

1986/87



**THE COURTS MARTIAL APPEALS (LEGAL AID AND EXPENSES)
REGULATIONS 1961, AMENDMENT NO. 4**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 28th day of April 1986

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 16 (3) of 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 and commencement—(1) These regulations may be cited as the Courts Martial Appeals (Legal Aid and Expenses) Regulations 1961, Amendment No. 4, 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) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Application of regulations—These regulations shall apply to all work done on and after the 1st day of April 1985 by any solicitor or counsel assigned to an appellant under the Act.

*S.R. 1961/65
Amendment No. 1: S.R. 1971/182
Amendment No. 2: (*Revoked by S.R. 1978/202*)
Amendment No. 3: S.R. 1978/202

3. Fees and expenses of assigned practitioners—The principal regulations are hereby amended by revoking the Schedule (as substituted by regulation 2 of the Courts Martial Appeals (Legal Aid and Expenses) Regulations 1961, Amendment No. 3), and substituting the Schedule set out in the Schedule to these regulations.

4. Revocation—The Courts Martial Appeals (Legal Aid and Expenses) Regulations 1961, Amendment No. 3 is hereby revoked.

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SCHEDULE

NEW SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 3

“SCHEDULE

FEES AND EXPENSES OF ASSIGNED PRACTITIONERS

Part I: Fees in Proceedings in Courts Martial Appeal Court

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1. Preparation on appeal against conviction, for each hour ..	52.25
2. Appearance on appeal against conviction, for each half-day or part of a half-day	196.00
3. Where a solicitor and counsel are both assigned, solicitor's fee for preparation only, for each hour	52.25
4. For any other matter, for each hour	52.25

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 5 kilometres from the practitioner's usual place of business:

- (a) Fares paid for public transport subject to the production of receipts for fares exceeding \$12.25 and not fixed by law or readily ascertainable:
- (b) Car allowance, where a private car is used, at the rate from time to time prescribed by the State Services Commission as payable to employees of the Public Service:
- (c) Subsistence expenses reasonably incurred by the practitioner during the period of absence from home, subject to the production of a receipt for any item in excess of \$12.25, plus an incidentals allowance for each day or part of a day, at the rate prescribed by the State Services Commission as payable to employees of the Public Service:
- (d) The cost paid for hiring a rental car:

Provided that the amount allowed in respect of that cost, together with subsistence expenses under this Part of this Schedule and the special allowance provided for in Part III of this Schedule, shall not exceed the total of the fares, subsistence expenses, and special allowance that would have been payable if public transport had been used.

SCHEDULE—*continued**Part III: Special Allowance for Travelling Time*

A special allowance at the rate of \$39.00 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. G. MILLEN,
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.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 May 1986.

These regulations are administered in the Ministry of Defence.