

THE LEGAL AID ACT

The Legal Aid (Amendment) Regulations, 2010

In exercise of the powers conferred upon the Minister by section 28 of the Legal Aid Act, and of every other power hereunto enabling, the following Regulations are hereby made:-

1. These Regulations may be cited as the Legal Aid (Amendment) Regulations, 2010, and shall be read and construed as one with the Legal Aid Regulations, 2000, hereinafter referred to as the principal Regulations.

2. Regulation 2 of the principal Regulations is repealed and the following substituted therefor -

"Interpre- 2. In these Regulations, unless the context
tation. otherwise requires -

"duty counsel" means an attorney-at-law who is required to render the services specified in regulation 11(1);

"plea agreement" means an agreement made pursuant to section 4 of the Criminal Justice (Plea Negotiations and Agreements) Act;

"plea negotiations" means negotiations conducted pursuant to section 4 of the Criminal Justice (Plea Negotiations and Agreements) Act."

3. The principal Regulations are amended by inserting next after regulation 8 the following as regulation 8A -

"Records and 8A. The provisions of regulations 7 and 8
reports of shall not apply to a legal aid assignment
plea nego- relating to the conduct of plea negotiations -
tations. (a) where the records of plea
negotiations or of a plea agreement

have been sealed by the order of a Judge or Resident Magistrate;

- (b) to the extent that such application would breach any requirement for confidentiality applicable to plea negotiations or plea agreements."

4. The principal Regulations are amended by inserting next after PART IV the following as PART IVA -

" **PART IVA. Provision of Legal Aid for Plea Negotiations**

**Legal Aid
for plea
negotia-
tions**

15A. - (1) Where *plea negotiations* are to be conducted in any case for the purpose of entering into a plea agreement and -

- (a) the Director of Public Prosecutions has informed the accused person of his right to legal representation and legal aid in respect of the negotiations; and

- (b) the Executive Director is informed by the accused person or on his behalf that he is unable to afford the services of an attorney-at-law,

then an application to the Executive Director for legal aid in respect of the negotiations may be submitted by the accused person or on his behalf.

(2) Where the Executive Director grants legal aid in respect of plea negotiations, he shall issue a legal aid certificate to the applicant in the form set out as Form D in the First Schedule.

**Form D
First
Schedule.**

Applica-
tion of
other pro-
visions.

15B. For the avoidance of doubt it is declared that the provisions of -

(a) regulation 17 (which relates to means tests); and

(b) PART VI, with such modifications as are necessary,

shall apply to legal aid assignments under this Part, as they apply to other legal aid assignments.

Other en-
titlement
to legal
aid un-
affected.

15C. The grant of legal aid to any person for the conduct of plea negotiations in any matter shall not affect any provision that entitles that person to apply for legal aid in respect of any other stage of the proceedings in relation to that matter."

5. The Second Schedule to the principal Regulations is amended by inserting next after PART II the following as PART IIA-

" PART IIA. *Plea Negotiations*

Matters	Fee
—	—
	\$
Capital Murder	60,000.00
Non-Capital Murder and Manslaughter	45,000.00
All other Circuit Court and Firearm Offences	40,000.00
All Resident Magistrate's Court Offences (other than Fraud)	15,000.00
Fraud - Resident Magistrate's Court	20,000 to 40,000

Dated the 11 day of January, 2010.


Minister of Justice