

REFUSAL OF LEGAL AID

A

I, (Name) the undersigned, say that I applied for legal aid under **REFERENCE NUMBER**

1.

I WAS CHARGED with this offence*/ I asked for assistance in this civil case *(delete if not applicable)

2.

I WAS ADVISED:

2.1 In criminal cases section 35(3) of the Constitution of the Republic of South Africa of 1996, says that:

“Every accused person has a right to a fair trial which includes the right:

- (g) to have a legal practitioner assigned to the accused person by the State and at State expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
- (o) of appeal to, or review, by a higher court”

2.2 That a legal aid applicant does not have the right to choose the legal practitioner who will be chosen for him/her in a legal aid case.

2.3 That a legal aid applicant who has ended the mandate of his/her practitioner without good cause does not have a right to the appointment of a second or subsequent legal practitioner on a legal aid basis.

3.

I UNDERSTAND THAT I can request reasons for the decision of a Justice Centre Executive requesting these reasons in writing within 90 days of the decision to refuse legal aid being made. A request for reasons must be in writing delivered to the office of the Justice Centre Executive who originally received my application. The Legal Aid Board will respond to my request within 90 days of receiving it.

4.

I HAVE THE RIGHT to appeal to the Regional Operations Executive of Legal Aid SA against the decision of the Justice Centre Executive. I can do this by writing to the Regional Operations Executive of Legal Aid SA within 90 days of the decision of the Justice Centre Executive and by handing my appeal to the Justice Centre Executive for sending on to the Regional Operations Executive either with or without comment.

5.

I HAVE THE FURTHER RIGHT to appeal to the NOE/CLE/CCMC of Legal Aid South Africa against the decision of the Regional Operations Executive. I can do this by writing to the NOE/ CLE of Legal Aid South Africa within 90 days of the decision of the Regional Operations Executive and by handing my further appeal to the Regional Operations Executive for sending on to the National Operations Executive either with or without comment.

6.

I (name)

the undersigned now certify that

the Justice Centre Executive of

Justice Centre has informed me that:

a. my application for legal aid in a civil / criminal matter has been refused; the reason for the refusal is:

b. I have the right to appeal to the Regional Operations Executive of Legal Aid SA against the refusal of legal aid and then a further appeal to the NOE/CLE if my appeal to the Regional Operations Executive is also unsuccessful;

c. My written letter stating the grounds of my appeal should be handed to the Justice Centre Executive/Regional Operations Executive;

d. My appeal will be submitted to the ROE/NOE/CLE together with the Justice Centre Executive’s or Regional Operations Executive comments; and

e. In a criminal matter I have the right to apply to court before my trial starts for an order that I am provided with legal representation at state expense. Before this order is considered the court will refer this issue for evaluation and report by Legal Aid South Africa under section 22 of the Legal Aid SA Act 39 of 2014.

I also say that I understand the contents of this document.

B

Signature of applicant

Date

 / / 20
Signature of JCE

Date

 / / 20