

LEGAL AID BOARD

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2 October 2006

FOR ACTION

Regional Operations Executives, Justice Centre Executives, High Court Unit Managers, other Legal Aid Board Staff, Legal Practitioners and agent Legal Aid Officers at Magistrates' Courts.

FOR INFORMATION

The Chief Justice, The President of the Supreme Court of Appeal Judges President, The National Director of Public Prosecutions, Registrars 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, Mafikeng High Court, Bisho High Court, Mthatha High Court and Thohoyandou High Court, 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, The National Forum of Advocates of South Africa, The Magistrates' Commission, National Prosecuting Authority, Department of Justice, Judicial Inspectorate of Prisons, Human Rights Commission, The Public Protector, Commission on Gender Equality the Editor of De Rebus and the Editor of Advocate.

Dear Sir/ Madam,

CIRCULAR NO: 3 OF 2006

AMENDMENT OF PARAGRAPH 1.5 (b) OF CHAPTER 3 OF THE LEGAL AID GUIDE 2002

This Circular intends to amend paragraph 1.5 (b) of Chapter 3 of the Legal Aid Guide, 2002.



Paragraph 1.5 (b) of Legal Aid Guide 2002 is hereby amended by the substitution thereof of the following:

“(a).....

(b) In all criminal and civil cases, a legal aid applicant does not have a right to have a second or subsequent legal practitioner appointed on a legal aid basis for the same case.

If the legal aid applicant dismisses the first legal practitioner or causes the first legal practitioner to withdraw, the legal aid applicant will have to satisfy the ROE for the region concerned that the first legal practitioner was dismissed or had to withdraw for good reason before getting further legal aid assistance

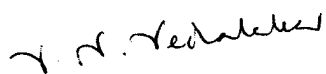
(c)

The effect of the above amendment is that:

1. The accused person or litigant in a civil action, who is on legal aid, is not automatically entitled to a second or a further legal practitioner where the said accused/litigant has dismissed the first or subsequent legal practitioner allocated to him/her.
2. The discretion to appoint a second or further practitioner no longer lies with the CEO of the LAB but with the ROE responsible for the region concerned

The above amendments shall be applicable with effect from 1 October 2006 notwithstanding the date hereof.

Yours faithfully



V N VEDALANKAR
CHIEF EXECUTIVE OFFICER.