



Legal Services Amendment Regulations 2022

Cindy Kiro, Governor-General

Order in Council

At Wellington this 14th day of November 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 114 of the Legal Services Act 2011 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Legal Services Amendment Regulations 2022.

2 Commencement

These regulations come into force on 1 January 2023.

3 Principal regulations

These regulations amend the Legal Services Regulations 2011.

4 Regulation 3 amended (Interpretation)

After regulation 3(1), insert:

- (1A) For the purposes of Schedules 1AA and 2, a repayment is **determined** on the date that the repayment payable by an aided person is determined in accordance with section 21 of the Act.

5 New regulation 3A inserted (Transitional, savings, and related provisions)

After regulation 3, insert:

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

6 Regulation 5 replaced (Legal aid for civil matters: maximum levels of income)

Replace regulation 5 with:

5 Legal aid for civil matters: maximum levels of income

- (1) The maximum levels of income for the purposes of determining an applicant's eligibility for legal aid in respect of a civil matter are,—
- (a) for a single applicant with no dependent children,—
- (i) \$27,393 per year if the application is granted during the period beginning with 1 January 2023 and ending with the close of 30 June 2023; and

- (ii) \$27,913 per year if the application is granted during the period beginning with 1 July 2023 and ending with the close of 30 June 2024; and
 - (iii) \$28,444 per year if the application is granted during the period beginning with 1 July 2024 and ending with the close of 30 June 2025; and
 - (iv) \$28,984 per year if the application is granted on or after 1 July 2025:
- (b) for a single applicant with 1 dependent child, or an applicant with a spouse or partner and no dependent children,—
- (i) \$43,380 per year if the application is granted during the period beginning with 1 January 2023 and ending with the close of 30 June 2023; and
 - (ii) \$44,205 per year if the application is granted during the period beginning with 1 July 2023 and ending with the close of 30 June 2024; and
 - (iii) \$45,044 per year if the application is granted during the period beginning with 1 July 2024 and ending with the close of 30 June 2025; and
 - (iv) \$45,900 per year if the application is granted on or after 1 July 2025:
- (c) for a single applicant with 2 dependent children, or an applicant with a spouse or partner and 1 dependent child,—
- (i) \$62,381 per year if the application is granted during the period beginning with 1 January 2023 and ending with the close of 30 June 2023; and
 - (ii) \$63,567 per year if the application is granted during the period beginning with 1 July 2023 and ending with the close of 30 June 2024; and
 - (iii) \$64,775 per year if the application is granted during the period beginning with 1 July 2024 and ending with the close of 30 June 2025; and
 - (iv) \$66,005 per year if the application is granted on or after 1 July 2025:
- (d) for a single applicant with 3 dependent children, or an applicant with a spouse or partner and 2 dependent children,—
- (i) \$70,888 per year if the application is granted during the period beginning with 1 January 2023 and ending with the close of 30 June 2023; and

- (ii) \$72,235 per year if the application is granted during the period beginning with 1 July 2023 and ending with the close of 30 June 2024; and
 - (iii) \$73,608 per year if the application is granted during the period beginning with 1 July 2024 and ending with the close of 30 June 2025; and
 - (iv) \$75,006 per year if the application is granted on or after 1 July 2025:
 - (e) for a single applicant with 4 dependent children, or an applicant with a spouse or partner and 3 dependent children,—
 - (i) \$79,214 per year if the application is granted during the period beginning with 1 January 2023 and ending with the close of 30 June 2023; and
 - (ii) \$80,719 per year if the application is granted during the period beginning with 1 July 2023 and ending with the close of 30 June 2024; and
 - (iii) \$82,253 per year if the application is granted during the period beginning with 1 July 2024 and ending with the close of 30 June 2025; and
 - (iv) \$83,816 per year if the application is granted on or after 1 July 2025:
 - (f) for a single applicant with 5 dependent children, or an applicant with a spouse or partner and 4 dependent children,—
 - (i) \$88,552 per year if the application is granted during the period beginning with 1 January 2023 and ending with the close of 30 June 2023; and
 - (ii) \$90,235 per year if the application is granted during the period beginning with 1 July 2023 and ending with the close of 30 June 2024; and
 - (iii) \$91,949 per year if the application is granted during the period beginning with 1 July 2024 and ending with the close of 30 June 2025; and
 - (iv) \$93,696 per year if the application is granted on or after 1 July 2025.
- (2) If a single applicant has more than 5 dependent children, or an applicant has a spouse or partner and more than 4 dependent children, the maximum level of income per year for that applicant is calculated by adding \$8,192 for each additional child to the amount specified in subclause (1)(f)(i), (ii), (iii), or (iv), as relevant.

