

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 6 of 1979

TO PUT INTO EFFECT the Resolution of the Representative Assembly No. 21 of 1978, passed the 15th day of December 1978, to provide for legal aid.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914 and Articles 28 (3) and 30 of the Exchange of Notes made at London the 15th day of September 1977 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic.

Scheduled
Resolution
put into
effect.

1. The Resolution of the Representative Assembly No. 21 of 1978, set forth in the Schedule is hereby put into effect.

Short title
and
commencement

2. This Joint Regulation may be cited as the Legal Aid Regulation 1979, and shall come into operation on the date of its publication in the New Hebrides Government Gazette.

ENACTED at Vila this 26th day of January 1979.

The Inspector-General
on special duties,
conferred with the powers
of the Resident Commissioner
for the French Republic
in the New Hebrides.

Her Britannic Majesty's
Resident Commissioner.

J.J. ROBERT

A.C. STUART

RESOLUTION No. 21 of 1978

relating to the provision of Legal Aid to Poor Persons

The Representative Assembly of the New Hebrides, at its sitting on the fifteenth day of December, 1978, hereby resolves and decides, in accordance with Articles 23 and 25 of the Exchange of Notes of the fifteenth day of September 1977, to adopt the following measures:-

"Provision of legal aid.

1. (1) Any person who is charged with an offence punishable by imprisonment for a term exceeding six months or by a fine exceeding ten thousand New Hebrides francs (FNH10.000) or the equivalent in Australian dollars at the official rate of exchange, shall upon production to the court of a Certificate of Want of Means issued by a District Agent or a Government Agent, be entitled to the assistance of a lawyer for the preparation and presentation of his defence together with the pursuit of any appeal, in accordance with the provisions of this Resolution.

(2) Any person appearing, whether as plaintiff or defendant or as a third party or otherwise, in any civil proceeding where -

(a) the subject matter of the proceeding exceeds fifty thousand New Hebrides francs (FNH50.000) or the equivalent in Australian dollars at the official rate of exchange; or

(b) the proceedings do not involve a liquidated sum and the President of the Court to whom application in that behalf is made considers that the proceedings are of such importance or involve issues of such complexity that legal aid ought to be granted.

shall upon production to the court of the certificate of want of means in subsection (1), be entitled to the assistance of a lawyer for the preparation and presentation of his case together with the pursuit of any appeal, in accordance with the provisions of this Resolution.

(3) Any person who joins in any criminal proceedings to which subsection (1) applies as a third party for the purposes of recovering damages to which subsection (2) would apply if he were a plaintiff, shall upon production to the court of the Certificate referred to in subsection (1), be entitled to the assistance of a lawyer for the preparation and presentation of such case as may properly be put before the court on his behalf.

(4) An application for legal aid may be made orally or in writing to the President of the competent court in which proceedings are or may be contemplated.

2. (1) Legal aid may only be granted if the applicant's annual income is less than two hundred thousand New Hebrides francs (FNH200.000) or his total disposable assets are less than one million six hundred and forty thousand New Hebrides francs (FNH1.640.000).

(2) In this section "disposable assets" do not include an applicant's dwelling house, the land upon which it stands and which is reasonably used therewith or the essential furnishings thereof, nor his personal apparel or the personal apparel of his family, nor the tools of his trade.

3. (1) Each District Court shall prepare a list of defence lawyers whose services are available for the purposes of this Resolution.

(2) An accused person shall be entitled to select from the list established under subsection (1) a lawyer to defend him; in default of selection or if the lawyer selected is for any reason unable to act, the Judge of the relevant District Court shall appoint a lawyer from the list.

4. (1) The District Court shall tax the fees of every defence lawyer appearing under the provisions of this Resolution within the limits provided for in subsection (2).

(2) The Minister of Finance shall, after consultation with the Co-Presidents of the Joint Court, fix the maximum and minimum fees which may be paid under this Resolution, and shall so determine the fees having regard to gravity, length and complexity of each case."

Limit of legal aid.

List of defence lawyers.

Fees.