



**THE LEGAL SERVICES REGULATIONS 1991,
AMENDMENT NO. 4**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of June 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Legal Services Act 1991, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Further requirements relating to applications involving domestic violence proceedings 4. Applications by minors and mentally disordered persons 5. Decision of subcommittee 6. Further requirements relating to applications for interim civil legal aid | | <ol style="list-style-type: none"> involving domestic violence proceedings 7. Amendment of determination where error or mistake made 8. Notification of charge 9. Claims for remuneration 10. First Schedule amended 11. Second Schedule amended Schedule |
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REGULATIONS

1. Title and commencement—These regulations may be cited as the Legal Services Regulations 1991, Amendment No. 4, and shall be read together with and deemed part of the Legal Services Regulations 1991* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of July 1996.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the term “Court”, the following definition:

“ ‘Domestic violence proceedings’ has the meaning given to that term by section 49B (1) of the Act:”.

3. Further requirements relating to applications involving domestic violence proceedings—(1) The principal regulations are hereby amended by inserting, after regulation 19, the following regulation:

“19A. (1) Where an application for civil legal aid is made in connection with any proceedings under the Domestic Violence Act 1995 (whether or not aid is also sought in connection with any other proceedings), the applicant shall state in the application whether, in relation to the applicant, those proceedings are domestic violence proceedings.

“(2) Where an application for civil legal aid is made in connection with both domestic violence proceedings and other proceedings, the written estimate required by section 23 of the Act to accompany the application shall specify, as a separate amount, the likely cost of the services in respect of which aid is sought in connection with the domestic violence proceedings.”

4. Applications by minors and mentally disordered persons—Regulation 20 of the principal regulations is hereby amended by inserting in subclauses (1) and (2), in each case after the expression “sections 64 to 66 of the Act”, the expression “and to section 69A of the Act”.

5. Decision of subcommittee—Regulation 25 (2) (a) of the principal regulations is hereby amended by inserting, after subparagraph (i), the following subparagraph:

“(ia) Any apportionment that has been made under section 49B (1) of the Act, and the reasons for the apportionment; and”.

6. Further requirements relating to applications for interim civil legal aid involving domestic violence proceedings—The principal regulations are hereby amended by inserting, after regulation 29, the following regulation:

“29A. (1) Where an application for interim civil legal aid is made in connection with any proceedings under the Domestic Violence Act 1995 (whether or not interim aid is also sought in connection with any other proceedings), the applicant shall state in the application whether, in relation to the applicant, those proceedings are domestic violence proceedings.

*S.R. 1991/295

Amendment No. 1: S.R. 1992/125

Amendment No. 2: S.R. 1993/255

Amendment No. 3: S.R. 1995/24

“(2) Where an application for interim civil legal aid is made in connection with both domestic violence proceedings and other proceedings, the written estimate required by section 23 of the Act to accompany the application shall specify, as a separate amount, the likely cost of the services in respect of which aid is sought in connection with the domestic violence proceedings.”

7. Amendment of determination where error or mistake made—Regulation 32 (1) (c) of the principal regulations is hereby amended by inserting, after the word “estimate”, the words “, or in any apportionment made under section 49B (1) of the Act,”.

8. Notification of charge—Regulation 41 of the principal regulations is hereby amended by omitting the words “a form approved by the Board”, and substituting the expression “form 3”.

9. Claims for remuneration—(1) Regulation 49 (b) of the principal regulations is hereby amended by adding the expression “; and”.

(2) Regulation 49 of the principal regulations is hereby amended by adding the following paragraph:

“(c) Where the grant of civil legal aid relates, in part, to domestic violence proceedings, a statement of the proportion of the sum claimed that relates only to those proceedings.”

10. First Schedule amended—The First Schedule to the principal regulations is hereby amended by revoking form 3, and substituting the form 3 set out in the Schedule to these regulations.

11. Second Schedule amended—Part II of the Second Schedule to the principal regulations is hereby amended by revoking item C relating to the Domestic Protection Act 1982, and substituting the following item:

“C. *Proceedings Under the Domestic Violence Act 1995*

1. Application for protection order (section 7).
 2. Application for occupation order (section 52).
 3. Application for tenancy order (section 56).
 4. Application for ancillary furniture order (section 62).
 5. Application for furniture order (section 66).”
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Reg. 10

SCHEDULE
NEW FORM 3 SUBSTITUTED

Regs. 41, 50

“Form 3

NOTIFICATION OF AMOUNT OF CLAIM AND CHARGE

Section 81, Legal Services Act 1991

To: [Full Name of Aided Person]
Of: [Address]

You were granted civil legal aid on [Insert date] in respect of [State proceedings in respect of which aid was granted] for \$..... [State amount of grant. Where grant relates, in part, to domestic violence proceedings, and an apportionment is made under section 49B of the Act, state for each proceeding the amount apportioned].

- 1. Your lawyer, [Insert Name], has made a claim for payment in respect of those proceedings. The District Subcommittee has approved the payment of \$..... [State amount] in respect of that claim (*which comprises \$..... [State amount] for domestic violence proceedings and \$..... [State amount] for the other proceedings).
- *2. The District Subcommittee has also determined that [Identify property subject to charge] shall be subject to a charge of \$..... [State amount of charge] in favour of the Legal Services Board. This means that you cannot sell or dispose of this property without payment of the amount due to the Board.

[Where aid is granted in respect of both domestic violence proceedings and other proceedings and, in calculating the amount of the charge, the Subcommittee has made a determination pursuant to section 49B (2) of the Act, set out the reasons for that determination].

You have a right to appeal to the Legal Aid Review Authority against the District Subcommittee’s decision to impose the charge. That appeal must be lodged within 20 working days of the date of this notice, unless an extension of that period is granted by the Legal Aid Review Authority.

You can ask for the charge to be transferred to other property or to pay the amount due by instalments. If the District Subcommittee agrees to do either of these it can impose conditions.

.....
Member of District Subcommittee

.....
Date

*Delete if inapplicable.

IF YOU NEED HELP OR FURTHER INFORMATION ABOUT THIS NOTICE, YOU SHOULD TALK TO YOUR LAWYER AS SOON AS POSSIBLE.

MARIE SHROFF,
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 July 1996, amend the Legal Services Regulations 1991. The amendments are consequential on the enactment of the Legal Services Amendment Act 1995. The amendments relate to the application for, and grant of, civil legal aid in respect of domestic violence proceedings under the Domestic Violence Act 1995.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 13 June 1996.
These regulations are administered in the Ministry of Justice.