7 Regulation 9A replaced (User charge)

Replace regulation 9A with:

9A User charge

- (1) For the purposes of section 18A of the Act, the amount of the user charge is,—
 - (a) before 1 January 2023, \$43.48; and
 - (b) on and after 1 January 2023, \$0.00.
- (2) Any user charge payable before 1 January 2023 and unpaid as of that date remains payable.

8 Regulation 14 replaced (Interest rate)

Replace regulation 14 with:

14 Interest rate

- (1) For the purposes of section 40 of the Act, interest is payable any time before 1 January 2023 at the rate that, at that time, is the default public sector discount rate published by the Treasury as a percentage.
- (2) For the purposes of section 40 of the Act, interest is payable any time on or after 1 January 2023 at the rate of 0.00%.
- (3) Any interest accrued on a legal aid debt before 1 January 2023 and unpaid as of that date remains payable.

9 New Schedule 1AA inserted

Insert the Schedule 1AA set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

10 Schedule 2 replaced

Replace Schedule 2 with the Schedule 2 set out in Schedule 2 of these regulations.

Schedule 1
New Schedule 1AA inserted

r 9

Schedule 1AA
Transitional, savings, and related provisions

r 3A

Part 1
Provisions relating to Legal Services Amendment Regulations 2022

1 Interpretation

In this Part, **commencement** means the commencement of the Legal Services Amendment Regulations 2022.

2 Maximum amount payable

- (1) This clause applies to an aided person whose legal aid debt was—
 - (a) determined prior to commencement; and
 - (b) not paid prior to commencement.
- (2) The amount of the repayment remains payable on and after commencement.

Schedule 2
Schedule 2 replaced

r 10

Schedule 2
Maximum amount payable based on income

r 12

Part 1

Maximum amount payable by applicant with spouse or partner

Table 1—Maximum amount payable for repayments determined on or after 1 January 2023 and before close of 30 June 2023

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–26,800	0–31,204	0–33,720	0–36,236	0–38,627
1,300	26,801–33,468	31,205–39,004	33,721–42,150	36,237–45,295	38,628–48,315
2,860	33,469–36,236	39,005–41,647	42,151–44,792	45,296–47,938	48,316–50,957
4,420	36,237–38,879	41,648–44,415	44,793–47,434	47,939–50,580	50,958–53,599
5,980	38,880–41,647	44,416–47,057	47,435–50,077	50,581–53,222	53,600–56,242
7,540	41,648–44,289	47,058–49,699	50,078–52,719	53,223–55,864	56,243–58,884
10,000	44,290–45,924	49,700–50,580	52,720–57,751	55,865–64,797	58,885–71,969

Table 2—Maximum amount payable for repayments determined on or after 1 July 2023 and before close of 30 June 2024

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–27,309	0–31,796	0–34,361	0–36,925	0–39,361
1,300	27,310–34,104	31,797–39,745	34,362–42,951	36,926–46,156	39,362–49,233
2,860	34,105–36,925	39,746–42,438	42,952–45,643	46,157–48,848	49,234–51,925
4,420	36,926–39,617	42,439–45,259	45,644–48,336	48,849–51,541	51,926–54,618
5,980	39,618–42,438	45,260–47,951	48,337–51,028	51,542–54,233	54,619–57,310
7,540	42,439–45,130	47,952–50,643	51,029–53,720	54,234–56,926	57,311–60,003
10,000	45,131–46,797	50,644–51,541	53,721–58,849	56,927–66,028	60,004–73,336

Table 3—Maximum amount payable for repayments determined on or after 1 July 2024 and before close of 30 June 2025

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–27,828	0–32,401	0–35,013	0–37,626	0–40,109
1,300	27,829–34,752	32,402–40,501	35,014–43,767	37,627–47,033	40,110–50,168
2,860	34,753–37,626	40,502–43,244	43,768–46,510	47,034–49,777	50,169–52,912
4,420	37,627–40,370	43,245–46,118	46,511–49,254	49,778–52,520	52,913–55,656
5,980	40,371–43,244	46,119–48,862	49,255–51,998	52,521–55,264	55,657–58,399
7,540	43,245–45,988	48,863–51,606	51,999–54,741	55,265–58,007	58,400–61,143
10,000	45,989–47,686	51,607–52,520	54,742–59,967	58,008–67,283	61,144–74,730

