

## **LEGAL AID COMMISSION ACT, 2018 (ACT 977)**

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REPUBLIC OF GHANA

**THE NINE HUNDRED AND SEVENTY-SEVENTH  
ACT  
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA  
ENTITLED  
LEGAL AID COMMISSION ACT, 2018**

**AN ACT** to establish the Legal Aid Commission and to provide for related purposes.

**DATE OF ASSENT:** 13th September, 2018.

**PASSED** by Parliament and assented to by the President:

Establishment of Legal Aid Commission

Section 1—Establishment of the Commission

(1) There is established by this Act a body corporate with perpetual succession to be known as the Legal Aid Commission.

(2) The Commission may for the performance of its functions acquire and hold movable and immovable property, and may enter into a contract or any other transaction.

(3) Where there is a hindrance to the acquisition of property, the property may be acquired for the Commission under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Commission.

Section 2—Object of the Commission

The object of the Commission is to provide legal aid to

(a) an indigent, and

(b) a person who has reasonable grounds to take, defend, prosecute or be a party to proceedings related to the Constitution in accordance with clause (1) of article 294 of the Constitution.

Section 3—Functions of the Commission

- (1) To achieve the object, the Commission shall pursuant to paragraph (a) of section 2
- (a) determine
    - (i) a person or class of persons to whom legal aid may be granted; and
    - (ii) a matter or class of matters in respect of which legal aid may be granted;
  - (b) determine priorities in the provision of legal aid between different
    - (i) persons or classes of persons; and
    - (ii) matters or classes of matters;
  - (c) specify principles including the imposition of the means test to be applied in determining applications for legal aid;
  - (d) specify the conditions for which legal aid may be granted including conditions that relate to
    - (i) any rights in respect of costs recovered or recoverable in any legal proceedings or dispute for the legal aid that is granted to the Commission; and
    - (ii) the payment of contributions to the Commission by persons to whom legal aid is granted;
- (2) The Commission shall, in the performance of the functions[sic] specified in subsection (1),
- (a) establish and supervise local offices as it considers appropriate;
  - (b) give assistance and make grants on the terms and conditions as the Commission considers fit to persons within the country for the provision of legal aid by those persons;
  - (c) enter into agreements with persons who perform functions outside the country similar to those of the Commission for the provision of legal aid to citizens in proceedings outside the country;
  - (d) collect and publish information in respect of the functions of the Commission and in respect of other services provided by the Commission in Ghana;
  - (e) undertake research into any aspects of legal aid including the investigation and assessment of different methods of financing and providing legal aid;
  - (f) specify principles including the imposition of the means test to be applied in determining applications for legal aid.
  - (g) develop a system for the participation of a paralegal or legal assistant in legal aid delivery;
  - (h) specify the circumstances in which contributions shall be made by legally-assisted persons and the means of calculating the contributions; and
  - (i) perform any other functions ancillary to the object of the Commission.

#### Section 4—Independence of the Commission

Except as otherwise provided by the Constitution or any other law not inconsistent with the Constitution, the Commission is not subject to the direction or control of any person or authority in the performance of its functions.

## Governance of the Commission

### Section 5—Governing body of the Commission

- (1) The governing body of the Commission is a Board consisting of
- (a) a Justice or a retired Justice of the Superior Court of Judicature as the chairperson;
  - (b) the Executive Director of Legal Aid Commission;
  - (c) one representative from the Office of the Attorney-General not below the rank of Principal State Attorney;
  - (d) one representative of the Ministry responsible for Women, Children and Social Protection not below the rank of a Director;
  - (e) the Director of Social Welfare;
  - (f) one representative of the General Legal Council;
  - (g) two representatives of the Ghana Bar Association
    - (i) of not less than ten years at the Bar; and
    - (ii) with relevant experience
- at least one of whom is a woman;
- (h) a representative of the Ghana Police Service; and
  - (i) one person who in the opinion of the Minister, represents consumer and community welfare interests.
- (3) The members of the Board shall be appointed by the President in accordance with Article 70 of the Constitution.

