

~~LEGAL AID BOARD~~

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JUSTICE FOR ALL

Our Ref: (P.J. Brits)
Your Ref.:

5 June 2002

FOR ACTION

Principals at Justice Centres and Legal Aid officers at magistrates' courts.

FOR INFORMATION

The Chief Justice, Judges President, The National Director of Public Prosecutions, Registrars, Directors of Public Prosecution and Bars of the Cape of Good Hope Provincial Division, Eastern Cape Division, South Eastern Cape Local Division, Northern Cape Division, Free State Provincial Division, Kwa-Zulu Natal Provincial Division, Durban and Coast Local Division, Transvaal Provincial Division, Witwatersrand Local Division; Bophuthatswana Division, Ciskei Division, Transkei Division and Venda Division, General Council of the Bar of South Africa, the Law Society of South Africa, the Law Societies of the Cape of Good Hope, Kwa-Zulu Natal, Free State and Northern Provinces, National Association of Democratic Lawyers, Black Lawyers' Association, Association of Independent Advocates of South Africa, Criminal Law Bar of South Africa, The Magistrates' Commission, Department of Justice, Department of Land Affairs, Department of Arts and Culture, the Editor of De Rebus and the Editor of Advocate.

Dear Sir/Madam

CIRCULAR NO. 3 OF 2002

Annexures C, G 1 and G. 2 of the 2002 Legal Aid Guide are hereby amended with effect from 1 July 2002 by the substitution therefore of the annexures hereto.

Yours faithfully

A B ALLY
CHIEF EXECUTIVE OFFICER

ANNEXURE C

MEANS TESTS

C.1 MEANS TEST FOR LEGAL AID OTHER THAN IN TERMS OF THE CONSTITUTION – see also Annexure G.1

C.1.1 SINGLE PERSONS AND ESTRANGED SPOUSES

A person with a calculated income not exceeding R850,00 per month, together with an addition thereto of R180,00 per dependent child, qualifies for legal aid.

C.1.2 MARRIED PERSONS

A married person with a calculated joint income not exceeding R850,00 per month together, with an addition thereto of R180.00 per dependent child, qualifies for legal aid.

C.2 MEANS TEST FOR LEGAL AID IN TERMS OF SECTION 35 (3) (g) AND 35 (2) (C) OF THE CONSTITUTION

See paragraph 2.6 and Annexures G.2 and G.3

MEANS TEST

Office:		Applicant:		Ref No:	
A. GROSS MONTHLY INCOME		APPLICANT	SPOUSE		
Salary		R	R		
Allowances	+	R	R		
Subsidy	+	R	R		
Bonuses	+	R	R		
Interest	+	R	R		
Rentals	+	R	R		
Maintenance received	+	R	R		
Other	+	R	R		
TOTAL	=	R	+	R	= R
B. ASSETS		APPLICANT	SPOUSE		
Fixed property: Reasonable market value		R	R		
Less Bonds	-	R	R		
	Sub-total =	R	R		
Investments & Savings	+	R	R		
Monies due to applicant	+	R	R		
TOTAL NET VALUE	=	R	R		
DIVIDE BY 120	=	R	+	R	= R
C. TOTAL GROSS MONTHLY INCOME (Totals A + B)				=	R
D. DEDUCTIONS		APPLICANT	SPOUSE		
Income Tax		R	R		
Unemployment Insurance Fund	+	R	R		
Compulsory group insurance	+	R	R		
Medical fund contribution	+	R	R		
Pension fund contribution	+	R	R		
Rent or mortgage instalment (Max R1 000)	+	R	R		
Maintenance i.r.o court order	+	R	R		
School fees (Not i.r.o private schools)	+	R	R		
TOTAL DEDUCTION	=	R	+	R	= R
E. CALCULATED MONTHLY INCOME (TOTALS C - D)				=	R
Less rebates: R850,00 for applicant				-	R
R850,00 for spouse (if applicable)				-	R
R180,00 per dependant child (R180.00 x ...)				-	R
TOTAL (No legal aid in case of a PLUS-balance)	=			=	R
Dependants actually supported by the applicant					
Name:	Age:	Name:	Age:		
Name:	Age:	Name:	Age:		
Name:	Age:	Name:	Age:		

Complete details of my salary, property and all other income and assets are correctly set out above. All details of my expenses are correctly set out. I actually and regularly pay all the deductions listed above on a monthly basis. I realize that if any of the information set out above is false or incomplete, legal aid will be suspended immediately, and I will be prosecuted for fraud.

Date:

Signature of applicant:

Qualifies for legal aid: YES / NO

Date:

Legal Aid Officer:

LEGAL AID BOARD

MEANS TEST IN CONSTITUTIONAL MATTERS

Location:	Applicant:	Ref No:
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		Applicant
GROSS INCOME: MONTHLY		
	Salary	R
	Plus Allowances	+ R
	Plus Subsidy	+ R
	Plus Bonuses	+ R
	Plus Interest	+ R
	Plus Rentals	+ R
	Plus Other	+ R
	TOTAL =	R
PLUS: PROPERTY		
IMMOVABLE: Reasonable market value		R
	Less bonds	- R
		= R
OTHER PROPERTY: Bank balances & savings		+ R
	Investments & Deposits	+ R
	Monies due to Applicant	+ R
	NET value	= R
	Divide by 120	R
	GROSS INCOME =	+ R
		= R
DEDUCTIONS		
Income Tax		
Unemployment Insurance		
Compulsory Group Insurance		
Medical Fund Contribution		
Pension Fund Contribution		
Rent or mortgage instalment (Max R1 000)		
Maintenance in terms of court order		
School fees & Contributions ***		
TOTAL DEUCTIONS =		- R
Calculated Income >		= R
Deduct R850 for Applicant		- R
SUB-TOTAL		= R
Deduct R180 per dependant child (if applicable) ... x R180 =		- R
		= R

*** Not applicable to private schools

Dependants actually supported by the applicant			
Name	Age	Name	Age
Name	Age	Name	Age
Name	Age	Name	Age

Complete details of my salary, property and all other income and assets are correctly set out above. All details of my expenses are correctly set out. I actually and regularly pay all the deductions listed above on a monthly basis. I realize that if any of the information set out above is false or incomplete, legal aid will be suspended immediately, and I will be prosecuted for fraud.

Date:

Signature of applicant:

Qualifies for legal aid: YES / NO

Date:

Legal Aid Officer: