

CHAPTER 2.17

LEGAL AID ACT

Revised Edition

Showing the law as at 31 December 2022

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

• Act • Subsidiary Legislation •

ACT

(Act 6 of 2008, Statutory Instrument 10/2011)

Act 6 of 2008 .. in force 1 March 2011 (S.I. 10/2011)

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CHAPTER 2.17 LEGAL AID ACT

AN ACT to provide for the grant by the State of legal aid and advice to persons of insufficient means in civil and criminal cases.

Commencement [1 March 2011]

PRELIMINARY

1. Short title

This Act may be cited as the Legal Aid Act.

2. Interpretation

In this Act—

“**Appeals Tribunal**” means the Appeals Tribunal established under section 42;

“**applicant**” means a person who applies for legal aid under this Act;

“**Authority**” means The Saint Lucia Legal Aid Authority established under section 3;

“**Board**” means the Board of the Authority appointed under section 3;

“**Chairperson**” means the Chairperson of the Board;

“**disposable capital**” means the property which an applicant for legal aid is possessed of or to which he or she is entitled to excluding—

- (a) the subject-matter of the proceedings;
- (b) the wearing apparel of the applicant;
- (c) the tools of trade of the applicant;
- (d) household furniture used by the applicant in his or her house;
- (e) a dwelling-house owned and exclusively used by the applicant and his or her family as their home assessed at an annual value of not more than \$10,000;
- (f) savings of the applicant of up to \$30,000, if he or she is of the age of 60 years and above;

- (g) moneys standing to the credit of the applicant;

"disposable income" means the income of the applicant together with the income, if any, of the spouse of the applicant, during the period of 12 months immediately preceding the date of the application, after deducting—

- (a) an amount of \$2,000 per annum for each person totally or partially dependent on the applicant or spouse;
- (b) an amount of \$3,000 per annum for the applicant;
- (c) an amount not exceeding \$1,000 per annum for rent;

"Fund" means the Legal Aid Fund established under section 24;

"legal advice" means advice on matters of law given by an attorney-at-law and includes assistance in preparing an application for legal assistance and in furnishing information required for that purpose;

"legal aid" means—

- (a) education, advice or information in or about the law;
- (b) any legal services that may be provided by a law practice or an attorney-at-law;

"legal service" means advice or representation;

"Minister" means the Minister responsible for justice.

PART 1

SAINT LUCIA LEGAL AID AUTHORITY

3. Establishment of authority

(1) There is hereby established the Saint Lucia Legal Aid Authority which shall be a body corporate to which section 19 of the Interpretation Act 1968, No. 18 applies.

(2) The affairs of the Authority shall be administered by a Board that subject to subsections (3) and (4) shall comprise the following seven members—

- (a) a Chairperson;
- (b) a Deputy Chairperson; and
- (c) five other members,
appointed by the Minister.

(3) The persons eligible for appointment under subsection (2) shall have high professional integrity and experience in at least one of the following areas—

- (a) law;
- (b) practice and procedure of the Courts;
- (c) business;
- (d) finance;
- (e) management and administration;
- (f) consumer or social affairs; or
- (g) any other subject, which would, in the opinion of the Minister, be of assistance to the Board in the performance of its functions.

(4) A person shall be disqualified from being a member of the Board if that person—

- (a) is declared by a court to be a bankrupt;
- (b) is declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind;
- (c) has been convicted of a criminal offence except where the offence is a minor traffic offence or has been spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act; or
- (d) is a member of Parliament.

(5) Where under section 19 a vacancy exists in the membership of the Board, the Minister shall in accordance with this section appoint a person to fill the vacancy.

(6) The Minister shall by Order published in the Gazette give notice of the names of the members of the Board as first constituted and every change in the membership of the Board.

4. Functions and powers of authority

(1) The Authority shall provide legal aid in civil and criminal cases to persons who satisfy the requirements of this Act.

(2) The Authority shall, to such extent and in such manner as it considers appropriate, disseminate, for the benefit of those for whom its services are made available, information in relation to those services and their availability.

(3) The Authority may perform any of its functions through any of its members or any member of its staff duly authorized by the Authority in that behalf.

5. Committees

(1) The Board may for the purpose of carrying out its functions under this Act establish committees and delegate to such committees such of its functions as it considers necessary or expedient.

(2) The Board may appoint or arrange for the appointment of advisory committees to give advice to the Board on such matters relating to the Authority's functions as the Board may determine.

(3) The Board may appoint persons as members of a committee who are not members of the Board or who are not employees of the Authority and such persons shall hold office for such period as the Board may determine.

(4) Each committee shall keep minutes of its meetings and report to the Board.

6. Authority to regulate own procedure

(1) Subject to this Act and to the Regulations, the Authority shall regulate its own procedure.

(2) The Board shall cause to be kept minutes of the proceedings of its meetings and of meetings of any of the committees established by it.

7. Seal

(1) The Authority shall have an Official Seal.

(2) The affixing of the Official Seal of the Authority shall be in the presence of and witnessed by—

- (a) the signature of the Chairperson or the Deputy Chairperson; and
- (b) the Executive Director.

(3) All documents, other than those required by law to be under seal which are executed by the Board and all decisions of the Board shall be signed by—

- (a) the Chairperson or any other member duly authorized in writing by the Chairperson to act on behalf of the Chairperson; and
- (b) the Executive Director.

8. Executive director

(1) The affairs of the Authority shall be managed by an Executive Director who shall be appointed by the Board upon such terms and conditions as it may determine.

(2) The Executive Director shall perform all the functions entrusted to him or her under this Act and shall attend all meetings of the Board unless—

- (a) the Executive Director is instructed by the Chairperson of a meeting to withdraw; or
- (b) the Executive Director has obtained leave of absence or is prevented from attending for good cause.

(3) The Board may, during the absence of the Executive Director, appoint a person to act as Executive Director upon such terms and conditions as the Board may determine.

9. Meetings of board

(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times as the Chairperson shall determine.

(2) The Chairperson of the Board may at any time call a special meeting of the Board and shall call a special meeting to be held within 7 days of a written request for that purpose addressed to the Chairperson by any other member of the Board.

(3) The Chairperson and any other member of the Board shall be deemed to be present at a meeting of the Board if that Chairperson or the member participates by telephone, video link or satellite, and all members participating in the meeting are able to hear and to speak to each other.

(4) At a meeting of the Board—

- (a) the Chairperson shall preside;
- (b) if the Chairperson is not present the Deputy Chairperson shall preside;
- (c) if neither the Chairperson nor the Deputy Chairperson is present, the members present shall choose one of their number to preside.

