

Hon. Mr. Cobbe.

POOR PRISONERS' DEFENCE.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Better Provision for the Defence of
Poor Persons in Criminal Cases. Title.

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

1. This Act may be cited as the Poor Prisoners' Short Title.
Defence Act, 1933, and shall come into force on the
first day of January, nineteen hundred and thirty-four.

10 2. (1) Any person committed for trial for an indictable Defence of poor
persons
committed for
trial.
offence shall be entitled to free legal aid in the preparation
and conduct of his defence at the trial and to have counsel
assigned to him for that purpose in the prescribed manner,
if a defence certificate is granted in respect of him in
15 accordance with the provisions of this section.

(2) Subject to the provisions of this section, a defence
certificate may be granted in respect of any person—

(a) By the committing Justices, upon his being
committed for trial; or

No. 87—1.

20 & 21 Geo. V,
c. 32, s. 1 (Imp.)

(b) By the Judge before whom he is to be tried, at any time after reading the depositions—
(such Justices or Judge, being hereinafter in this section referred to as the certifying authority).

(3) A defence certificate shall not be granted in respect of any person unless it appears to the certifying authority that his means are insufficient to enable him to obtain such aid, but where it so appears to the certifying authority that authority—

(a) Shall grant a defence certificate in respect of any person committed for trial upon a charge of murder; and

(b) May grant a defence certificate in respect of any person committed for trial upon any other charge if it appears to the certifying authority, having regard to all the circumstances of the case (including the nature of such defence, if any, as may have been set up), that it is desirable in the interests of justice that he should have legal aid in the preparation and conduct of his defence at the trial.

Legal aid in proceedings before Justices.
20 & 21 Geo. V,
c. 32, s. 2 (Imp.)

3. If on the hearing of a charge of an indictable offence punishable on summary conviction under Part V of the Justices of the Peace Act, 1927, or of any other offence punishable on summary conviction, or on the hearing under Part IV of the Justices of the Peace Act, 1927, of a charge of an indictable offence, it appears to the Justices that the means of any person charged before them with any offence are insufficient to enable him to obtain legal aid and that by reason of the gravity of the charge or of exceptional circumstances it is desirable in the interests of justice that he should have free legal aid in the preparation and conduct of his defence before them, the Justices may grant in respect of him a legal aid certificate, and thereupon he shall be entitled to such aid and to have counsel assigned to him for that purpose in the prescribed manner.

Expenses of defence to be paid.

4. The expenses of the defence of any person to whom free legal aid is granted in accordance with this Act, including the cost of a copy of the depositions, the fees of counsel, and the expenses of witnesses, shall be paid out of the Consolidated Fund.

Regulations.

5. The Governor-General may from time to time, by Order in Council, make such regulations as he deems

necessary for giving effect to this Act, and such regulations shall in particular prescribe—

- (a) The form of certificates to be granted under this Act ;
 - 5 (b) The manner in which counsel are to be assigned in pursuance of such certificates ; and
 - (c) The fees payable to counsel so assigned, and the expenses payable to witnesses for the defence in such cases.
- 10 **6.** Sections one hundred and eighty-two to one hundred and eighty-five of the Justices of the Peace Act, 1927, are hereby repealed.

Repeals.
See Reprint
of Statutes,
Vol. III, p. 402