



# Legal Services Amendment Act 2023

Public Act 2023 No 61  
Date of assent 30 August 2023  
Commencement see section 2

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**Schedule**

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**Schedule 1AA amended****The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Legal Services Amendment Act 2023.

**2 Commencement**

This Act comes into force on the day after the date of Royal assent.

**3 Principal Act**

This Act amends the Legal Services Act 2011.

**Part 1****Amendments to principal Act**

Subpart 1—Amendments relating to removal of user charge

**4 Section 4 amended (Interpretation)**

In section 4(1), repeal the definition of **user charge**.

**5 Section 18A repealed (User charge payable by aided person)**

Repeal section 18A.

**6 Section 97 amended (Lead provider to claim for payment)**

Replace section 97(2)(a) with:

(a) the fees claimed by, or the charges attributable to, the lead provider; and

**7 Section 99 amended (Secretary to refer claim to Commissioner for decision)**

Repeal section 99(4)(e).

**8 Section 114 amended (Regulations)**

Repeal section 114(1)(ea).

## Subpart 2—Amendments relating to removal of interest rate on legal aid debt

- 9 Section 33 amended (Amount payable by aided person to Commissioner)**  
Repeal section 33(c).
- 10 Section 40 amended (Interest on unpaid legal aid debt)**  
Repeal section 40.
- 11 Section 43 amended (Commissioner may write off amounts payable)**  
In section 43(1), delete “interest,”.
- 12 Section 44 amended (Commissioner to refund excess payments)**  
Repeal section 44(2).
- 13 Section 114 amended (Regulations)**
- (1) Repeal section 114(1)(k).
  - (2) In section 114(1)(o)(ii), delete “or 18A”.
  - (3) In section 114(2), delete “including the calculation of interest,”.

## Subpart 3—Transitional, savings, and related provisions

- 14 Schedule 1AA amended**  
In Schedule 1AA,—
- (a) insert the Part set out in the Schedule of this Act as the last Part; and
  - (b) make all necessary consequential amendments.

## Part 2

### Consequential amendments to Legal Services Regulations 2011

- 15 Principal regulations**  
This Part amends the Legal Services Regulations 2011.
- 16 Regulations 9A and 9B and cross-heading above regulation 9A revoked**  
Revoke regulations 9A and 9B and the cross-heading above regulation 9A.
- 17 Regulations 14 and 14A and cross-heading above regulation 14 revoked**  
Revoke regulations 14 and 14A and the cross-heading above regulation 14.

## Schedule

### Schedule 1AA amended

s 14

#### Part 2

#### Provisions relating to Legal Services Amendment Act 2023

#### 3 Interpretation

In this Part,—

**2023 Act** means the Legal Services Amendment Act 2023

**commencement date** means the date on which the 2023 Act comes into force

**legal aid debt** means a debt owed to the Commissioner in respect of a grant of legal aid.

#### 4 User charge

(1) This clause applies in respect of a grant of legal aid for a civil matter that immediately before the commencement date was subject to the condition in section 18A(1) (that the aided person pay a user charge of the prescribed amount to the lead provider).

(2) On and after the commencement date,—

(a) the grant of legal aid continues to be subject to the condition as if section 18A(1) had not been repealed by the 2023 Act; and

(b) the following provisions, as in force immediately before the commencement date, continue to apply as if the 2023 Act had not been enacted:

(i) section 18A(2) and (3):

(ii) section 97(2)(a):

(iii) section 99(4)(e):

(iv) regulation 9A of the Legal Services Regulations 2011.

#### 5 Interest on unpaid legal aid debt

(1) This clause applies in respect of any interest on a legal aid debt that immediately before the commencement date was payable by an aided person to the Commissioner under section 40.

(2) On and after the commencement date,—

(a) the interest continues to be payable by the aided person as if section 40 had not been repealed by the 2023 Act; and

(b) the following provisions, as in force immediately before the commencement date, continue to apply as if the 2023 Act had not been enacted:

(i) section 33(c):

- (ii) section 43(1):
- (iii) section 44(2):
- (iv) regulations 14 and 14A of the Legal Services Regulations 2011.

### Legislative history

16 November 2022	Introduction (Bill 190–1)
22 November 2022	First reading and referral to Justice Committee
22 May 2023	Reported from Justice Committee (Bill 190–2)
20 July 2023	Second reading
22 August 2023	Committee of the whole House, third reading
30 August 2023	Royal assent

This Act is administered by the Ministry of Justice.