10. Quorum

A meeting of the Board is duly constituted for all purposes if at the commencement of the meeting there is a quorum of not less than 4 members of the Board participating in the meeting.

11. Voting

(1) Decisions of the Board shall be taken by a majority of votes of members present and voting at the meeting.

(2) The Chairperson shall have the right to vote and in cases of equal division the Chairperson shall have the casting vote.

12. Additional person to attend meetings

The Board may co-opt any person to attend any particular meeting of the Board at which it is proposed to deal with a particular matter, for the purpose of assisting or advising the Board, but no such co-opted person shall have the right to vote.

13. Confidentiality and oath of secrecy

(1) A member, officer or employee of the Authority shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his or her knowledge in the performance of his or her duty.

(2) Except with the written consent of the Authority or for the performance of his or her duties or under legal obligation, a member, officer or employee of the Authority shall not communicate any confidential matter to any person nor permit any person to have access to any records in the possession, custody or control of the Authority.

(3) Every member, officer or employee of the Authority shall be required to take the prescribed oath of secrecy.

14. Protection from liability

No action or other proceeding shall lie against any member, officer or employee of the Authority for or in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of his or her functions under this Act.

15. Declaration of interest and abstention from voting

(1) A member of the Board who is in any way, either directly or indirectly, interested in a matter before the Authority shall declare the nature of his or her interest at the first meeting of the Board at which it is practicable to do so and shall leave the meeting upon the matter coming up for discussion.

(2) A declaration and the departure of a member of the Board from the meeting in accordance with subsection (1) shall be noted in the minutes of the meeting.

(3) A member of the Board shall not—

- (a) vote in respect of a matter before the Board in which he or she is in any way interested, whether directly or indirectly; or
- (b) seek to influence the vote of any other member of the Board in relation to the matter.

(4) A member of the Board who fails to comply with subsection (3) commits an offence and upon summary conviction is liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(5) Notwithstanding subsection (4), where a member of the Board fails to comply with subsection (3), the failure to comply amounts to misconduct in which case section 18 shall apply.

16. Duration of appointment

(1) The appointment of a member of the Board shall, subject to subsection (2), be for a period of not less than 3 years and no more than 7 years and the person so appointed shall be eligible for reappointment.

(2) The appointments of the members of the Board shall be staggered in accordance with the Regulations.

17. Revocation

The Minister may at any time, in writing, revoke the appointment of any member of the Board if, upon evidence, the Minister is satisfied that the member is—

- (a) disqualified from being a member of the Board under section 3(4) and has failed to comply with section 18(1);
- (b) guilty of neglect of duty, misconduct or malfeasance; or
- (c) has failed to act in the best interests of the Authority.

18. Resignation

(1) Where a member of the Board becomes disqualified under section 3(4), that member shall in writing submitted to the Minister, immediately resign from the membership of the Board.

(2) A member of the Board who fails to comply with subsection (1), commits an offence and upon summary conviction is liable—

- (a) in the case of disqualification under section 3(4)(a); or
- (b) to a fine which amounts to twice the financial gain which he or she would reasonably be expected to receive and to revocation of his or her appointment as a member of the Board;
- (c) in any other case to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months and to revocation of his or her appointment as a member of the Board.

(3) A member of the Board may, for any reason other than disqualification under section 3(4), resign from the membership of the Board by giving at least 3 months notice in writing to the Minister of his or her resignation.

19. Vacancy

The office of a member of the Board is vacated—

- (a) upon the death of the member;
- (b) if the member becomes disqualified under section 3(4);
- (c) if the member resigns from membership under section 18;
- (d) if the Minister revokes the appointment of that member under section 17;
- (e) if the member's appointment is not renewed by the Minister as of the date of expiry of the members term of appointment; or
- (f) if the member fails to attend 3 consecutive meetings of the Board without presenting a medical certificate or without being excused by the Minister in writing.

20. Decisions not invalidated

(1) A vacancy in the membership of the Board shall not invalidate a decision of the Board made at a meeting with the quorum required under section 10.

(2) Where a disqualified member sits at a meeting of the Board, the Board may review and amend its decision within 2 months of that decision being made.

21. Secretary and staff

(1) The Board shall appoint a person at such salary and upon such terms and conditions as it may determine to perform the functions of Secretary to the Board.

(2) The Secretary shall perform all the functions entrusted to him or her under this Act and shall perform such additional duties as may be assigned to him or her by the Executive Director.

(3) The Board may appoint such staff as it may require for the proper carrying out of its functions under this Act.

(4) A person appointed under subsection (1) shall perform the duties assigned to him or her by the Executive Director.

22. List of attorneys-at-law

(1) The Board shall prepare and maintain a list of attorneys-at-law who are willing to provide legal aid under this Act.

(2) An attorney-at-law who is desirous of providing legal aid and who holds a valid practicing certificate may, with his or her consent, be registered by the Board as a member of the list maintained under subsection (1).

23. Remuneration

The members of the Board shall be remunerated, for each meeting attended, from funds allocated by Parliament for that purpose.

24. Fund for use by authority

(1) There is hereby established a fund to be known as the Legal Aid Fund to be used by the Authority as revenue for the execution of its functions and discharge of its obligations under this Act.

(2) The Fund shall consist of—

- (a) sums received by the Authority in respect of application fees and other charges imposed by the Authority under this Act;
- (b) sums allocated to the Authority by Parliament;
- (c) revenue raised by the Authority in the form of loans, grants, investments or other means; and
- (d) all other sums that may become payable to or vested in the Authority in respect of matters incidental to its powers and duties.

(3) The Authority may establish a Reserve Fund into which may be paid any surplus funds of the Authority.

(4) The Authority may withdraw any funds from the Reserve Fund in cases of a shortfall for the purpose of exercising its functions or discharging its duties under this Act.

(5) Subject to any general or specific direction of the Minister, the funds in the Reserve Fund may be invested in securities by the Authority on such terms and conditions determined by the Authority except that the Authority shall not invest its funds in securities offered by any person under its supervision.

25. Financial year of authority

The financial year of the Authority shall begin on 1 January and shall end on 31 December in each year.

26. Budget and plan of action of authority

The Board shall not later than October 31st in each year cause to be prepared and shall adopt and submit to the Minister—

- (a) a budget with the estimates of its income and expenditure; and
- (b) a plan of action,
for the Authority in respect of the next financial year.

27. Accounts

The Authority shall keep proper records of accounts in accordance with generally accepted international accounting standards and principles and shall prepare and retain financial statements in respect of each financial year.

