

## CHAPTER 21

### THE LEGAL AID (CRIMINAL PROCEEDINGS) ACT

[PRINCIPAL LEGISLATION]

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## CHAPTER 21

### THE LEGAL AID (CRIMINAL PROCEEDINGS) ACT

An Act to provide for the rendering of free legal aid in criminal proceedings involving indigent persons.

[1st July, 1969]

[G.N. No. 166 of 1969]

Acts Nos.

21 of 1969

19 of 1992

[PCh21s1]1. Short title

This Act may be cited as the Legal Aid (Criminal Proceedings) Act.

[PCh21s2]2. Interpretation Act No. 19 of 1992 Sch.

In this Act, unless the context otherwise requires—

"accused" includes, in the case of an appeal, the appellant, or in the case of an appeal by the Director of Public Prosecutions, the respondent;

"certifying authority" means in the case of a proceeding before the High Court, the Chief Justice or the Principal Judge of the High Court or the Judge in charge of the district registry where the proceeding is conducted; and in the case of proceedings before a district court or a court of a resident magistrate the Chief Justice or the Principal Judge of the High Court or the Judge in charge of the district registry where the proceeding is conducted;

"Minister" means the Minister responsible for legal affairs;

"proceeding" means any proceeding in any court other than a primary court in which a person is being tried for a criminal offence and includes an appeal before the High Court against a decision in any proceeding of a criminal nature before a district court or a court of a resident magistrate or a primary court;

"Registrar" means the Registrar of the High Court and includes the Deputy Registrar and the District Registrar.

[PCh21s3]3. Provision of free legal aid

Where in any proceeding it appears to the certifying authority that it is desirable, in the interests of justice, that an accused should have legal aid in the preparation and conduct of his defence or appeal, as the case may be, and that his means are insufficient to enable him to obtain such aid, the certifying authority may certify that the accused ought to have such legal aid and upon such certificate being issued the Registrar shall, where it is practicable so to do, assign to the accused an advocate for the purpose of the preparation and conduct of his defence or appeal, as the case may be.

[PCh21s4]4. Remuneration of advocate assigned to accused

(1) The remuneration of any advocate assigned to an accused under the provisions of section 3 shall be determined by the certifying authority and shall be payable from the general revenue of the United Republic.

(2) Remuneration payable under this section shall not be less than one hundred and twenty shillings nor more than three hundred shillings in respect of each proceeding, or in respect of each accused where the certifying authority certifies that accused persons jointly tried should be separately represented:

Provided that in the case of a proceeding before the High Court the Judge hearing the proceeding and, in the case of a proceeding before any other court, the Chief Justice, may, for special reasons, regard being had to the complexity of the proceeding or the duration thereof, authorise the payment of a higher remuneration not exceeding five

hundred shillings in respect of each proceeding, or in respect of each accused person, as the case may be.

[PCh21s5]5. Expenses incurred by advocate

(1) Where an advocate who is assigned to an accused person under the provisions of this Act incurs any special expenditure arising out of the performance of his duties, he may, if he wishes to be reimbursed in respect of such expenditure, submit a claim to the Registrar.

(2) After considering the claim the Registrar may reject it or, if he is satisfied that the full claim or a portion thereof is reasonable, authorise payment to the advocate of such claim or such portion, as the case may be, out of the general revenue of the United Republic.

(3) Any dispute arising out of the decision of the Registrar under subsection (2) of this section may be referred to the Chief Justice, whose decision thereon shall be final.

[PCh21s6]6. Delegation of powers by Chief Justice

The Chief Justice may, by writing, delegate any of his functions under this Act to a Judge of the High Court either generally or for any specific proceeding.

[PCh21s7]7. Rules

The Chief Justice may, with the consent of the Minister, make rules for the better carrying out of the purposes and provisions of this Act.

[PCh21s8]8. Repeal of R.L. Cap. 21

[Repeals the Poor Prisoners Defence Ordinance.]

