

**Reprint
as at 1 July 2011**



Legal Services Amendment Regulations 2008

(SR 2008/345)

Legal Services Amendment Regulations 2008: revoked, on 1 July 2011, pursuant to section 146 of the Legal Services Act 2011 (2011 No 4).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 29th day of September 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 113 of the Legal Services Act 2000, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

		Page
1	Title	2
2	Commencement	2

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Justice.

3	Principal regulations amended	2
4	New regulation 5 substituted	2
5	Legal aid for civil matters: maximum levels of income	2
5	New Schedule 2 substituted	3
6	Revocation	3
	Schedule	4
	New Schedule 2 substituted	

Regulations

1 Title

These regulations are the Legal Services Amendment Regulations 2008.

2 Commencement

These regulations come into force on 1 November 2008.

3 Principal regulations amended

These regulations amend the Legal Services Regulations 2006.

4 New regulation 5 substituted

Regulation 5 is revoked and the following regulation substituted:

“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) \$22,366 per year for a single applicant:

“(b) \$35,420 per year for an applicant with—

“(i) a spouse or partner; or

“(ii) 1 dependent child:

“(c) \$50,934 per year for an applicant with—

“(i) a spouse or partner, and 1 dependent child; or

“(ii) 2 dependent children:

“(d) \$57,880 per year for an applicant with—

“(i) a spouse or partner, and 2 dependent children; or

“(ii) 3 dependent children:

- “(e) \$64,678 per year for an applicant with—
 - “(i) a spouse or partner, and 3 dependent children; or
 - “(ii) 4 dependent children:
- “(f) \$72,302 per year for an applicant with—
 - “(i) a spouse or partner, and 4 dependent children; or
 - “(ii) 5 dependent children.
- “(2) If an applicant has more than 5 dependent children, or has a spouse or partner and more than 4 dependent children, the maximum level of income for that applicant is calculated by adding to the amount specified in subclause (1)(f) a further \$6,689 for each additional child.”

5 New Schedule 2 substituted

Schedule 2 is revoked and the Schedule 2 set out in the Schedule of these regulations is substituted.

6 Revocation

The Legal Services Amendment Regulations 2006 (SR 2006/355) are revoked.

Schedule
New Schedule 2 substituted
Schedule 2

r 5

r 12

Maximum amount payable based on income

Table 1

Maximum amount payable by applicant with spouse or partner

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–23,004	0–26,784	0–28,944	0–31,104	0–33,156
1,300	23,005–28,728	26,785–33,480	28,945–36,180	31,105–38,880	33,157–41,472
2,860	28,729–31,104	33,481–35,748	36,181–38,448	38,881–41,148	41,473–43,740
4,420	31,105–33,372	35,749–38,124	38,449–40,716	41,149–43,416	43,741–46,008
5,980	33,373–35,748	38,125–40,392	40,717–42,984	43,417–45,684	46,009–48,276
7,540	35,749–38,016	40,393–42,660	42,985–45,252	45,685–47,952	48,277–50,544
10,000	38,017–39,420	42,661–43,416	45,253–49,572	47,953–55,620	50,545–61,776

Schedule

Legal Services Amendment Regulations 2008

Reprinted as at
1 July 2011

Schedule 2—*continued*

Table 2
Maximum amount payable by single applicant

Maximum amount payable based on income (\$)	Income thresholds				
	No children (\$)	1 child (\$)	2 children (\$)	3 children (\$)	4+ children (\$)
0	0–14,364	0–26,676	0–28,944	0–31,104	0–33,156
1,300	14,365–17,928	26,677–33,372	28,945–36,072	31,105–38,772	33,157–41,364
2,860	17,929–19,980	33,373–34,128	36,073–36,828	38,773–39,420	41,365–42,120
4,420	19,981–21,924	34,129–34,884	36,829–37,476	39,421–40,176	42,121–42,768
5,980	21,925–23,976	34,885–35,532	37,477–38,232	40,177–40,824	42,769–43,524
7,540	23,977–26,028	35,533–36,288	38,233–38,880	40,825–41,580	43,525–44,172
10,000	26,029–27,540	36,289–37,260	38,881–43,416	41,581–49,572	44,173–55,620

Reprinted as at
 1 July 2011

Legal Services Amendment Regulations 2008

Schedule

Rebecca Kitteridge,
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 November 2008, amend the Legal Services Regulations 2006.

These regulations—

- replace regulation 5, which sets out the maximum levels of income for the purposes of determining legal aid eligibility for civil matters;
- replace Schedule 2;
- revoke the Legal Services Amendment Regulations 2006, which had previously replaced Schedule 2 of the Legal Services Regulations 2006.

The effect of the first 2 amendments is that, when these regulations come into force, the eligibility and repayment thresholds for legal aid will correspond again to the thresholds for entitlement to Community Service Cards, following increases in benefit levels effective as at 1 April 2008.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 October 2008.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Legal Services Amendment Regulations 2008. The reprint incorporates all the amendments to the regulations as at 1 July 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Legal Services Act 2011 (2011 No 4): section 146