28. Audit

(1) The Authority shall as soon as is practicable after each financial year have its accounts audited annually by an independent auditor appointed by the Board, who shall conduct the audit in accordance with generally accepted international auditing standards.

(2) The Board, the Executive Director, officers and employees of the Authority shall grant to the auditor appointed under subsection (1) access to all books, deeds, contracts, accounts, vouchers, or other documents which the auditor may deem necessary and the auditor may require the person holding or accountable for such document to appear, make a signed statement or provide such information in relation to the document as the auditor deems necessary.

(3) A person required to appear, make a signed statement or to provide information under subsection (2) and who fails to comply commits an offence and upon summary conviction is liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both and to revocation of his or her appointment as a member of the Board, the Executive Director or a member of staff of the Authority in accordance with this Act.

29. Auditor's report

An independent auditor appointed under section 28 shall as soon as practicable and not later than 2 months after the end of each financial year submit copies of the audited financial statement of the Authority and a report on the financial statement to the Board.

30. Annual report

(1) Not later than 3 months after the end of each financial year and in accordance with subsection (2), the Authority shall submit to the Minister an annual report on the work and activities of the Authority for that financial year and the Minister shall not later than one month after the submission lay the same in Parliament.

(2) An annual report under subsection (1) shall be accompanied by the auditor's report under section 28.

(3) A summary of an annual report under subsection (1) shall be published in the Gazette and at least 2 newspapers in general and at least weekly circulation in Saint Lucia and the entire annual report shall be available to the public on payment of the prescribed fee to the Authority.

PART 2 PROVISION OF LEGAL AID

31. Legal aid

A person who cannot afford to obtain legal services from a private attorney-at-law may apply to the Board for legal aid.

32. Application for legal aid

(1) In order to obtain legal aid, a person may, in accordance with subsection (2), apply to the Authority for legal aid.

(2) An application under subsection (1) shall be submitted to the Authority in the prescribed form and shall be accompanied by—

- (a) an application fee of one dollar or such other fee as may be prescribed; and
- (b) such information or particulars as may be prescribed or required by the Authority.

(3) A person shall not—

- (a) in relation to any application submitted under this section; or
- (b) in relation to any information or particulars that the person is required to furnish under this section,

make any representation or statement that the person knows is false or misleading in a material particular.

(4) A person who contravenes subsection (3) commits an offence and on summary conviction is liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

33. Investigation by authority

(1) Upon receipt of an application by the Authority, the Authority may cause investigations to be carried out to verify any statement contained in the application.

(2) A person who refuses to answer any question for the purposes of an investigation under this Act, or who knowingly gives any information which is false or inaccurate commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term not exceeding one year or to both.

34. Authority may require further information

(1) The Authority may, by notice in writing, require a person who is an applicant or who in the opinion of the Authority has some association or connection with the applicant that is relevant to the application, to do any one or more of the following things—

- (a) to provide in accordance with the directions in the notice, such information verified by statutory declaration as is relevant to the investigation of the application and which is specified in the notice;
- (b) to produce in accordance with the directions in the notice such records relevant to the investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from the records and the making of copies from the records;
- (c) to authorize a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b);
- (d) to furnish to the Authority such authorities and consents as the Authority directs for the purpose of enabling the Authority to obtain information, including financial and other confidential information, from other persons concerning the person and his or her relations.

(2) If a requirement made under this section is not complied with, the Authority may refuse to consider the application concerned.

(3) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

35. Grant or refusal of legal aid

(1) The Authority may provide legal aid to an applicant if—

- (a) in its opinion the applicant is in need of that legal aid by reason that he or she is unable to afford the costs of obtaining from a private attorney-at-law the legal services in respect of which the legal aid is sought; and
- (b) it is reasonable having regard to all relevant matters to provide the legal aid;
- (c) the applicant is not possessed of or entitled to disposable capital of a total value exceeding \$7,000; or

- (d) the disposable income of the applicant does not exceed \$10,000 per annum.

(2) The Authority may refuse legal aid if—

- (a) the applicant is not a citizen, permanent resident or immigrant of Saint Lucia; or
- (b) it appears that the applicant should not receive it in the particular circumstances of the case.

(3) The Authority shall notify the applicant of the grant or refusal and shall give the reasons in writing for a refusal.

(4) A person aggrieved by the decision of the Authority shall have the right to appeal in accordance with section 42.

36. Endorsement on certificate

Where a certificate is granted under section 35, the Authority may assign an attorney-at-law to be selected by the aided person, if he or she so desires, or otherwise by the Authority from the list of attorney-at-laws maintained under section 22 so to act and in such case shall endorse on the legal aid certificate the name of the attorney-at-law so assigned.

37. Issuance and form of certificate

Where the Authority grants an application under section 35, it shall issue a legal aid certificate in the prescribed form.

38. Cancellation of certificate

(1) Where an aided person fails to comply with any direction given by the Authority, the Authority may cancel the legal aid certificate.

(2) Prior to the cancellation of a legal aid certificate under subsection (1), the Authority shall give the aided person concerned notice in writing of its intention to do so, specifying the ground on which the Authority considers that the certificate ought to be cancelled and shall require the aided person to submit to it within a specified period being not less than 14 days a written statement of objections to the cancellation.

(3) A notice issued under subsection (2) must be served on the aided person personally or at his or her address.

(4) Having considered a statement of objection submitted under subsection (2), the Authority shall, by notice issued after the period specified in subsection (2) in accordance with subsection (3), inform the aided person of its decision and in the case of a decision to cancel shall include the reasons for the decision.

(5) A legal aid certificate that is cancelled is invalid.

39. Contributions

(1) Where the Authority is satisfied—

- (a) that an applicant for legal aid is possessed of or entitled to disposable capital of a total value of more than \$2,000; and
- (b) that the disposable income of the applicant exceeds the amount of \$2,000 per annum,

the Authority may require the applicant to make a contribution in one sum or by instalments in respect of sums payable on his or her account in respect of the proceedings in which a legal aid certificate is granted to the applicant.

(2) If the total contribution made by a person in respect of any proceedings is more than the net liability of the Authority, the excess shall be repaid to him or her.

(3) Any sums remaining unpaid on account of a person's contribution in respect of any proceedings and, if the total contribution is less than the net liability of the Board on his or her account, a sum equal to the deficiency shall be a first charge on any property which is recovered or preserved for that person in the proceedings.

(4) The reference in subsection (3) to property recovered or preserved for any person shall include his or her rights under any settlement or compromise arrived at to avoid or to bring to an end the proceedings and any sums recovered by virtue of an order for costs made in his favour in the proceedings, not being sums payable to the Board.

