society