

he may require. In the event of the licensee at any time desiring to make alterations to the work involving a departure from the type of construction shown on the approved plans it shall submit for the Minister's approval plans showing such type of construction as it is proposed to adopt, and with such approval the alterations may be carried out.

80. The charge to be made by the licensee for the sale or supply of electricity in pursuance of this license shall not exceed 1s. per unit for light and 6d. per unit for power. A refund of 3d. per unit for light and 2d. per unit for power shall be given if accounts are paid within fourteen days from the date of rendering such accounts by the licensee.

J. F. ANDREWS,  
Clerk of the Executive Council

*Making Regulations under the Justices of the Peace Amendment Act, 1912, relating to the Defence of Prisoners.*

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Auckland, this twenty-ninth day of April, 1913.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by section five of the Justices of the Peace Amendment Act, 1912, it is enacted that the Governor may from time to time by Order in Council make such regulations as he deems necessary for giving effect to the said Act :

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance of the powers conferred upon him by section five of the Justices of the Peace Amendment Act, 1912, and acting by and with the consent of the Executive Council of the said Dominion, doth hereby make the regulations set out hereunder, and doth declare that such regulations shall come into force on the date of the publication thereof in the *New Zealand Gazette*.

#### REGULATIONS.

1. BEFORE the Justices or Magistrate on the hearing of a charge of an indictable offence under Part IV of the Justices of the Peace Act, 1908, shall grant any certificate under the provisions of the 2nd section of the Justices of the Peace Amendment Act, 1912 (in these regulations referred to as "the said Act"), they or he shall satisfy themselves or himself as to the following matters:—

(a.) That the accused person applying for such certificate appears to have a defence which may reasonably and properly be set up upon his trial.

The Justices or Magistrate may be so satisfied—

- (1.) By statements made by the accused person on the hearing of the charge, or on an application made pursuant to these regulations for such certificate immediately after such hearing;
- (2.) By evidence called by the accused person on the hearing of the charge;
- (3.) By questions asked by the accused person or by his solicitor or counsel upon cross-examination of the witnesses for the prosecution or some or one of them;
- (4.) In certain cases in which the interests of justice seem to require it (e.g., in cases of doubtful identification of the accused person, or uncorroborated or weakly corroborated evidence upon a material matter) by matter appearing upon the face of the depositions of the witnesses for the prosecution.
- (b.) That, having regard to the nature of the defence disclosed by such accused person, it is desirable in the interests of justice that he should have legal aid in the preparation and conduct of the defence so disclosed by him.
- (c.) That the means of such accused person are insufficient to enable him to obtain such legal aid.

The means of an accused person are not insufficient to enable him to obtain legal aid in the preparation and conduct of his defence—

- (1.) If he is able to borrow money for that purpose, or to obtain such money from his relatives or friends.
- (2.) If he is able to procure such legal aid without prepayment of the costs thereof.

2. Every application to the Justices or Magistrate for a certificate under the said Act and the last preceding regulation shall be made to the Justices or Magistrate immediately after they or he have or has intimated to the prisoner their or his determination to commit him for trial.

3. Such application may, upon the application of the accused person and if the Justices or Magistrate shall so think fit, be heard by the Justices or Magistrate in private.

The inquiry into the means of the accused person shall in all cases be made before the Justices or Magistrate in private.

If in the proceedings before the Justices or Magistrate the accused person has been represented by solicitor or counsel, the Justices or Magistrate shall make exhaustive inquiry into the conditions upon which he has been so represented. The fact that he has been so represented shall be treated by the Justices or Magistrate as *prima facie* evidence that the accused person is not without means within the meaning of these regulations.

4. If upon the hearing under the last regulation of such application the Justices or Magistrate shall grant such certificate to the accused person, the grounds upon which such certificate shall be granted shall be taken down in writing by the Justices or Magistrate, and shall be signed by the accused person, and shall be enclosed in a sealed envelope addressed by the Justices or Magistrate to the presiding Judge of the Court to which the prisoner shall be committed for trial. Except as is provided by this regulation, such grounds shall not be disclosed before the trial of the prisoner, but at the trial such grounds shall be disclosed to counsel for the Crown, and may be put in evidence against such accused person.

5. Every certificate of the Justices or Magistrate under the said Act and these regulations shall be in the form in the First Schedule hereto, and shall be in duplicate.

6. One of such certificates shall be forthwith transmitted by the Justices or Magistrate to the Minister and the other to the Registrar of the Court to which the accused person is committed for trial.

7. Every application under the 3rd section of the said Act made by a person accused of an indictable offence before his trial to the Judge of the Supreme Court before whom such trial is to be held shall be in writing, and shall be addressed to such Judge, and shall be lodged with the Registrar of the Court. If the accused person so desires it such application may be enclosed in a sealed envelope.

8. Every such application under the 3rd section of the said Act shall state fully and clearly the following matters:—

- (1.) The nature of the defence which the prisoner intends to set up upon his trial;
- (2.) Whether such defence was or was not disclosed in accordance with these regulations to the Justices or Magistrate by whom such accused person was committed for trial;
- (3.) Whether such accused person did or did not apply to such Justices or Magistrate for a certificate under the 2nd section of the said Act in accordance with the foregoing regulations;
- (4.) If such defence was not so disclosed, the reason why it was not so disclosed;
- (5.) If the accused person did not apply to the Justices or Magistrate for such certificate, the reason why he did not so apply;
- (6.) That the means of such accused person are insufficient to enable him to obtain legal aid in the preparation and conduct of his defence.

8A. The Judge may, if he so thinks fit, refer any such application to the committing Justices or Magistrate, or to any other Justices or Magistrate to make the same inquiries as the committing Justices or Magistrate would have been required to make if the application had been in the first instance made to the committing Justices or Magistrate, and to report to him thereon. If the accused person is in the custody of the Gaoler, then the Gaoler shall when required so to do by the Justices or Magistrate and with the consent of such accused person produce him at the time and place appointed by such Justices or Magistrate to enable him to be present on the making of such inquiries.

9. Immediately upon the receipt by the Registrar of the certificate of the Justices or Magistrate in accordance with Regulation 6, or at any time thereafter, or immediately upon the direction of the Judge under the 3rd section of the said Act that counsel shall be provided to assist any accused person in the preparation and conduct of his defence, the Judge may name some duly qualified person to be chosen by him from a list of such persons to be made and kept by the Registrar as hereinafter is provided, or if there shall be no such list, or none of the persons therein named shall be willing to act for the accused person, then some other duly qualified person, to be named by the Judge, to act as counsel for such accused person. It shall be the duty of the Registrar to immediately notify the Minister of any nomination made under this regulation.

10. The Registrar of every Registry of the Supreme Court shall request the Council of the District Law Society of the district wherein such Registry is situated from time to time to ascertain and to forward to him the names of persons who, in the opinion of such Council, are fit and proper persons to act and who are qualified and willing to act as counsel for accused persons under these regulations. Every such list