(5) The charge created by subsection (4) on any damages or costs does not prevent a court allowing them to be set off against other damages or costs in any case where an attorney-at-law's lien for costs would not prevent it.

(6) References in this section to the net liability of the Board on any person's account in relation to any proceedings refer to the aggregate amount of the sums paid or payable by the Board on his or her account and, where the person has been represented in the proceedings by the Board, such sums as would in the opinion of the Board have been payable on that person's account had he or she been represented by a solicitor assigned to him or her in respect of those proceedings, and not recouped by sums which are recovered by virtue of an order or agreement for costs made in his or her favour with respect to those proceedings.

40. Deposit in respect of out-of-pocket expenses

(1) The Authority may require any applicant or aided person who is not liable to make a contribution to deposit with it such amounts at such times as the Authority may think fit to be used in or towards meeting out-of-pocket expenses, not including office expenses, incurred in connection with the application or with any proceedings to which the application or the legal aid certificate relates.

(2) Any amounts so deposited shall be used only for the payment of such out-of-pocket expenses and any part of any such amount not so expended shall be refunded.

(3) In any case where the Authority is satisfied that the making of a deposit under subsection (1) would occasion hardship, the Authority may, out of any funds in its control which are available for the purpose, from time to time, meet any out-of-pocket expenses, not including office expenses, or make such advances to meet such out-of-pocket expenses as it may consider necessary.

(4) Any advance made under subsection (3) shall be used only for payment of such out-of-pocket expenses and any part of such amount not so expended shall be refunded to the Authority.

PART 3 MISCELLANEOUS

41. Register

(1) The Authority shall subject to subsection (2), in the prescribed form, keep and maintain a register of all aided persons.

(2) The Authority shall ensure that the register contains the following particulars that must be recorded for each aided person—

- (a) the name of the aided person;
- (b) the address of the aided person;
- (c) the nature of the legal services provided.

42. Appeal

(1) There is hereby established an Appeals Tribunal for the purpose of hearing appeals against decisions of the Authority.

(2) Subject to subsection (3), the Appeals Tribunal shall consist of the following members and shall be appointed by the Chief Justice—

- (a) an attorney-at-law of at least 5 years experience who shall be the Chairperson;
- (b) one person having expertise in practice and procedure of the Courts;
- (c) one person having expertise in business;
- (d) one person having expertise in consumer or social affairs.

(3) A person shall not be appointed as a member of the Appeals Tribunal if the person—

- (a) has been convicted of a criminal offence except where the offence is a minor traffic offence or has been spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act; or
- (b) is a member of Parliament.

(4) An appeal from a decision of the Authority under this Act lies to the Appeals Tribunal.

(5) A person may, within 14 days of notice of a decision of the Authority, apply in writing to the Appeals Tribunal against that decision.

(6) An appeal from a decision of the Appeals Tribunal under this Act lies to the High Court.

43. Regulations

The Minister may, after consultation with the Authority, make Regulations generally for the purposes of this Act.

CHAPTER 2.17 LEGAL AID ACT

SUBSIDIARY LEGISLATION

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Legal Aid Regulations – Section 43

(Statutory Instrument 66/2018)

Statutory Instrument 66/2018 .. in force 20 August 2018

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LEGAL AID REGULATIONS – SECTION 43

Commencement [20 August 2018]

PRELIMINARY

1. Citation

These Regulations may be cited as the Legal Aid Regulations.

2. Interpretation

In these Regulations —

“**Act**” means the Legal Aid Act, Cap. 2:17;

“aided person” means a person who has been granted a legal aid certificate and is entitled to legal aid, and, where that person is a child or vulnerable person, includes his or her next friend;

“attorney-at-law” means a person whose name is entered on the Roll under the Legal Profession Act, Cap. 2:04;

“civil case” means a legal action specified in Part A of Schedule 2 but does not include a legal action specified in Part B of Schedule 2;

“Civil Procedure Rules” means the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000;

“legal aid certificate” means a legal aid certificate issued under section 37 of the Act entitling a person to legal aid;

“minor” means a person who is under eighteen years of age;

“next friend” means —

- (a) a person appointed under Part 23 of the Civil Procedure Rules;
- (b) a tutor appointed under the Civil Code, Cap. 4:01; or
- (c) a curator appointed under the Civil Code, Cap. 4:01;

“opponent” means a party to a legal action under regulation 9 against the aided person, who disputes the legal action;

“rent” means a sum in respect of the yearly outgoings borne by the householder including a reasonable allowance towards any necessary expenditure on repairs and insurance and any other related sum;

“vulnerable person” means a person who suffers from a mental, physical, psychiatric or other disability.

PART I OATH OF SECRECY

3. Oath of Secrecy

A member, officer or employee of the Authority shall take the oath of secrecy in the form set out as Form 1 in Schedule 1.

PART II APPLICATION FOR LEGAL AID

4. Application for legal aid

(1) For the purposes of section 32(2) of the Act, an application for legal aid must be in the form set out as Form 2 in Schedule 1.

(2) An application for legal aid must contain such information as may be required by the Authority to determine —

- (a) the nature of the case;
- (b) the circumstances in which legal aid is required;
- (c) the disposable income of an applicant;
- (d) the disposable capital of an applicant; and
- (e) whether an applicant meets the requirements under the Act for legal aid.

(3) An application under subregulation (1) must be submitted with any supporting documents required by the Authority including the following —

- (a) a national identification card of the applicant;
- (b) a national insurance card of the applicant;
- (c) a recent pay slip of the applicant representing any period within three months immediately prior to the application for legal aid, or a letter from the employer of the applicant indicating the income of the applicant for the last twelve months;
- (d) a recent pay slip of the spouse of the applicant or a letter from the employer of that spouse indicating the income of the spouse for the last twelve months;
- (e) an income tax statement of the applicant;
- (f) a record of the bank book, credit union pass book or bank statement of the applicant or his or her spouse;
- (g) the application fee; or
- (h) any other supporting documents required by the Authority to make a determination under subregulation (2)(a) to (e).

(4) The Board may require an applicant to supply additional information or to attend an interview to provide such further information or documents as the Board considers necessary.

5. Application by next friend

(1) If an applicant is a minor or vulnerable person, an application under section 32 of the Act must be —

- (a) made by the next friend of that minor or vulnerable person who is appointed in proceedings before the Court for legal aid on behalf of that minor or vulnerable person; and
- (b) must be in the form set out as Form 2 in Schedule 1.