### Section 6—Functions of the Board

- (1) The Board shall
- (a) develop a comprehensive legal aid policy and programme to be carried out throughout the country;
  - (b) select lawyers and other personnel for execution of the programme without prejudice to the right of an applicant to a lawyer of the choice of the applicant;
  - (c) liaise with persons engaged or interested in the provision of legal aid; and
  - (d) supervise the general administration of the legal aid programme.
- (2) The Board shall ensure the proper and effective performance of the functions of the Commission.
- (3) The Board shall designate an officer of the Commission as Secretary to the Board.

### Section 7—Tenure of office of members of the Board

(1) A member of the Board shall hold office for a term of not more than four years and is eligible for re-appointment for one other term only.

(2) Subsection (1) does not apply to the Executive Director of the Commission or any other person who is a member of the Board by virtue of office.

(3) A member of the Board may at any time resign from office in writing addressed to the chairperson of the Board.

(4) A member of the Board who is absent for three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by a letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason unable to act as a member, the chairperson of the Board shall determine whether the inability would result in a declaration of a vacancy for the unexpired tenure of office of that member.

(7) Where there is a vacancy

(a) under subsection (3), (4) or section 9 (2)

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the President shall appoint a person to fill the vacancy.

#### Section 8—Meetings of the Board

(1) The Board shall meet at least once every three months for the despatch of business at the times and places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at a place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is five members.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

#### Section 9—Disclosure of interest

(1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of that interest and the member shall recuse the member's self from participating in the deliberations of the Board in respect of that matter.

(2) A member who contravenes subsection (1) ceases to be a member.

#### Section 10—Establishment of committees

(1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function.

(2) Without limiting subsection (1) the Board shall establish a Legal Aid Review Committee in each regional capital to hear and determine an appeal in respect of a refusal to grant legal aid.

(3) Section 9 applies to members of committees of the Board.

#### Section 11—Allowances

A member of the Board and a member of a committee of the Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

#### Section 12—Functions of a Legal Aid Review Committee

A Legal Aid Review Committee shall review a petition against a decision of the Commission to refuse the grant of legal aid to an applicant.

#### Section 13—Composition of a Legal Aid Review Committee

(1) A Legal Aid Review Committee established under section 10 consists of three members appointed by the Board as follows:

(a) one person nominated by the Board who shall be the chairperson;

(b) one person nominated by the Ghana Bar Association; and

(c) one person who is not a lawyer nominated by the Department of Social Welfare.

#### Section 14—Tenure of office of members of a Legal Aid Review Committee

(1) A member of a Legal Aid Review Committee shall be appointed for a term of not more than two years and is eligible for re-appointment for one other term only.

(2) A member of the Legal Aid Review Committee may resign from office in writing under the hand of the member addressed to the Commission through the chairperson of the Legal Aid Review Committee.

(3) A member of the Legal Aid Review Committee who is absent from three consecutive meetings of the Legal Aid Review Committee without reasonable cause ceases to be a member of the Legal Aid Review Committee.

(4) Where there is a vacancy on the Legal Aid Review Committee, the chairperson of the Legal Aid Review Committee shall notify the nominating authority through the Board of the vacancy for the nominating authority to nominate a person and the Board shall appoint that person.

#### Section 15—Meetings of a Legal Aid Review Committee

A Legal Aid Review Committee shall meet at least once in every three months for the conduct of business at the times and places determined by the chairperson.

#### Administrative Provisions

#### Section 16—Executive Director of the Commission



- (1) The Commission shall have an Executive Director.
- (2) The President shall, in accordance with article 195 of the Constitution, appoint a lawyer who is qualified for appointment as a Justice of the Court of Appeal as the Executive Director for the Commission.
- (3) The Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

#### Section 17—Functions of the Executive Director

- (1) The Executive Director is responsible for the day to day administration of the affairs of the Commission and is answerable to the Board.
- (2) The Executive Director shall perform any other functions determined by the Board.
- (3) The Executive Director may delegate a function to an officer of the Commission but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

#### Section 18—Legal personnel

- (1) The legal personnel of the Commission comprise
  - (a) lawyers appointed by the Commission,
  - (b) lawyers assigned by the National Service Board.
  - (c) lawyers who devote some time each year to participate in the activities of the Commission.
- (2) The positions of legal personnel in paragraph (a) of subsection (1) and their equivalent positions in the Office of the Attorney-General and the Judiciary or Judicial Service Post are as set out in the Schedule.

