

EXTRAORDINARY



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GOVERNMENT OF FIJI

TRUST ACCOUNTS (AMENDMENT) DECREE 2012
(DECREE NO. 32 OF 2012)

IN exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO AMEND THE TRUST ACCOUNTS ACT 1996

Short title and commencement

- 1.—(1) This Decree may be cited as the Trust Accounts (Amendment) Decree 2012.
- (2) This Decree comes into force on the date of its publication in the *Gazette*.

Section 3 amended

2. Section 3 of the Trust Accounts Act 1996 is amended by—

- (a) deleting subsection (1) and substituting it with the following—

"(1) Before establishing any trust account under this Act, a trustee shall apply to the Minister and seek the written approval of the Minister."

- (b) inserting the following new subsections after subsection (1)—

"(1A) In making an application to the Minister under subsection (1), the trustee shall provide to the Minister all relevant particulars with respect to trust account, including information about the bank, the office or branch thereof at which the trustee intends to open the account, and the proposed name of the account.

(1B) Before establishing any trust account, the trustee shall satisfy the officer in charge of the office or branch of the bank that the trustee has complied with the requirements of subsection (1) by providing a copy of the written approval of the Minister to the officer in charge of the office or branch of the bank.

(1C) The officer in charge of the office or branch of a bank where a trustee seeks to establish a trust account shall not establish any such trust account until the officer is provided with a copy of the written approval of the Minister under subsection (1)."

Section 22 amended

3. Section 22(1) of the Trust Accounts Act 1996 is amended by deleting paragraph (b) and substituting it with the following—

- "(b) the balance as follows—

- (i) 65% to a fund to be known as the Legal Aid Fund to meet the costs and expenses of the Legal Aid Commission established by the Legal Aid Act 1996;

- (ii) 10% to a fund to be known as the Judiciary Fund to meet the costs and expenses for improving court premises, purchasing equipment for various courts in all the divisions, including acquisition of equipment for the Judiciary, implementing electronic recording of court proceedings, and for such other purpose as the Chief Justice may direct;
- (iii) 10% to a fund to be known as the Independent Legal Services Commission Fund to meet the costs and expenses of the Commission, established by the Legal Practitioners Decree 2009;
- (iv) 10% to a fund to be known as the Legal Practitioners Unit Fund to meet the costs and expenses of the Legal Practitioners Unit in the office of the Chief Registrar in the performance of the functions and duties of the Chief Registrar under the Legal Practitioners Decree 2009 and for such other related purpose as the Chief Registrar may direct;
- (v) 5% to a fund to be known as the Fidelity Fund to make the payments from such fund which may be lawfully required by the Commission to be paid. Where the amount of the Fidelity Fund, including any interest earned by the Fidelity Fund, exceeds one million dollars at the end of any quarter, such excess shall be applied proportionally between the other funds established by this sub-section."

GIVEN under my hand this

day of

2012.

EPELI NAILATIKAU
President of the Republic of Fiji