(2) An application made under subregulation (1) must be accompanied by a written undertaking acknowledging the requirement of the next friend to pay any reasonable sum which the Board considers necessary in the case.

(3) A next friend is treated for all purposes as the agent of the minor or vulnerable person in the case.

(4) The Board may, where it considers appropriate, waive the requirements under subregulation (2).

6. Application made in a representative, fiduciary or official capacity

If a person acts in a representative, fiduciary or official capacity with respect to an applicant, that person must make an application under section 32 of the Act in the form set out as Form 2 of Schedule 1.

7. Notice to opponent

(1) Subject to subregulations (2) and (3), the Board shall serve notice of an application for legal aid on an opponent or his or her attorney-at-law within seven days after an application is made for legal aid.

(2) A notice under subregulation (1) must include —

- (a) information that an application for legal aid has been made;
- (b) a statement of the nature of the case;
- (c) the interest of the applicant in the case; and

- (d) a statement of the right of the opponent to make representations to the Board.
- (3) Subregulation (1) does not apply where the Board determines that—
 - (a) the address of the opponent or his or her attorney-at-law —
 - (i) is unknown, or
 - (ii) could not reasonably be ascertained; or
 - (b) service of the notice should be dispensed with or postponed.

8. Right of opponent to make representations

(1) An opponent may, within six days of being served with a notice under regulation 7(1), make representations in writing to the Board.

(2) The Board shall consider any representations made by an opponent before determining an application for legal aid.

PART III GRANT OR REFUSAL OF APPLICATION FOR LEGAL AID

9. Grant of application for legal aid

(1) The Board may grant legal aid to an applicant in accordance with section 35(1) of the Act for a —

- (a) criminal case, which is at the trial stage and where the offence is punishable by capital punishment or life imprisonment;
- (b) civil case, in which litigation has not commenced;
- (c) criminal case, on appeal from the High Court to the Court of Appeal; or
- (d) civil case, on appeal.

(2) Notwithstanding subregulation (1)(c) and (d), the Board may grant legal aid in such special appeal cases as it determines to be meritorious, for the purpose of enabling an applicant to apply for leave or special leave to appeal to the court of final appellate jurisdiction specified under the Constitution of Saint Lucia, Cap. 1.01.

(3) Where the Board approves an application for legal aid under subregulation (2), the necessary disbursements and costs of instructing an attorney-at-law shall be met by the Authority.

(4) Where a person applies for legal aid in connection with any proceedings in which he or she is concerned in a representative, fiduciary or official capacity and it appears to the Board that the person is entitled, whether by an Order of the Court or otherwise, to be indemnified in respect of his or her expenses in connection with the proceedings out of a fund or by a third party, the Board, notwithstanding section 35 of the Act, shall grant legal aid only if it is satisfied that —

- (a) the fund cannot reasonably be expected to bear the expense of the proceedings; or
- (b) the third party would himself or herself, if he or she were a party to the proceedings, be entitled to legal aid.

10. Refusal of application for legal aid

The Board may refuse legal aid to an applicant for the reasons stated under section 35(2) of the Act.

11. Determination of disposable capital

(1) In assessing the eligibility of the applicant to legal aid, the Board shall determine the disposable capital of an applicant under section 35(1)(c) and 39(1)(a) of the Act in accordance with this regulation.

(2) Where it is brought to the attention of the Board that, between the date an application for legal aid is made and the date of its determination —

- (a) there has been a substantial variation in the value of the property of the applicant;
- (b) property belonging to the applicant has ceased to exist; or
- (c) there is new property owned by the applicant,

the Board shall compute the disposable capital of the applicant after considering these facts and the disposable capital as computed must be considered in the determination of the disposable capital of the applicant.

(3) Where the property of the applicant does not consist of money, the amount or value of the property is —

- (a) the amount which that property would realize if sold on the open market;
- (b) if there is only a restricted market for that property, the amount which that property would realize on that market; or
- (c) the value to be assessed by the Board in a manner that appears to be just and equitable.

(4) Where the applicant resides in more than one dwelling house in which he or she has an interest, the Board shall decide which dwelling house is the main dwelling house and shall take into account the value or interest in the other dwelling house, which might be obtained by borrowing money on the security of that dwelling house.

(5) The value of a life insurance policy of an applicant is the amount which the applicant can readily borrow on the security of the life insurance policy.

12. Determination of disposable income

(1) In assessing the eligibility of the applicant to legal aid, the Board shall determine the disposable income of an applicant under section 35(1)(d) and 39(1)(b) of the Act in accordance with this regulation.

(2) The income of an applicant includes —

- (a) the income information given by an applicant under regulations 3(2) and 3(3);
- (b) earnings, such as, a pension, relief under the Public Assistance Act, Cap. 13.22 or any benefit receivable by the applicant from the State;
- (c) a financial contribution received by the applicant towards the payment of rent; and
- (d) the income of an applicant from a trade, business or gainful occupation which the Board determines is a profit from that trade, business or gainful occupation that accrued or will accrue to the applicant in respect of the period of computation, but excludes employment at a wage or salary.

(3) The Board may compute the profit under subregulation (2)(d) by —

- (a) considering the profit of the last accounting period of the trade, business or gainful occupation for which accounts have been prepared; and
- (b) allowing a deduction of all sums necessarily expended to earn the profit.

(4) Notwithstanding subregulation (3), the living expenses of the applicant or a member of his or her family or household shall not be deducted, unless the applicant or that member of his or her family or household is wholly or mainly employed in a trade, business or gainful occupation and the living expenses form part of his or her income.

(5) When the income of the applicant consists of a wage or salary from employment, the following deductions apply in computing his or her disposable income —

- (a) the reasonable expenses of travelling to and from his or her place of employment;
- (b) the amount of any payments reasonably made for membership of a trade union or professional organization; and
- (c) the amount of any contribution paid, whether under a legal obligation or not, to a pension scheme.

(6) The disposable income of an applicant does not include the disposable income of the spouse of that applicant where —

- (a) the spouse has a contrary interest in the case for which an application for legal aid is made; or
- (b) the Board is satisfied that the applicant and his or her spouse are legally separated.

13. Contribution

The Board shall determine the contribution required of an applicant under section 39(1) of the Act in accordance with Schedule 3.

14. Determination of disposable capital, disposable income and contribution of a representative, fiduciary or official

Notwithstanding regulations 11, 12 and 13, for the purpose of determining the disposable capital, disposable income or the amount of contribution required under section 39 of the Act, the Board shall disregard the personal resources of a person who is concerned in the case only in a representative, fiduciary or official capacity but shall consider the value of any property, the amount of any fund out of which that person is entitled to be indemnified, the disposable capital and the disposable income of any person, including the applicant, if appropriate, who might benefit from the outcome of the case.

