



ANALYSIS

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| <p>Title.</p> <p>1. Short Title and commencement.</p> | <p>2. Power of Court to grant legal aid to person charged with or convicted of offence.</p> <p>3. Regulations.</p> <p>4. Repeals and savings.</p> |
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1954, No. 62

Title. AN ACT to make better provision for the grant of legal aid in criminal proceedings. [30 September 1954]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

Short Title and commencement. 1. (1) This Act may be cited as the Offenders Legal Aid Act 1954.

(2) This Act shall come into force on the first day of January, nineteen hundred and fifty-five.

Power of Court to grant legal aid to person charged with or convicted of offence.

2. (1) Any Court having jurisdiction in criminal proceedings may, in respect of any stage of any criminal proceedings and in accordance with this Act, direct that legal aid be granted to any person charged with or convicted of any offence, if in its opinion it is desirable in the interests of justice to do so.

(2) In considering whether to direct the grant of legal aid, the Court shall have regard to—

- (a) The means of the person charged or convicted;
- (b) The gravity of the offence;
- (c) In respect of any appeal, the grounds of the appeal;
- (d) Any other circumstances that in the opinion of the Court are relevant.

1933, No. 40,
ss. 2-4

1945, No. 23,
ss. 10, 13 (2)

1948, No. 77,
ss. 9, 41

(3) Notwithstanding anything in the foregoing provisions of this section, in the case of a person charged with murder the Court shall have regard only to the means of that person, and shall direct that legal aid be granted if in its opinion his means are insufficient to enable him to obtain legal aid.

(4) Any direction given under this section may be in respect of the whole of the expenses of the person charged or convicted or in respect of such part of those expenses as the Court thinks fit.

(5) The power conferred on the Court by this section may be exercised, in accordance with any regulations made under this Act, by any Judge, Magistrate, or Justice.

(6) Where any direction is given under this section, the expenses to which it relates shall, in accordance with the regulations, be paid out of money appropriated for the purpose by Parliament.

3. (1) The Governor-General may from time to time, by Order in Council, make such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act. Regulations.
1933, No. 40,
s. 5

(2) Without limiting the generality of the provisions of subsection one of this section, it is hereby declared that regulations may be made under this section for all or any of the following purposes:

- (a) Prescribing the manner in which applications for legal aid may be made and dealt with:
- (b) Providing for the assignment of counsel to persons to whom legal aid is to be granted, and regulating the manner in which counsel may be assigned:
- (c) Prescribing the amounts payable in respect of legal aid, including the fees payable to counsel and the expenses payable to witnesses.

4. (1) The following enactments are hereby repealed, Repeals and
savings.
namely:

- (a) The Poor Prisoners' Defence Act 1933: 1933, No. 40
- (b) Section ten and subsections two and three of section thirteen of the Criminal Appeal Act 1945: 1945, No. 23
- (c) Sections nine and forty-one of the Statutes Amendment Act 1948: 1948, No. 77

1952, No. 41

(d) So much of the Second Schedule to the Summary Jurisdiction Act 1952 as relates to the Poor Prisoners' Defence Act 1933.

See Reprint
of Statutes,
Vol. VIII,
p. 568

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.
