

V. ASSIGNMENT OF DEFENDING PRACTITIONER.

23. Every Registrar receiving from Justices a certificate under these regulations shall forthwith place the same before a Judge.

24. The Judge before whom any certificate of the Justices is laid or any Judge directing that defence be provided may name any person for that purpose from the list aforesaid, or if there shall be no such list or if none of the persons therein named shall be willing to act then he may name some other qualified person for that purpose.

25. The Registrar shall immediately notify the Minister of any nomination made under the last preceding regulation.

26. If at any time it is made to appear to the Minister that an accused person has sufficient means to enable him to obtain legal aid in the preparation and conduct of his defence, the Minister may direct that no legal aid or (as the case may be) no further legal aid be afforded to such accused person under these regulations, and on the communication of such direction to the Registrar no nomination under these regulations shall be made or if made shall have any further effect, and on the communication of such direction to the person nominated such person shall not be entitled to fees under these regulations for any appearance work or matter subsequent to the communication to him of such direction.

VI. ALLOWANCES TO DEFENDING PRACTITIONERS.

27. Except as hereinafter provided every person appointed under these regulations to defend any accused person will be granted an inclusive allowance of the same amount as the fee from time to time prescribed by the Crown Legal Business Regulations, 1932, as being payable to the Crown Solicitor as counsel on the prosecution of the same person on the same charge (but without reference to any fee allowed to a Crown Solicitor as solicitor for preparing an indictment or other matter).

28. Every person appointed under these regulations to defend any accused person on a charge punishable by sentence of death will be granted an inclusive allowance of £5 5s. for each day occupied at the trial and a like allowance of £5 5s. for each full day (not exceeding 5 days in all) occupied in preparing for trial.

29. The allowances payable under these regulations shall be deemed to cover all charges for the issue of subpoenas, the procuring and issue of process to bring up witnesses in custody, and all other proceedings or preparation connected with or incidental to the trial.

30. Allowances in a case reserved for the consideration of the Court of Appeal, or on an application for a new trial or an appeal against sentence, shall be such as shall be fixed by the Minister in each case.

31. Except as provided in the next succeeding regulation no person appointed under these regulations shall, whether in the capacity of barrister or in the capacity of solicitor, and whether from the accused person or any other person, and whether directly or indirectly receive any fee or remuneration or any contract or promise to pay any fee or remuneration in respect of his services in the defence of such accused person.

32. Nevertheless the Judge may on application made to him in writing signed by the practitioner and upon full disclosure of all facts connected therewith allow any fee or remuneration specified by the Judge to be received by any person in respect of his services in the defence of an accused person.

33. Any person receiving any fee or remuneration in breach of Regulation 31 hereof shall thereafter be disqualified from nomination under these regulations until on the recommendation of a District Law Society a Judge has directed that such disqualification be removed.

VII. DISBURSEMENTS.

34. In addition to the foregoing fees payment may be made of all disbursements reasonably and properly incurred and certified by the Registrar as having been so incurred for the purposes of trial.

35. To every accused person to whom legal aid has been extended under these regulations there shall be supplied without charge one copy of the depositions under which such accused person has been committed for trial unless a copy thereof has already been so supplied pursuant to an order of a Justice made under section 168 of the said Act.

36. No witness for the accused person shall be paid any expenses by the Crown unless the Crown Solicitor certifies that the attendance of such witness was reasonably necessary or that the witness gave material evidence for the defence.

37. In cases where expenses to witnesses are payable such expenses shall be paid according to the scale set out for Supreme Court trials in the Regulations for Payment of Witnesses, 1931.

VIII. PERSONS JOINTLY CHARGED.

38. Where legal aid is extended under these regulations to more persons than one who are jointly charged or indicted, then unless the Justices otherwise recommend and it appears to the Minister that the defence of such persons may conflict and that such persons may properly sever their defences, or unless in the case of an application to a Judge such Judge otherwise directs, only one practitioner shall be assigned, one set of fees be allowed, and one copy of depositions be supplied.

SCHEDULE.

In the matter of _____ an accused person committed for trial at the next sitting of the Supreme Court, upon a charge of _____

WE (or I), the undersigned _____, the committing Justices (or Magistrate) in the prosecution of the above-mentioned _____, do hereby certify to the Honourable the Minister of Justice that after due inquiry we (or I) have satisfied ourselves (or myself) that the above-named accused person has a defence which may reasonably and properly be set up upon his trial; and that we (or I) have further satisfied ourselves (or myself) that from the nature of the defence disclosed by the said 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 the said accused person; and that we (or I) have also satisfied ourselves (or myself) that the means of the said accused person are insufficient to enable him to obtain such legal aid.

As witness our (or my) hands (or hand) this _____ day of _____, 19 _____.

F. D. THOMSON,
Clerk of the Executive Council.

The North-western Side of Portion of Arawa Street in the City of Dunedin exempted from the Provisions of Section 128 of the Public Works Act, 1928, subject to a Condition as to the Building-line.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 28th day of February, 1933.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Act, 1928, and of all other powers in anywise enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the following resolution passed by the Dunedin City Council on the twentieth day of July, one thousand nine hundred and thirty-two, viz. :-

"That the Dunedin City Council, being the local authority having control of the streets in the City of Dunedin, by resolution declares that the provisions of section one hundred and twenty-eight of the Public Works Act, 1928, shall not apply to portion of the north-western side of Arawa Street in the said City of Dunedin where such portion of street abuts on part of Allotment "A," L.T.P. 1375, being parts Sections 1, 2, and 247R, Block III, Anderson's Bay District, as the said portion of street is more particularly shown on the plan annexed hereto and is thereon coloured red to its centre-line";

subject to the condition that no building or part of a building shall at any time be erected on the land fronting the north-western side of the portion of Arawa Street (described in the Schedule hereto) within a distance of thirty-three feet from the centre-line of the said portion of street.

SCHEDULE.

THE north-western side of all that portion of street situated in the Otago Land District, City of Dunedin, known as Arawa Street, fronting parts Sections 1, 2, and 247R, Block III, Anderson's Bay District, being part Lot A on L.T.P. 1375. As the said portion of street is more particularly delineated on the plan marked P.W.D. 85158, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured red.

F. D. THOMSON,
Clerk of the Executive Council.

(P.W. 51/622.)