15. Reduction of disposable capital or disposable income

Where it appears to the Board that a person —

- (a) has been directly or indirectly deprived of property or income; or
- (b) converts any part of his or her property or income into resources which are to be wholly or partly excluded or in respect of which nothing is to be included in determining the disposable capital or disposable income of that person,

with intent to reduce his or her disposable capital or disposable income, whether for the purpose of making himself or herself eligible for legal aid, or reducing his or her liability to pay a contribution towards legal aid or otherwise, the property or income of which he or she has so deprived himself or herself or which he or she has so converted is treated as part of his or her disposable capital or disposable income.

16. Reassessment of disposable capital and disposable income

(1) The Board may reassess the disposable capital and disposable income of an aided person at any time while the aided person is in receipt of legal aid or within a reasonable time subsequently.

(2) Subject to regulation 17, and following the reassessment under subregulation (1), if the aided person's disposable capital or disposable income has increased, he or she may be required to pay a higher contribution subject to the condition that the total payment required by the Board shall not exceed the cost to the Board in the particular case.

17. Power of Board to amend determination

(1) Where the Board is satisfied that there has been some error or mistake in the determination of a person's disposable capital, disposable income or contribution and that it would be just and equitable to correct that error or mistake, the Board may make an amended determination in accordance with the law applicable at the time of the original determination which shall have effect for all purposes as if it were the original determination.

(2) Where the Board is satisfied that the disposable capital or disposable income of an aided person has increased, it may make an amended determination of the disposable capital, disposable income and contribution of an aided person in accordance with the law applicable at the time of the original determination, and in that event the amount or value of any property or income shall be ascertained as at the date of the amended determination.

18. Acceptance of offer for legal aid

(1) After the Board grants an application for legal aid, the Executive Director shall give notice to the applicant of —

- (a) the maximum amount of his or her contribution; and
- (b) the terms on which a legal aid certificate will be issued.

(2) An applicant may, within fourteen days of receipt of the notice under subregulation (1), signify his or her acceptance of the terms in the form set out as Form 3 in Schedule 1 and submit that Form to the Executive Director.

19. Endorsement on legal aid certificate

(1) An aided person may select an attorney-at-law, or the Board may assign an attorney-at-law to an aided person, from the register prepared and maintained by the Board under section 22 (1) of the Act to provide legal advice and consultation to an aided person in a case.

(2) In accordance with section 36 of the Act, the Authority shall endorse the name of the attorney-at-law under subregulation (1) on the legal aid certificate.

20. Issuance and form of legal aid certificate

(1) For the purposes of section 37 of the Act, a legal aid certificate must be in the form set out as Form 5 in Schedule 1.

(2) A legal aid certificate —

- (a) shall be issued in relation to a specific case;
- (b) must bear the endorsement under regulation 19;
- (c) shall not relate to proceedings in the Court of first instance or in the Court of Appeal;

- (d) must not relate to more than one action but may include proceedings for the enforcement of an order or agreement in the matter.

(3) A legal aid certificate issued as a result of an application by a next friend on behalf of a minor or vulnerable person must be in the name of the minor or vulnerable person, stating the name of the next friend by whom a minor or vulnerable person has applied.

(4) The Executive Director may amend a legal aid certificate —

- (a) where it appears to him or her that there has been some error or mistake in the legal aid certificate;
- (b) where in the opinion of the Authority, it has become desirable for the legal aid certificate —
 - (i) to extend to other proceedings, being part of the same matter to which the legal aid certificate relates, or
 - (ii) not to extend to certain parts of the proceedings in respect of which the legal aid certificate was issued;
- (c) when an aided person desires to change his or her attorney-at-law; or
- (d) when an attorney-at-law withdraws from the case of an aided person.

21. Status Report

An attorney-at-law shall submit a status report in the form set out as Form 6 in Schedule 1 and an account of his or her fees and expenses incurred to the Board in respect of the conclusion and outcome of the proceedings in respect of which he or she has provided legal aid to an aided person.

22. Fees for attorney-at-law

(1) Subject to subregulation (2), an attorney-at-law who is selected by an aided person or assigned by the Authority is entitled to consultation fees for each case.

(2) An attorney-at-law who wishes to obtain any fees or expenses shall submit to the Board an account of the fees or expenses.

(3) The Board may consider an account of fees or expenses submitted by an attorney-at-law in accordance with the fee structure outlined in Schedule 4.

23. Change of attorney-at-law

(1) Where an attorney-at-law who is selected by an aided person or who is assigned by the Authority to an aided person determines that he or she should cease to act for that person, the attorney-at-law shall notify the aided person and the Board and shall give the Board a statement of his or her reasons for ceasing to act.

(2) Where an aided person requires that an attorney-at-law selected by him or her should cease to act for him or her, the attorney-at-law shall notify the Board.

(3) An aided person may apply to the Board to select an attorney-at-law, other than the selected attorney-at-law, to act for him or her and shall state on the application, the reason that the selected attorney-at-law should cease to act for him or her.

(4) Where the Board is satisfied that there is good reason for the application under subregulation (3) and that it is reasonable in the particular circumstances of the case for the aided person to continue to receive legal aid, the Board may grant the application.

24. Abuse of legal aid

(1) Where an attorney-at-law of an aided person has reason to believe that the aided person has —

- (a) required his or her case to be conducted unreasonably so as to incur an unjustifiable expense to the Fund or has required unreasonably that the case be continued; or
- (b) willfully failed to comply with any requirement of the Act or of these Regulations as to the information to be furnished by him or her, and in furnishing such information, has knowingly made a false statement or false representation,

the attorney-at-law shall immediately report the matter to the Board.

(2) An attorney-at-law is not precluded, by reason of any privilege arising out of the relationship between the attorney-at-law and the aided person, from disclosing to the Board any information, or from giving any opinion, which he or she is required to disclose or give to the Board under the Act or these Regulations, or which may enable the Board to perform its functions.

(3) Where the attorney-at-law who is selected by the aided person or assigned by the Authority is believed to be abusing the process of legal aid and this is proved, the Board shall require the attorney-at-law to withdraw from the matter with immediate effect.

PART IV MISCELLANEOUS

25. Form of register

For the purposes of section 41(1) of the Act, the Executive Director shall keep and maintain a register in the form set out as Form 7 in Schedule 1 to record all aided persons.

26. Duty to report change of circumstances

(1) Subject to subregulation (2), where an aided person becomes aware of any change of circumstances, financial or otherwise, he or she shall immediately inform the Board.

