



Legal Services Amendment Act 2003

Public Act 2003 No 81
Date of assent 21 October 2003
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Legal Services Amendment Act 2003.
- (2) In this Act, the Legal Services Act 2000 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Other situation where legal aid refused or limited: civil matters

Section 10 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

- “(2) Subsection (1) does not apply in respect of—
- “(a) proceedings referred to in that subsection for which a person was granted legal aid before 1 October 1999; or
 - “(b) proceedings specified in section 7(1)(j) to (m).”

4 New section 55A inserted

The principal Act is amended by inserting, after section 55, the following section:

“55A Powers and duties of Convenor of Review Panel on receipt of application for review

- “(1) On receipt of an application for review, the Convenor of the Review Panel—
- “(a) may require the Agency or any person to provide any information relating to the decision or the application for review; and
 - “(b) must assign a team of 1, 2, or 3 members of the Panel to review the decision.
- “(2) The Convenor must include 1 lawyer in every team assigned to a review.”

5 Review of decision by Review Panel

- (1) Section 56 of the principal Act is amended by repealing subsections (1) and (2).
- (2) Section 56 of the principal Act is amended by omitting the words “The team” in both places where they appear, and substituting in each case the words “A team assigned to a review”.

6 New section 62A inserted

The principal Act is amended by inserting, after section 62, the following section:

“62A Delegation by Convenor of Review Panel

- “(1) The Convenor of the Review Panel may delegate any of the Convenor’s functions, duties, and powers to a member of the Panel who the Convenor is satisfied has the capability, skills, and experience to perform and exercise those functions, duties, or powers.
- “(2) A delegation—
- “(a) must be in writing; and
 - “(b) must be to a named person; and

- “(c) is revocable at any time, in writing; and
 - “(d) does not prevent the performance or exercise of a function, duty, or power by the Convenor.
- “(3) A person to whom any functions, duties, or powers are delegated may perform and exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.
- “(4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.”

7 New section 116A inserted

The principal Act is amended by inserting, after section 116, the following section:

“116A Legal aid granted under Legal Aid Act 1969

- “(1) On and after the date on which the Legal Services Amendment Act 2003 comes into force, any application made, or proceedings commenced, under the Legal Aid Act 1969 must, to the extent that the application or proceedings were not dealt with before that date, be continued or completed by the Agency as if the application or proceedings had been made or commenced under this Act.
- “(2) To avoid doubt,—
- “(a) a charge created by the Legal Aid Act 1969 (the **charge**) must be treated as if it were a charge created by section 32; and
 - “(b) the provisions of this Act, so far as they are applicable and with any necessary modifications, apply to the charge and the Agency may, for the purposes of subsection (1),—
 - “(i) transfer the charge in accordance with section 34; and
 - “(ii) enforce the charge in accordance with section 35; and
 - “(iii) write off the amounts secured by the charge in accordance with section 37; and
 - “(c) the Agency may sign any document, on behalf of the Crown, in order to give effect to subsection (1).”

8 Legal aid granted under former Act

Section 117 of the principal Act is amended by repealing subsection (4).

9 New section 117B inserted

The principal Act is amended by inserting, after section 117A, the following section:

“117B District Legal Aid Committees

- “(1) Every District Legal Aid Committee established under the Legal Aid Act 1969 ceases to exist at the close of the day before the date on which the Legal Services Amendment Act 2003 comes into force.
- “(2) No member of a District Legal Aid Committee is entitled to compensation as a result of those Committees ceasing to exist.
- “(3) All assets and liabilities of a District Legal Aid Committee, and all records of the Committee, vest in the Agency at the close of the day before the date on which the Legal Services Amendment Act 2003 comes into force.”

Legislative history

16 October 2003	Divided from Statutes Amendment Bill (No 3), third reading
21 October 2003	Royal assent

This Act is administered in the Ministry of Justice.