#### Section 19—Appointment of other staff

- (1) The President shall, in accordance with article 195 of the Constiution[sic] appoint other staff that are necessary for the proper and efficient performance of the functions of the Commission.
- (2) The President may in writing delegate the power of appointment in subsection (1) to the Board.
- (3) The Board may for the proper and efficient performance of the functions of the Commission appoint Alternative Dispute Resolution Officers and other relevant officers.
- (4) Public officers may be transferred or seconded to the Commission or may otherwise give assistance to the Commission.

#### Section 20—Divisions of the Commission

The Commission consists of

- (a) the Citizens Advisory Division;
- (b) the Public Defenders' Division;
- (c) the Alternative Dispute Resolution Division; and

(d) any other Division that the Board may determine.

#### Section 21—Functions of the Citizens Advisory Division

The Citizens Advisory Division shall

- (a) give free legal advice to citizens to broaden access to justice for the poor with particular emphasis on gender and social protection;
- (b) initiate and carry out educational programmes designed to promote an understanding by the public of their rights, powers, privileges, duties and responsibilities under the law;
- (c) by advertisement or other means, bring the services provided by the Commission to the attention of the public;
- (d) educate citizens on the circumstances in which contributions shall be paid by legally-assisted persons and the means of calculating the contributions; and
- (e) create awareness on a system for the participation of a paralegal or a legal assistant in legal aid delivery.

#### Section 22—Functions of the Public Defenders' Division

The Public Defenders' Division shall

- (a) assist persons in need of legal assistance for the realisation of the right of equality before the law and to fair trial;
- (b) act as a public defender for the realisation of articles 14, 17 and 19 of the Constitution;
- (c) ensure that a person who is arrested, restricted, detained or accused of an offence is afforded the appropriate legal assistance;
- (d) provide legal aid to a person in police or prison custody;
- (e) provide legal aid for juveniles; and
- (f) defend a person who is arrested, restricted, detained or accused of an offence
- (g) defend a person accused of a crime
  - (i) who is indicted for the offence the punishment for which is imprisonment for life, or
  - (ii) who cannot afford the services of a lawyer.

#### Section 23—Functions of the Alternative Dispute Resolution Division

The Alternative Dispute Resolution Division shall

- (a) effectively mainstream an Alternative Dispute Resolution mechanism in the operations of the Commission;
- (b) assist persons in dispute to arrive at a compromise by using alternative dispute resolution mechanisms;
- (c) identify, develop and encourage customary arbitration; and

(d) coordinate with other bodies that the Division may determine to achieve the object of the Division.

#### Section 24—Regional offices of the Commission

- (1) The Commission shall establish an office in each region.
- (2) The office shall perform the functions of the Commission in the region.

#### Section 25—District offices of the Commission

- (1) The Commission shall establish an office in each district.
- (2) The office shall perform the functions of the Commission in the district.

#### Section 26—Internal Audit Unit

- (1) The Commission shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).
- (2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

#### Financial Provisions

##### Section 27—Sources of money for the Commission

- (1) The sources of money for the administration of the Commission are
  - (a) moneys appoved[sic] by Parliament; and
  - (b) donations and gifts.
- (2) The Commission shall maintain a separate account in respect of moneys
  - (a) received by a lawyer on behalf of a legally-assisted person when the lawyer is acting for the person; and
  - (b) payable to a legally-assisted person, not being money payable into the Fund referred to in this Act.

##### Section 28—Bank account of the Commission

The moneys for the Commission shall be paid into a bank account opened for that purpose with the approval of the Controller and Accountant-General.

##### Section 29—Accounts of the Commission and audit

- (1) The Commission shall keep books of account and proper records in the form approved by the Auditor-General.
- (2) The Commission shall submit its accounts to the Auditor-General for audit within three months after the end of the financial year.
- (3) The Auditor-General shall within six months after the end of the immediately preceeding[sic] financial year audit the account of the Commission and forward a copy of the report to the Minister and the Commission.