(2) For the purposes of subregulation (1), any change of circumstances must be recorded in the form set out as Form 8 in Schedule 1.

Schedule 1

FORMS

FORM 1

(Regulation 3)

CONFIDENTIALITY AND OATH OF SECRECY

SAINT LUCIA LEGAL AID AUTHORITY

I, make oath/solemnly affirm/declare that I will faithfully and honestly fulfil my duties as a member, officer or employee of the Authority in conformity with the Legal Aid Act, Cap. 2.17 and that I will not, without due authority in that behalf, in any manner whatsoever, communicate any confidential matter coming to my knowledge by reason of my duties as a member, officer or employee of the Authority.

FORM 2

(Regulations 4, 5 and 6)

APPLICATION FOR LEGAL AID

To the Executive Director for Legal Aid:

1. I, of
(name in block letters) (permanent address in block letters)
born on the day of , 20
(occupation)

apply for legal aid for the following purpose:

.....
.....
.....
.....

Please describe above briefly and clearly:

- (a) the kind of claim to be made or resisted, ☐ civil ☐ Criminal
(b) whether Court proceedings have begun or an appeal is involved,

.....
.....
.....

2. My opponent is of
(name of opponent in block letters)

.....
(address of opponent)

3. The attorney-at-law I wish to act for me is
(name of attorney in block letters)

of
(address of attorney-at-law)

4. Have you previously applied for legal aid? ☐ Yes ☐ No

5. If you have previously applied for legal aid, please state the nature of the matter and the result, if any.

.....
.....
.....

6. Has any attempt been made to settle the matter out of Court? ☐ Yes ☐ No

If yes, please give details and enclose any correspondence

.....
.....
.....

7. I understand that if legal aid is granted I may be required to make a contribution towards my costs but I shall have an opportunity to consider the terms on which legal aid will be given before making up my mind to accept.

8. I undertake to supply any further information needed by the Board in connection with my case.

9. Address where you can be contacted if you do not want to use the address above:

.....
.....

10. The following is a statement of my financial circumstances:

(a) **General Information of applicant:**

Full name:

Address:

Date of Birth:

Occupation:

Status: ☐ Single ☐ Married ☐ Divorced

Note: If you are married, you must state the income of your spouse, unless he or she is your opponent in the case or you are living apart.

INCOME OF APPLICANT

(Please indicate what you receive after deduction of income tax and National Insurance contributions and state all sources of income below.)

	Income of Applicant	Amount (EC\$)
1.		
2.		
3.		
4.		

What was your income for the last 12 months?

(b) **General Information of spouse:**

Full name:

Address:

Date of Birth:

Occupation:

INCOME OF SPOUSE:

☐ My spouse is my opponent

☐ I live apart from my spouse

	Income of spouse	Amount (EC\$)
1.		
2.		
3.		
4.		

What was the income of your spouse for the last 12 months?

Please indicate any other source of income and the amount:

	Source of income	Amount (EC\$)
☐	pension	
☐	state benefits	
☐	rental income from another property	
☐	maintenance payments for children	
☐	any other money	

DEDUCTIONS

1. How many persons are dependent on applicant? x
2000

2. How many persons are dependent on your spouse? x
2000

3. Personal expenses \$3,000.00

4. Are there any persons under the age of 18 years, not being members of your household, who you are supporting pursuant to a Court Order or otherwise (give name, age of such persons and specify the amounts actually paid annually for such support).

1)
2)
3)

5. Rent if any (subject to maximum of \$1,000.00 per annum).

\$

(Expenditure relating to repairs/insurance included)

Total Deductions \$

Total Income – Total Deductions = Total Disposable Income

\$

CAPITAL OF APPLICANT

1. Do you own any property besides a dwelling house owned and exclusively used by you and your family as your home assessed at an annual value of not more than \$10 000.00?

☐

Yes

☐

No

2. If yes, what is the annual value of that property? \$
3. If you own any motor vehicle, what is its value? \$
4. What amount do you have by way of savings in a personal or joint account in the following institutions?
- (a) Banks: \$
- (b) Credit unions: \$
- (c) Financial companies: \$
5. If you own any other assets (for example shares, boat, real estate but excluding any dwellings specified in 1 above and your wearing apparel, tools of trade and household furniture and effects) please specify what asset and the value of that asset.

Assets	Value
(a)	
(b)	
(c)	
(d)	
Total value of assets:	

6. If you own any insurance policy, what is the total surrender value?

\$

Total Disposable Capital: \$

STATEMENT OF LIABILITIES

1. Do you have any liabilities? ☐ Yes ☐ No
2. If yes, state below (list all liabilities e.g. outstanding mortgages, loans and any other debts).

Item	Balance Owing
1)	
2)	
3)	
4)	
5)	

Total liabilities: \$

Declaration of Applicant

I declare that the information I have given on this form is correct and complete.

I understand that if the information is not correct or complete, criminal or civil action may be taken against me.

I give permission for the Legal Aid Board to make any enquiries of third parties and I authorize the third parties to give any information necessary to deal with this application.

.....

Signature

Date

.....

CHILD OR VULNERABLE PERSON

Please read carefully before completing this part.

This part must be signed by the next friend applying on behalf of the child or vulnerable person (applicant).

1. Name of next friend
.....
2. Address for correspondence of next friend
.....
3. Relationship to the applicant:

4. If you are applying on behalf of a child, does this child receive any money on a regular basis?

☐ No ☐ Yes

If yes, please specify the amount \$

(Do not include part-time earnings, holiday jobs, pocket money or any maintenance that you get for the child.)

5. Does this child have any savings, items of value or investments totalling \$2,500.00 or more or is he or she due to receive money from a trust fund or will?

☐ No ☐ Yes

If yes, please specify the amount \$

Declaration by next friend

To be signed only by the next friend on behalf of a child or vulnerable person.

I declare that as far as I know, the information I have given is true, based upon the reasonable enquiries which I have been able to make, exercising due care and diligence.

.....

(signature of next friend)

Date

REPRESENTATIVE, FIDUCIARY OR OFFICIAL CAPACITY

Please read carefully before completing this part.

This part must be signed by the person applying in a representative, fiduciary or official capacity on behalf of an aided person.

1. Name of representative/fiduciary/official:

2. Address for correspondence of representative/fiduciary/official

.....

3. Relationship to the applicant:

4. If you are applying on behalf of a person, does this person receive any money on a regular basis?

☐ No ☐ Yes

If yes, please specify the amount \$

5. Does this person have any savings, items of value or investments totalling \$2,500.00 or more or is he or she due to receive money from a trust fund or will?

