



THE LEGAL AID REGULATIONS 1970, AMENDMENT NO. 13

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 4th day of May 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 38 of the Legal Aid Act 1969, 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 Legal Aid Regulations 1970, Amendment No. 13, and shall be read together with and deemed part of the Legal Aid Regulations 1970* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

*S.R. 1970/49

- Amendment No. 1: S.R. 1972/127
- Amendment No. 2: S.R. 1974/312
- Amendment No. 3: S.R. 1980/53
- Amendment No. 4: S.R. 1980/273
- Amendment No. 5: (Revoked by S.R. 1982/269)
- Amendment No. 6: (Revoked by S.R. 1983/104)
- Amendment No. 7: (Revoked by S.R. 1981/39)
- Amendment No. 8: (Revoked by S.R. 1985/17)
- Amendment No. 9: (Revoked by S.R. 1985/182)
- Amendment No. 10: (Revoked by S.R. 1986/8)
- Amendment No. 11: (Revoked by S.R. 1986/72)
- Amendment No. 12: S.R. 1986/72

2. Applications to be made in correct district—Regulation 5 of the principal Act is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) Any person not living in New Zealand may apply for legal aid to the secretary to the District Committee for the legal aid district in which the proceedings are to be held.”

3. Decision of committee—Regulation 13(1) of the principal regulations (as substituted by regulation 2 of the Legal Aid Regulations 1970, Amendment No. 3) is hereby amended by revoking paragraph (a), and substituting the following paragraph:

“(a) Of its decision, including—

“(i) The amount of the contribution (if any) that must be paid by the applicant to the Crown; and

“(ii) The maximum sum (if any) fixed by the Committee to be paid by the Crown for legal aid in respect of the proceedings to which the application relates; and”.

4. Procedure where applicant a non-resident—(1) The principal regulations are hereby amended by revoking regulation 13A (as inserted by regulation 4 of the Legal Aid Regulations 1970, Amendment No. 1).

(2) Regulation 4 of the Legal Aid Regulations 1970, Amendment No. 1 is hereby consequentially revoked.

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.

The regulations are consequential upon the enactment of the Legal Aid Amendment Act (No. 2) 1986. That Act changed the procedure for dealing with applications for legal aid made by or on behalf of persons who, at the time of the application, are not in New Zealand. Previously such applications were addressed to the Secretary for Justice, referred by the Secretary to a District Legal Aid Committee for consideration and recommendation, and finally determined by the Minister of Justice.

The effect of the amending Act, and these regulations, is for all such applications to be dealt with by the District Legal Aid Committee for the district in which the proceedings are to be held, in the same way as applications made by or on behalf of people who are in New Zealand at the time of their applications.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 May 1987.

These regulations are administered in the Department of Justice.