

The Poor Prisoners' Defence Regulations, 1934.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 14th day of April, 1934.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section five of the Poor Prisoners' Defence Act, 1933 (hereinafter called "the said Act"), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and with the concurrence therein, so far as the regulations hereinafter mentioned amount to rules of procedure in relation to proceedings in the Supreme Court, of the Right Honourable the Chief Justice and of all the other members of the Rules Committee constituted under the Judicature Amendment Act, 1930, doth hereby make the following regulations.

REGULATIONS.

PRELIMINARY.

1. THESE regulations may be cited as "The Poor Prisoners' Defence Regulations, 1934," and shall come into force on the day following the publication hereof in the *Gazette*.
2. The Accused Persons Legal Aid Regulations, 1933, are hereby revoked.
3. In these regulations, if not inconsistent with the context,—
 - "Judge" means a Judge of the Supreme Court exercising the powers of the Court in the place where any sittings for the trial of criminal cases are held at which an accused person is committed to appear or held to bail in that behalf;
 - "Justices" includes a Stipendiary Magistrate exercising the powers of two Justices of the Peace.

LIST OF PRACTITIONERS.

4. Every Registrar of the Supreme Court shall from time to time request the District Law Society of the district in which the Registry is situate to ascertain and forward to him the names of persons who in the opinion of the Society are fit and proper persons to act, and who are qualified and willing to act, under these regulations in the defence of accused persons at the place in which such Registry is situate.
5. The District Law Society may at any time notify names for addition to or removal from such list, and the name of any person may be removed from the list on his own written request to the Registrar.
6. Every such list shall be approved by a Judge exercising the powers of the Court in the district in which such Registry is situate, and any Judge may at any time remove any name therefrom or add any name thereto.

ASSIGNMENT OF COUNSEL BY JUDGE PURSUANT TO DEFENCE CERTIFICATE.

7. Any defence certificate granted by committing Justices in pursuance of section 2 of the said Act shall be in Form A (i) or Form A (ii) in the Schedule hereto, and the certificate shall, as soon as it has been granted, be sent (in duplicate) to the Registrar of the Supreme Court at the place to which the accused person has been committed for trial, who shall forthwith place such certificate before the Judge.

8. Any defence certificate granted by a Judge in pursuance of section 2 of the said Act shall be in Form B (i) or Form B (ii) in the Schedule hereto.

9. The Judge before whom any defence certificate of the Justice is placed as aforesaid, or any Judge by whom a defence certificate has been granted as aforesaid, shall, after taking into consideration any representations made by the accused person, assign to him from the list kept under Regulation 4 hereof a practitioner for the purpose of the preparation and conduct of his defence at the trial; or if there shall be no such list or if none of the persons therein named shall be willing to act then the Judge shall assign some other practitioner for that purpose who is willing to act:

Provided that in cases where the accused person is charged with an offence punishable by sentence of death the Judge may assign any practitioner (whether or not his name appears on the said list) whom the accused person may desire to defend him and who is willing to act.

ASSIGNMENT OF COUNSEL BY PRESIDING JUSTICES PURSUANT TO LEGAL AID CERTIFICATE.

10. Any legal aid certificate granted by Justices in pursuance of section 3 of the said Act shall be in Form C in the Schedule hereto. If the certificate is granted on the ground of "exceptional circumstances" the exceptional circumstances shall be described in the certificate.