(4) The financial year of the Commission shall be the same as the financial year of the Government.

#### Section 30—Annual report and other reports

(1) The Commission shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Commission for the year to which the report relates.

(2) The annual report shall include the report of the Auditor- General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Commission shall also submit to the Minister any other reports which the Minister may require in writing.

#### Section 31—Establishment of the Legal Aid Fund.

There is established by this Act the Legal Aid Fund.

#### Section 32—Object of the Fund

The Object of the Fund is to ensure financial capacity of the Commission to efficiently and effectively carry out its mandate under this Act.

#### Section 33—Sources of money for the Fund

The sources of money for the Fund are

- (a) moneys approved by Parliament;
- (b) interest accruing from the investment of the Fund;
- (c) moneys paid or recovered by the Commission in the performance of the functions of the Commission; and
- (d) donations and gifts.

#### Section 34—Bank account of the Fund

Moneys for the Fund shall be paid into a bank account opened for that purpose by the Commission with the approval of the Controller and Accountant-General.

#### Section 35—Payments out of the Fund

Moneys shall be paid out of the Fund in respect of

- (a) non administrative expenses incurred by the Commission in the performance of its functions under this Act;
- (b) an expense incurred in an application for legal aid;
- (c) a fee payable to a private legal practitioner to whom work is assigned by the Commission;
- (d) disbursements incurred on behalf of a legally-assisted person;
- (e) moneys payable by the Commission to a legally-assisted person;

(f) moneys granted by the Commission for legal aid schemes administered by other persons; and

(g) moneys authorised by this Act to be paid out of the Fund.

#### Section 36—Legal aid client account

(1) There is established by this Act, a Legal Aid Client Account.

(2) The Commission is responsible for the administration of the Account.

(3) The Commission shall hold in the Client Account

(a) moneys received by a lawyer or the Commission on behalf of a legally-assisted person; and

(b) moneys payable to a legally-assisted person, not being moneys payable into the Fund established under section 31.

#### Section 37—Accounts and audit and annual report

The provisions in sections 29 and 30 on accounts of the Commission and audit and annual report and other reports apply to the Fund.

#### Procedure to Access Legal Aid

#### Section 38—Application for legal aid

A person may apply for legal aid in a manner determined by the Commission

(a) for that person, or

(b) on behalf of another person.

#### Section 39—Powers of the Commission in respect of application

(1) The Commission may

(a) conduct an enquiry into the circumstances of the applicant and persons associated with the applicant for the purposes of a means test;

(b) request that the applicant provide additional information specified by the Commission;

(c) refer the application or any matter arising from the application to a person nominated by the Commission, for investigation or advice; or

(d) ensure that the necessary steps are taken to protect the interest of the applicant pending the determination of the application.

(2) The Commission may in respect of expenses incidental to a matter under subsection (1)

(a) pay from the Fund, or

(b) request that the applicant pays a fee that may be imposed after a determination of the application.

(3) The Commission

(a) shall determine in what manner an amount payable under subsection (2) may be paid; and

(b) may recover an amount payable under subsection (2) as a debt in a court.

(4) An amount payable by a person to the Commission shall include interest that accrues on the amount.

#### Section 40—Monetary contribution by applicant

(1) The Commission may

(a) impose a condition that requires the applicant to pay an amount to the Commission by way of contribution; and

(b) prior to the grant of an application for legal aid, determine the amount the applicant shall pay towards costs previously awarded in respect of the proceedings.

(2) The Commission may recover an amount payable under subsection (1) as a debt in a Court.

#### Section 41—Application by other persons

The Commission may grant an application for legal aid presented by

(a) a party to proceedings where legal aid has been granted to another party to the same proceedings;

(b) a body corporate if the Commission is of the opinion that the legal aid granted will protect the interest of a person who is eligible for legal aid;

(c) a person investigated under any enactment; or

(d) a person whose interest may be adverse to that of the State.

#### Section 42—Variation of grant of legal aid

The Commission may

(a) terminate the provision of legal aid;

(b) alter the nature or extent of the legal aid;

(c) make the provision of the legal aid subject to a condition or an additional condition; or

(d) alter a condition to which the provision of the legal aid is applicable.

