

POOR PERSONS' LEGAL ASSISTANCE REGULATIONS.⁽¹⁾

Regulations.

No. 12 of 1951.

- Short title.** 1. These Regulations may be cited as the *Poor Persons' Legal Assistance Regulations*.⁽¹⁾
- Definition.** 2. In these Regulations, unless the contrary intention appears—
“Ordinance” means the *Poor Persons' Legal Assistance Ordinance 1951*.⁽²⁾
- Notification of provisions of Ordinance.** 3. Where a person is committed for trial for an indictable offence, the Court by which he is committed for trial shall read over and explain to him the provisions of Section 3 of the Ordinance.
- Form of application under sub-section (1.) of section 3 of Ordinance.** 4. An application under Subsection (1.) of Section 3 of the Ordinance shall be in accordance with Form A in the Schedule to these Regulations.
- Application to be forwarded to Registrar or a Judge.** 5. A person applying for legal assistance in accordance with the provisions of the Ordinance shall forward his application for legal assistance to the Registrar of the Supreme Court or in a case of urgency to a Judge.
- Solicitor's fees.** 6. There shall be allowed to the solicitor who has been employed by the Administrator under Subsection (3.) of Section 3 of the Ordinance to undertake the defence of an accused person committed for trial for an indictable offence or indictable offences a fee of Twelve pounds twelve shillings, and a further fee of Eight pounds eight shillings in respect of every day on which a hearing takes place:

Provided that, where the presiding Judge, after the conclusion of the trial or trials, certifies that the case or cases was or were of excep-

(1) Particulars of these Regulations are as follows :—

Ordinance under which made.	Date on which made by Administrator.	Date on which published in Papua and N.G. Govt. Gaz.	Date on which took effect and came into operation.
<i>Poor Persons' Legal Assistance Ordinance 1951</i>	28. 6. 1951	2. 7. 1951	“forthwith” (a)

(a) These Regulations stated in their introductory part that they were “to come into operation forthwith”. At the relevant dates in 1951 the *Poor Persons' Legal Assistance Ordinance 1951* (under which these Regulations were made) made no provision as to the date of commencement of regulations made thereunder but Section 37 (1) of the *Ordinances Interpretation Ordinance 1949-1950* of the Territory of Papua and New Guinea provided that “Regulations . . . made . . . under an Ordinance, unless the contrary intention appears in the Ordinance—

(a) shall be published in the *Gazette*; and

(b) shall . . . take effect from the date of publication, or where another date is specified in the regulations, from the date specified.”

At the relevant dates in 1951, there was no Ordinance or regulation of general application providing for the meaning of “forthwith”.

(2) Printed in this Volume on pp. 302-303.

tional length or difficulty, the fee of Twelve pounds twelve shillings may be increased to such sum not exceeding Twenty-five pounds four shillings as he may direct:

Provided further that no fee shall be payable in respect of a hearing relating only to an application by either the prosecution or the defence for an adjournment or a remand or as to bail.

THE SCHEDULE.

Reg. 4.

Form A.

TERRITORY OF PAPUA AND NEW GUINEA.
Poor Persons' Legal Assistance Ordinance 1951.
APPLICATION FOR LEGAL ASSISTANCE.
To His Honour Judge

Sir,

I hereby apply under the *Poor Persons' Legal Assistance Ordinance 1951* for legal assistance for my defence, as I have been committed for trial for the offence(s) of

Name of applicant

Address

Period of residence in the Territory

Occupation(s) during residence in the Territory

Dependants

Amount of wages, earnings, allowances, and gifts of money received during the six months immediately preceding the date of this application:

Banks at which applicant had an account during the six months immediately preceding the date of this application:

Banks at which applicant has an account at the date of this application:

Money in applicant's possession or at his disposition at the date of this application:

Nature and value of other property of any kind whatsoever in which applicant has an interest at the date of this application:

Nature and value of property of any kind whatsoever which applicant has disposed of during the six months immediately preceding the date of this application:

Any special reason why this application should be granted:

Dated at this day of 19

Signature of applicant,

I, of , do solemnly and sincerely declare:—

(1) That I am the applicant for legal assistance under the *Poor Persons' Legal Assistance Ordinance 1951* in application dated the day of , 19

(2) That I am without adequate means to provide legal assistance for my defence.

(3) That the facts stated in my said application are true and correct in every particular.

And I make this solemn declaration by virtue of the *Statutory Declarations Ordinance 1950* conscientiously believing the statements contained therein to be true in every particular.

Signature of declarant.

Declared at this day of , 19

Before me,

(a)

(b)

(a) Signature of person before whom declaration is made.

(b) Here insert title of person before whom declaration is made.

NOTE.—Any person who wilfully makes a false statement in a statutory declaration is guilty of an indictable offence, and is liable to imprisonment, with or without hard labour, for four years.