

OFFICE OF THE STAFF JUDGE ADVOCATE 48TH FIGHTER WING, RAF LAKENHEATH, UK



BRITISH COURTS

If you have reason to be involved with the British court system, the matter will probably be in the area of either civil law or criminal law. Civil law matters are dealt with at the County Court and criminal matters at the Magistrates' or Crown Court.

1. Civil Law

Matters which come under civil law include divorce, child custody, claims against an individual for damages in an accident, disputed debts, etc. To obtain help and advice on any such matter you need to talk to a British solicitor (lawyer). We have a list of solicitors available at the Legal Office, ask around, or check in the Yellow Pages. Some have a fixed fee for a preliminary interview while some give a free first interview; when you call for an appointment ask about the cost of a preliminary interview.

In certain types of civil actions, your solicitor may not be able to appear before the court and must then hire a barrister to represent you. Your solicitor will know when this is appropriate and will advise you accordingly. The barrister's fee is included in the final bill from the solicitor. If you have been granted Legal Aid it will also cover the barrister's fee.

Another source of information, which is free, is the Citizens' Advice Bureau. These people offer advice on a wide range of all legal problems, to include: consumer, landlord/tenant, and many others. If your problem is complicated and one that will involve a court hearing, they will probably refer you on to a solicitor but they are able to give basic advice and explain things to you. There is a Citizens' Advice Bureau in every town - the nearest one to RAF Lakenheath is in

Mildenhall, Willow House, 40 St Andrews St, Mildenhall, Bury St Edmunds, Suffolk IP28 7HB. Their telephone number is 01638 712094. For addresses and phone numbers in other towns look in the local phone book, <http://www.citizensadvice.org.uk/>, or come by the Legal Office.

2. Criminal Law

Criminal offenses can be divided into roughly two categories – minor traffic, breach of the peace, etc. and more serious incidents.

Traffic offenses are usually dealt with by way of a summons - these are served at the Legal Office by a British police officer and advice and explanations are given at the time of serving. If you should receive a summons direct through the mail and need help with it, come to the Legal Office and ask for Mrs. Karen Mackay.

If you are ever arrested or questioned on a serious offense you have a right to free legal advice. You can ask for a solicitor you know, or the 24-hour duty solicitor. If the matter proceeds further you can either retain that solicitor or choose another one. Upon release you should visit the Area Defense Counsel (Ext. 3608) who will advise you.

Minor offenses, including traffic, are normally dealt with at a Magistrates' Court. The maximum sentence imposable by a Magistrates' Court is six months imprisonment and £5000 fine, depending on the offense. Serious cases are committed for trial at the Crown Court, which can be 'judge only' or a jury trial.

3. Legal Aid

British Legal Aid is available in some instances. You should ask your solicitor about this when you are first aware that you may become involved in legal proceedings. To receive Legal Aid for civil court matters, you must; qualify financially, show that you have reasonable grounds for taking or defending a court action and that it is reasonable to grant you Legal Aid in the circumstances of your case. If your case is urgent, your solicitor can ask for emergency Legal Aid - if you are eligible. This can be granted at once and lasts until a decision has been taken on your full application for Civil Legal Aid.

The criteria for applying for Criminal Legal Aid are slightly different. The court will grant you Criminal Legal Aid if it decides it is in the "interests of justice" that you should have legal representation and that you need help to pay the costs of your case. With both Civil and Criminal Legal Aid, you may be granted the Aid but asked to make a contribution.

In criminal cases, if you are unable to obtain British Legal Aid, you are entitled to apply to the Air Force for payment of your legal costs. This is dependent upon the type of offense you are charged with. Also, if you obtain British Legal Aid but are asked to pay a contribution, you may apply to the Air Force to pay the contribution. Contact the Legal Office (226-3553) if you think you may come into this category.