#### Section 43—Notification of changes

(1) Where

(a) a legally-assisted person or a lawyer representing a legally-assisted person becomes aware of a change in the means or circumstances of the legally-assisted person or in another matter related to the grant of legal aid to the legally-assisted person; and

(b) the change is of a nature that the legally-assisted person or lawyer ought reasonably to suspect that the Commission might terminate the provision of legal aid or alter the nature or extent of the legal aid if the Commission becomes aware of the change,

the legally-assisted person or the lawyer shall notify the Commission in writing.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than one year and not more than five years or to both.

#### Section 44—Demand for or receipt of certain payments prohibited

(1) A lawyer shall not

(a) charge or recover from a legally-assisted person, an amount in respect[sic] of work assigned to the lawyer by the Commission; or

(b) make a disbursement on behalf of a legally-assisted person.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than ten thousand penalty units and not more than twenty thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

#### Section 45—Expenses of applicant

An applicant whose application is approved shall be exempted from paying the prescribed fee in respect of the

(a) filing of relevant court processes;

(b) cost of judicial forms;

(c) cost of service of filed processes; and

(d) cost of preparing appeal records and record of proceedings.

#### Appeals

##### Section 46—Determination of appeal

A Legal Aid Review Committee shall

(a) determine an appeal made to the Legal Aid Review Committee;

(b) give notice in writing of the decision of the Committee to the appellant within seven days from the date of receipt of notice of the appeal; and

(c) record the reasons for the decision of the Committee.

##### Section 47—Effect and implementation of determination of appeal

The Commission may grant legal aid in respect of an applicant whose appeal to a Legal Aid Review Committee has been upheld.

##### Section 48—Right of Appeal

(1) A person who has been refused legal aid shall have a right of appeal.

(2) A person intending to appeal against a refusal for the grant of legal aid shall do so within seven days of receipt of the notice of refusal.

(3) The Legal Aid Review Committee shall determine the appeal within fourteen days of receipt of the notice of appeal.

#### Alternative Dispute Resolution

##### Section 49—Alternative dispute resolution

(1) The Commission may arrange for alternative dispute resolution in granting an application for legal aid in accordance with the Alternative Dispute Resolution Act, 2010 (Act 798) if the Commission considers it appropriate to do so.

(2) The Commission may

(a) pay for expenses incidental to alternative dispute resolution from the Fund; or

(b) request a legally-assisted person to contribute for expenses incidental to alternative dispute resolution.

##### Section 50—Powers of the Commission in respect of alternative dispute resolution

(1) Pursuant to section 49, the Commission may resort to conferencing sessions.

(2) For the purposes of this section, “conferencing session” means a meeting at which a structured negotiation process takes place and it includes any step taken in the course of making arrangements for the session or in the course of the follow-up session.

#### Miscellaneous Provisions

##### Section 51—Determination of pecuniary interests

(1) An Officer of the Commission shall not directly or indirectly have a pecuniary interest in a matter for consideration by the Commission or a committee of the Commission.

(2) An Officer of the Commission who has directly or indirectly a pecuniary interest in a matter under consideration by the Commission or a committee of the Commission shall disclose in writing the nature of that interest and shall not offer a service in respect of that matter.

(3) An Officer who contravenes subsection (1) or (2) is liable to sanctions by the Board.

##### Section 52—Privileged information

Where

(a) the Commission or a Committee makes a publication during a conferencing session;

(b) a document is sent to a convenor of a conferencing session or to the Commission for a conferencing session to be arranged; or

(c) a convenor of a conferencing session prepares a document;

the information is privileged.

##### Section 53—Disclosure of privileged information

A convenor of a conferencing session may disclose information to the Commission or to a committee of the Commission if



- (a) there is reasonable ground to believe that the disclosure is necessary to prevent or minimise the danger of injury to a person or damage to property;
- (b) the disclosure is reasonably required for the purpose of referring a party to a conferencing session to aid in the resolution of a dispute between parties; or
- (c) the disclosure is in accordance with a relevant enactment.

#### Section 54—Immunity for convenors of conferencing session

A convenor is not liable for an action taken in good faith for the purpose of a conferencing session.