Table 4—Maximum amount payable for repayments determined on or after 1 July 2025

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–28,357	0–33,016	0–35,679	0–38,341	0–40,871
1,300	28,358–35,413	33,017–41,270	35,680–44,598	38,342–47,927	40,872–51,122
2,860	35,414–38,341	41,271–44,066	44,599–47,394	47,928–50,722	51,123–53,917
4,420	38,342–41,137	44,067–46,995	47,395–50,190	50,723–53,518	53,918–56,713
5,980	41,138–44,066	46,996–49,790	50,191–52,986	53,519–56,314	56,714–59,509
7,540	44,067–46,862	49,791–52,586	52,987–55,781	56,315–59,109	59,510–62,305
10,000	46,863–48,592	52,587–53,518	55,782–61,106	59,110–68,561	62,306–76,150

Part 2

Maximum amount payable by single applicant

Table 1—Maximum amount payable for repayments determined on or after 1 January 2023 and before close of 30 June 2023

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–16,734	0–31,078	0–33,720	0–36,236	0–38,627
1,300	16,735–20,886	31,079–38,879	33,721–42,024	36,237–45,170	38,628–48,189
2,860	20,887–23,277	38,880–39,759	42,025–42,905	45,171–45,924	48,190–49,070
4,420	23,278–25,542	39,760–40,640	42,906–43,660	45,925–46,805	49,071–49,825
5,980	25,543–27,932	40,641–41,395	43,661–44,540	46,806–47,560	49,826–50,706
7,540	27,933–30,323	41,396–42,276	44,541–45,295	47,561–48,441	50,707–51,461
10,000	30,324–32,084	42,277–43,408	45,296–50,580	48,442–57,751	51,462–64,797

Table 2—Maximum amount payable for repayments determined on or after 1 July 2023 and before close of 30 June 2024

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–17,052	0–31,668	0–34,361	0–36,925	0–39,361
1,300	17,053–21,283	31,669–39,617	34,362–42,823	36,926–46,028	39,362–49,105
2,860	21,284–23,719	39,618–40,515	42,824–43,720	46,029–46,797	49,106–50,002
4,420	23,720–26,027	40,516–41,412	43,721–44,489	46,798–47,695	50,003–50,772
5,980	26,028–28,463	41,413–42,181	44,490–45,387	47,696–48,464	50,773–51,669
7,540	28,464–30,899	42,182–43,079	45,388–46,156	48,465–49,361	51,670–52,438
10,000	30,900–32,694	43,080–44,233	46,157–51,541	49,362–58,849	52,439–66,028

Table 3—Maximum amount payable for repayments determined on or after 1 July 2024 and before close of 30 June 2025

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–17,376	0–32,270	0–35,013	0–37,626	0–40,109
1,300	17,377–21,688	32,271–40,370	35,014–43,636	37,627–46,902	40,110–50,038
2,860	21,689–24,170	40,371–41,285	43,637–44,551	46,903–47,686	50,039–50,952
4,420	24,171–26,521	41,286–42,199	44,552–45,335	47,687–48,601	50,953–51,736
5,980	26,522–29,004	42,200–42,983	45,336–46,249	48,602–49,385	51,737–52,651
7,540	29,005–31,486	42,984–43,897	46,250–47,033	49,386–50,299	52,652–53,435
10,000	31,487–33,315	43,898–45,073	47,034–52,520	50,300–59,967	53,436–67,283

Table 4—Maximum amount payable for repayments determined on or after 1 July 2025

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–17,706	0–32,883	0–35,679	0–38,341	0–40,871
1,300	17,707–22,100	32,884–41,137	35,680–44,465	38,342–47,793	40,872–50,989
2,860	22,101–24,629	41,138–42,069	44,466–45,397	47,794–48,592	50,990–51,920
4,420	24,630–27,025	42,070–43,001	45,398–46,196	48,593–49,524	51,921–52,719
5,980	27,026–29,555	43,002–43,800	46,197–47,128	49,525–50,323	52,720–53,651
7,540	29,556–32,084	43,801–44,732	47,129–47,927	50,324–51,255	53,652–54,450
10,000	32,085–33,948	44,733–45,929	47,928–53,518	51,256–61,106	54,451–68,561

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 2023, amend the Legal Services Regulations 2011. These regulations—

- increase eligibility for legal aid by raising the income thresholds for civil legal aid and by raising the legal aid debt repayment thresholds based on income:
- reduce the user charge from \$43.48 to \$0.00:
- reduce the interest rate payable on legal aid debt to 0.00%.

Regulatory impact statement

The Ministry of Justice produced a regulatory impact statement on 10 June 2022 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry of Justice.