

1971/182

THE COURTS MARTIAL APPEALS (LEGAL AID AND EXPENSES) REGULATIONS 1961, AMENDMENT NO. 1

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of August 1971

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Courts Martial Appeals Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title—These regulations may be cited as the Courts Martial Appeals (Legal Aid and Expenses) Regulations 1961, Amendment No. 1, and shall be read together with and deemed part of the Courts Martial Appeals (Legal Aid and Expenses) Regulations 1961* (hereinafter referred to as the principal regulations).

2. Fees and expenses of assigned practitioners—Regulation 3 of the principal regulations is hereby amended by inserting in subclause (1), after the word “fees”, the words “and expenses”.

3. Payment of witnesses—Regulation 9 of the principal regulations is hereby amended by omitting the words “the Witnesses and Interpreters Fees Regulations 1959”, and substituting the words “the Witnesses and Interpreters Fees Regulations 1969”†.

4. Payments to members of the armed forces—Regulation 11 of the principal regulations is hereby amended by omitting the word “Members”, and substituting the words “Regular members”.

5. Schedule—The principal regulations are hereby amended by revoking the Schedule, and substituting the following Schedule:

*S.R. 1961/65

†S.R. 1969/5

“SCHEDULE

Reg. 3 (1)

FEES AND EXPENSES OF ASSIGNED PRACTITIONERS

Part I—Fees in Proceedings in Courts Martial Appeal Court

	\$	c
1. Preparation on appeal against conviction, for each hour	8.00	
2. Appearance on appeal against conviction, for each half-day or part of a half-day	50.00	
3. Where a solicitor and counsel are both assigned, solicitor's fee for preparation only, for each hour	8.00	
4. For any other matter, for each hour	8.00	

Part II—Travelling Expenses

1. The following travelling expenses will be allowed where a practitioner is required in pursuance of an assignment to travel more than 3 miles from his usual place of business:

- (a) Fares paid for public transport, subject to the production of receipts for fares exceeding \$1 and not fixed by law or readily ascertainable:
- (b) Car allowance at 10c a mile each way where a private car is used:
- (c) Subsistence expenses reasonably incurred by him during the period of his absence from his residence, subject to the production of a receipt for any item in excess of \$1, plus a sum of 25c per day or part of a day:
- (d) The cost paid for hiring a rental car, if that cost together with subsistence expenses under this Part of this Schedule and the special allowance provided for in Part III of this Schedule does not exceed the total of the fares, subsistence expenses, and special allowance that would have been payable if public transport had been used.

Part III—Special Allowance for Travelling Time

A special allowance at the rate of \$6 for each hour occupied on any day in travelling in pursuance of an assignment will be allowed to a practitioner, in addition to the travelling expenses provided in Part II of this Schedule:

Provided that such special allowance shall not be payable in addition to any other payment for preparation or otherwise in respect of the same time.”

P. J. BROOKS,
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 revise the fees and expenses that are payable to law practitioners assigned to appellants in cases before the Courts Martial Appeal Court.

The regulations also provide that regular members of the armed forces shall receive pay, allowances, and expenses as if on official business, when they are attending the Courts Martial Appeal Court as counsel, interpreters, or witnesses.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 September 1971.

These regulations are administered in the Ministry of Defence.