☐ No ☐ Yes

If yes, please specify the amount \$

Declaration by a person acting in a representative, fiduciary or official capacity

To be signed only by a person applying in a representative, fiduciary or official capacity on behalf of an aided person.

I declare that as far as I know, the information I have given is true, based upon the reasonable enquiries which I have been able to make, exercising due care and diligence.

Signature Date

(signature of representative/
fiduciary/official)

This application form must be submitted to the Executive Director with all supporting documents attached and the application fee in order to facilitate the processing of your application.

If this form must be completed. Failure to complete this form may result in the form being returned to you which could result in a delay in processing your application.

FORM 3

(Regulation 18)

ACCEPTANCE OF OFFER FOR LEGAL AID

I, of

(name of applicant)

(address of applicant)

understand that the Saint Lucia Legal Aid Authority is prepared to issue a legal aid certificate to me on the terms set out hereafter.

I accept this offer and agree to comply with its terms and conditions. I enclose \$ as required under section.

.....
(signature of applicant) (Date)

TERMS AND CONDITIONS

1. The scope of my legal aid certificate will be defined as follows:

.....
.....
.....
.....

(describe the proceedings or matter in relation to which legal aid is granted)

2. The attorney-at-law acting for me will be

(name of attorney-at-law)

of

(address)

3. I am required to make an actual contribution of \$
towards the cost of my case payable as follows:

.....
.....
.....
.....

FORM 4

(Regulation 19)

AUTHORIZATION FORM

SAINT LUCIA LEGAL AID AUTHORITY

The Saint Lucia Legal Aid Authority hereby authorizes

(name of attorney-at-law)

of to give legal advice and consultation to

(address)

..... of

(name of aided person)

(address of aided person)

The above-named attorney-at-law will be entitled to claim his or her consultation fee as prescribed under Schedule 4 of the Legal Aid Regulations.

To claim payment, an attorney-at-law must submit his or her account of fees and expenses in the structure set out in Schedule 4 of the Legal Aid Regulations.

.....

I ☐ agree / ☐ disagree to provide legal advice

(name of attorney-at-law)

and consultation to of

(name of aided person)

.....

(address of aided person)

.....

(Signature of attorney-at-law)

(Date)

FORM 5

(Regulation 20)

LEGAL AID CERTIFICATE

SAINT LUCIA LEGAL AID AUTHORITY

This is to certify that of
(name)

.....
(address)

(hereinafter referred to as "the aided person") is entitled, in accordance with the Legal Aid Act, Cap. 2:17 to legal aid for:

.....
It is further certified that:

The disposable capital, disposable income and maximum contribution have been determined as follows:

Disposable capital:

Disposable income:

Contribution:

Payable by ☐ lump sum or instalments of for

Where applicable:

(name of next friend)

ENDORSEMENT

The aided person's attorney-at-law is of
(name of attorney-at-law)

.....
(address)

Issued this day of....., 20

.....
Executive Director

Saint Lucia Legal Aid Authority

.....
Chairperson

Saint Lucia Legal Aid Authority

FORM 6

(Regulation 21)

STATUS REPORT

SAINT LUCIA LEGAL AID AUTHORITY

Name of attorney-at-law:

Name of aided person:

Date case assigned:

Action Taken:

Further action to be taken other than advice:

Notes and Comments:

.....
(Signature of attorney-at-law)(

.....
Date)

FORM 7

(Regulation 25)

REGISTER OF AIDED PERSONS

SAINT LUCIA LEGAL AID AUTHORITY

Name of aided person	Address of aided person	Nature of legal services	Case Ref No.	Date approved	Amount approved	Amount paid / cheque number	To whom paid

FORM 8

(Regulation 26)

FORM OF CHANGE OF CIRCUMSTANCES

SAINT LUCIA LEGAL AID AUTHORITY

Aided person's details

Case reference number:

Title: Initials: Surname:

Surname at birth:

(if different)

Date of birth: / /

Aided person's new details

Title: Initials: Surname:

First name(s):

.....

Current address:

.....

.....

Daytime phone number:

Has the client's financial means changed? Please include change of address.

☐ Yes

☐ No

If yes, please complete the

Certification

Date change effective from: / /

I certify that the information provided is correct.

Signed: Date: / /

(authorized representative of the Board)

Name:

Case reference number:

Schedule 2

(Regulations 2 and 9)

LEGAL ACTIONS

PART A

LEGAL ACTIONS THAT ARE CONSIDERED TO BE CIVIL CASES

- (a) child welfare;
- (b) child maintenance and custody;
- (c) domestic violence;
- (d) divorce (specific to individuals in abusive relationships);
- (e) division of property;
- (f) personal injury and other negligence claims;
- (g) tortious claim;
- (h) contract disputes;
- (i) wills and small estate issues (valued under \$50,000.00);
- (j) debt actions or bankruptcies;
- (k) landlord and tenant disputes;

PART B

LEGAL ACTIONS THAT ARE NOT CONSIDERED TO BE CIVIL CASES

- (a) conveyancing;
- (b) estates (valued at more than \$50,000.00);
- (c) company and commercial matters;
- (d) defamation (libel and slander);
- (e) possession or rent collection proceedings by a landlord;
- (f) prescriptive title applications.

Schedule 3

(Regulation 13)

CALCULATION OF LEGAL AID CONTRIBUTION

1. An aided person's legal aid contribution shall be the aggregate of an amount calculated as his or her disposable capital and disposable income.

2. An aided person's contribution shall be endorsed on his or her legal aid certificate as one sum or by instalments in respect of the sums payable on his or her account.

3. The table below shows the amount to be contributed by an aided person with regards to his or her disposable income and disposable capital, except to the extent to which the Board, for reasonable cause, thinks fit in any particular case to reduce either amount.

Part A – Capital

Disposable capital \$	Contribution \$
Less than 2,000	250
2,000 or more but less than 7,000	50% of the amount by which the disposable capital exceeds 2,000
7,000 or more but less than 12,000	75% of the amount by which the disposable capital exceeds 2,000

Part B – Income

Disposable income	Contribution \$
2,000 or less	Nil
More than 2,000 but less than 5,000	100
5,000 or more but less than 7,000	325
7,000 or more but less than 10,000	600

Schedule 4

(Regulation 22)

FEE STRUCTURE FOR LEGAL AID

- (a) assigned counsel in a criminal matter – basic retainer of \$5,000.00
 - (b) assigned counsel in a civil matter – basic retainer of \$3,500.00 and a daily fee of \$300.00
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