



Legal Aid
South Africa

National Office

29 De Beer Street

Braamfontein

2017

Tel: 011-877-2055

Fax: 011-877-2222

www.legal-aid.co.za

23 February 2012

FOR ACTION

Legal Aid SA: Regional Operations Executives
Justice Centre Executives
High Court Unit Managers
Other Legal Aid SA staff
Other: Accredited Judicare Legal Practitioners
Agent Legal Aid Officers at Magistrates' Courts

FOR INFORMATION

Judiciary: The Chief Justice
The President of the Supreme Court of Appeal
Judges President: South Gauteng High Court
North Gauteng High Court
North West High Court
Limpopo High Court
Free State High Court
Northern Cape High Court
Western Cape High Court
Eastern Cape High Court, Grahamstown
Eastern Cape High Court, Port Elizabeth
Eastern Cape High Court, Mthatha
Eastern Cape High Court, Bhisho
KwaZulu-Natal High Court, Pietermaritzburg
KwaZulu-Natal High Court, Durban
Land Claims Court
Labour Appeal Court
Labour Court
The Magistrates Commission
Legal Practitioners: The Law Society of the Northern Provinces
The Law Society of the Cape
The Law Society of the Free State
The Law Society of KwaZulu-Natal
The Law Society of South Africa
National Association of Democratic Lawyers
Black Lawyers Association
General Council of the Bar of South Africa
Cape Bar Council
Eastern Cape Society of Advocates (Grahamstown)
Eastern Cape Society of Advocates (Port Elizabeth)
Northern Cape Society of Advocates
Society of Advocates of the Free State
Society of Advocates of Natal (Pietermaritzburg)
Society of Advocates of Natal (Durban)
Society of Advocates of Mpumalanga
Pretoria Society of Advocates

Your voice. For justice.



Society of Advocates of SA (Witwatersrand Division)
North-West Bar Association
Bisho Society of Advocates (Bisho City)
Bisho Society of Advocates (East London)
The Society of Advocates of Transkei
Thohoyandou Bar Council
National Forum of Advocates
Church Square Association of Advocates
Consilium Group of Advocates

Prosecution: The National Director of Public Prosecutions

Director of Public Prosecutions: South Gauteng
North Gauteng
North West
Limpopo
Free State
Northern Cape
Western Cape
Eastern Cape, Grahamstown
Eastern Cape, Port Elizabeth
Eastern Cape, Mthatha
Eastern Cape, Bisho
KwaZulu-Natal, Pietermaritzburg
KwaZulu-Natal, Durban

Dept of Justice & Constitutional Development: Director-General

Registrar: Constitutional Court
Supreme Court of Appeal
South Gauteng High Court
North Gauteng High Court
North West High Court
Limpopo High Court
Free State High Court
Northern Cape High Court
Western Cape High Court
Eastern Cape HC, Grahamstown
Eastern Cape HC, Port Elizabeth
Eastern Cape HC, Mthatha
Eastern Cape HC, Bisho
KwaZulu-Natal HC, P'mburg
KwaZulu-Natal HC, Durban
Land Claims Court
Labour Appeal Court
Labour Court

Portfolio Committee on Justice & Constitutional Development

Mr Luwellyn Landers
Mr Luzelle Adams
Mr John Jeffrey
Ms Mabel Mentor
Mr Lindumi Ndabandaba
Mr Mario Oriani-Ambrosini
Ms Deborah Schäfer
Mr Jonas Sibanyoni

Ms Sheila Sithole
Ms Mudene Smuts
Mr Steven Swart
Mr Jacobus Van der Merwe

Media: De Rebus
Advocate
Other: Human Rights Commission
Judicial Inspectorate of Prisons
Public Protector
Commission on Gender Equality

Dear Sir/Madam

CIRCULAR NUMBER 1 of 2012
IMPLEMENTATION OF THE LEGAL AID GUIDE 2012 12TH EDITION

1. RATIFICATION OF THE 12TH EDITION OF THE LEGAL AID GUIDE 2012

The Legal Aid Guide 2012 12th Edition was ratified in terms of Section 3A(2) of the Legal Aid Act 22 of 1969 (as amended) by the National Assembly on 20 September 2011 and by the National Council of Provinces on 24 November 2011.

The 2012 Legal Aid Guide 12th Edition will come into operation on the 23 February 2012 and will replace the Legal Aid Guide 2009 11th Edition.

2. CIRCULAR 1 OF 2011 – CONTRIBUTION SCHEME

The amendments approved and implemented by the above circular are not incorporated into the 2012 Legal Aid Guide as ratified by Parliament. Circular 1 of 2011 will however remain of full force and affect and the amendments as contained in the circular are hereby extended to amend the 2012 Legal Aid Guide.

3. TARIFF OF FEES AND DISBURSEMENTS

The tariff of fees and disbursements contained in Annexure E and Annexure F to the Legal Aid Guide 2012 12th Edition will only come into effect from 1 April 2012 for work done on or after 1 April 2012. The various tariffs of fees and disbursements that are applicable for work done prior to 1 April 2012 will be listed on the Legal Aid SA website (www.legal-aid.co.za).

3. COPIES OF THE LEGAL AID GUIDE 2012

Juta Law Publishers have been appointed to print the Legal Aid Guide 2012. The printed copies should be available from March 2012. Legal Aid SA will distribute copies of the Legal Aid Guide 2012 to all Justice Centers, Courts and Accredited Judicare Practitioners at no cost. Additional copies will be available from the Legal Development of Legal Aid SA at a cost to be advised or directly from Juta.

In the interim, an electronic copy of the Legal Aid Guide 2012 will be made available on the Legal Aid SA Intranet as well as the Legal Aid SA website.

4. AMENDMENT TO 2012 LEGAL AID GUIDE

Notice is hereby given that the Board of Legal Aid SA has approved the following amendments to the 2012 Legal Aid Guide (12th edition). All the amendments set out below will come into operation when the 2012 Legal Aid Guide comes into operation. The underlining of words indicates the insertion of new text.

4.1 PARAGRAPH 4.1.1 page 38

4.1.1 PERSONS ENTITLED TO LEGAL AID UNDER THE CONSTITUTION

“• Children in conflict with the law - section 35(3)(g) including the right of appeal to, and review by, a higher court (section 35(3)(o)), as provided for in section 73, 309, 309B, 309C, 309D and 316 of the Criminal Procedure Act, read with section 82 and 83(1) of the Child Justice Act 75 of 2008.”

4.2 PARAGRAPH 4.3.2 Page 41

4.3.2 DISTRICT COURT CASES

“(e) Legal representation to children in child justice court

Apart from granting legal aid to accused persons in the District Court, no child may be refused legal aid even when a charge is not listed in par 4.3.2 (a) –(c) in a child justice court.”

4.3 PARAGRAPH 4.3.3 Page 44

4.3.3 MISCELLENEOUS ISSUES

“(d) Legal representation to children at preliminary inquiry

A child is entitled to legal representation in a child justice court where established, upon request by the presiding officer, parent of the child or the child’s guardian.”

4.4 PARAGRAPH 4.3.3 Page 44

4.3.3 MISCELLENEOUS ISSUES

“(e) Legal representation to section 204 witnesses

A witness who appears before a court and who has been warned by the court to provide incriminating evidence against himself/herself is entitled to legal representation at state expense.”

Yours faithfully



Ms Vidhu Vedalankar
Chief Executive Officer
Legal Aid South Africa