



**OFFICE OF THE STAFF JUDGE ADVOCATE
501 COMBAT SUPPORT WING
RAF ALCONBURY / RAF CROUGHTON, UK**



BRITISH COURTS

Introduction

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

Civil Law

Matters which come under civil law include divorce, children proceedings, claims against an individual for damages in an accident, and disputed debts. 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. You can also log onto the Law Society website and search for a solicitor. <https://solicitors.lawsociety.org.uk/>. 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.

Another source of information, which is free, is the Citizens' Advice Bureau. These people offer advice on a wide range of all legal problems, including consumer and landlord/tenant issues. 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. For addresses and phone numbers, check their website, <http://www.citizensadvice.org.uk/>, or come by the Legal Office.

Criminal Law

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

Minor traffic offenses are usually dealt with by way of a Fixed Penalty Notice which will be sent to you through the post. Other traffic offenses may be dealt with by way of a summons. This may be 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 advice.

If you are ever arrested or questioned about 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 (DSN 226-3608 at RAF Lakenheath) 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 jury trial or judge alone.

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 usually need to show you cannot afford to pay for legal costs and your problem is serious. 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 Legal Aid Agency will grant you Criminal Legal Aid automatically if your income is less than £12,475. If your income is higher than this, you will have to apply for Legal Aid. The Legal Aid Agency takes into account your income, living expenses (including rent) and whether or not you are supporting children before deciding on whether to award public funding for a case. The Legal Aid Agency will also take into account the merits of a case when considering awarding Legal Aid to a defendant. This might involve consideration of the nature of an offence and whether a custodial sentence might be likely, as well as whether you have any previous convictions. 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 (RAF Alconbury: DSN 236-3535; RAF Croughton: DSN: 236-8650) if you think you may come into this category.

Resources

<https://www.gov.uk/courts>

<https://solicitors.lawsociety.org.uk/>

<http://www.citizensadvice.org.uk/>

<https://www.gov.uk/guidance/criminal-legal-aid-means-testing>

USAFEI 51-706, *Exercise of Foreign Criminal Jurisdiction Over United States Personnel*, 26 November 2007—https://static.e-publishing.af.mil/production/1/usafe-afafrika/publication/usafei51-706_ip/usafei51-706_ip.pdf

Conclusion

If you have any questions related to the British Courts in addition to the above, please contact the Legal Office to speak with a legal assistance attorney.

RAF Alconbury and RAF Croughton Legal Office Hours

All Services by Appointment Only (email 501cswja@us.af.mil)

Tuesdays and Thursdays 1000-1200 & 1300-1400

Current as of June 2022