#### Section 55—Offences

(1) A person who makes a false declaration in an application commits an offence and is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

(2) A person who contravenes a provision of this Act for which a penalty is not provided commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

#### Section 56—Guidelines

The Minister may, on the advice of the Commission, make Guidelines in the form of a Legal Aid Guide for purposes of the administration of the Commission.

#### Section 57—Regulations

(1) The Minister may, by Constitutional Instrument, make Regulations to

- (a) provide for the operation of the Commission; and
- (b) provide for any other matter necessary for the effective implementation of the provisions of this Act.

(2) A person who commits an offence under the Regulations is liable on summary conviction to a fine of not more than five thousand penalty units.

#### Section 58—Interpretation

In this Act, unless the context otherwise requires,

“application” means an application for legal aid made to the Commission;

“Commission” means the Legal Aid Commission;

“conferencing” means a structured negotiation process that takes place in the course of a programme approved by the Commission and in which the convenor assists the parties to a dispute to settle the dispute;

“conferencing session” means a meeting at which a structured negotiation process takes place and includes any step taken in the course of making arrangements for the session or in the course of the follow-up session;

“convenor of a conferencing session” means a person to whom a matter has been referred for conferencing;

“Fund” means the Legal Aid Fund established under section 31;

“juvenile” means a person who is under the age of eighteen years who is in conflict with the law;

“legally-assisted person” means a person to whom legal aid has been granted;

"means test" means the process by which the Commission determines the ability of an individual or household to pay varying levels of contributions to the Commission;

“Minister” means the Minister responsible for Justice; and

“Officer of the Legal Aid Commission” means personnel appointed under sections 18 and 19.

#### Section 59—Consequential amendments

The Legal Profession Act, 1960 (Act 32) is amended in section 8

(a) by the substitution for subsection (1) of

“(1) A person other than

(a) the Attorney-General;

(b) an officer of the Office of the Attorney- General; or

(c) a lawyer appointed for the Commission under paragraph (a) of subsection (1) of section 18

shall not practise as a Solicitor unless that person has in respect of that practice a valid annual solicitor’s licence issued by the Council duly stamped and in the form set out in the Second Schedule.

#### Section 60—Repeal and savings

(1) The Legal Aid Scheme Act, 1997 (Act 542) is repealed.

(2) Despite the repeal of Act 542, the notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

(3) Documents in use, prepared or issued under Act 542 immediately before the coming into force of this Act shall continue in force as if kept, prepared or issued under the corresponding provisions of this Act.

#### Section 61—Transitional provisions.

(1) The rights, assets and liabilities accrued in respect of the properties vested in the Scheme established under the Legal Aid Scheme Act, 1997 (Act 542) immediately before the coming

into force of this Act and the persons employed by the Scheme shall be transferred to the Legal Aid Commission established under this Act and accordingly proceedings taken by or against the Scheme may be continued by or against the Legal Aid Commission.

(2) A contract subsisting between the Scheme established under the Legal Aid Scheme Act, 1997 (Act 542) and another person and in effect immediately before the commencement of this Act shall subsist between the Commission under this Act and that other person.

## SCHEDULE

(Section 18 (2))

Legal Aid Commission positions and their equivalent positions in the Attorney-General's Department and the Judiciary or Judicial Service

Category	Legal Aid Commission or Judicial Service	Office of the Attorney-General	Judiciary
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### A

1. Executive Director

2. Director of Public

Defenders Division

3. Director of Citizens

Advisory Division

4. Director of Alternative Dispute Resolution Division

1. Solicitor-General

2. Director of Public

Prosecutions Division

3. Director of Legislative

Drafting Division

Justice of the Court of Appeal

B	Chief Legal Aid Officer	Chief State Attorney	Justice of the High Court
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C 1. Principal Legal Aid Officer

2. Senior Legal Aid Officer 1. Principal State Attorney

2. Senior State Attorney      Circuit Court Judge

D

1. Legal Aid Officers

2. Assistant Legal Aid Officers

1. State Attorney

2 Assistant State Attorney      District Magistrates

E

Alternative Dispute

Resolution Officers

Career Magistrates

**Date of Gazette Notification: 17th September, 2018.**