

S.I. 22 of 2012

LEGAL AID ACT

(Cap 110)

Legal Aid (Amendment) Rules, 2012

In the exercise of the powers conferred by section 11 of the Legal Aid Act, the Chief Justice hereby makes the following Rules—

1. These Rules may be cited as the Legal Aid (Amendment) Rules 2012.

Citation

2. The Legal Aid Rules are amended by-repealing Rule 13 and substituting therefor the following Rule—

Amendment of S.I. 32 of 2011

13.(1) The fees payable out of the Fund to any legal practitioner assigned under rule 10(7)) shall be—

(a) for steps preliminary including taking of procedure, drawing of pleading for institution of civil proceedings—

(i) Supreme Court - SCR750.00

(ii) Magistrates Court - SCR500.00

(b) for conduct of proceedings upon filing of claim or defence until determination of the suit including all interlocutory proceedings or post judgment proceedings in civil proceedings—

(i) Supreme Court - SCR5,000.00

(ii) Magistrates Court - SCR3,500.00

(c) for the conduct of an appeal—

(i) from a Magistrates Court, Tribunal or other such subordinate body - SCR5,000.00

(ii) From the Supreme Court - SCR7,500.00

(d) for the defence of any person in a criminal proceedings including all interlocutory proceedings—

(i) for a person charged with murder, piracy, or other offence(s) whose maximum punishment is life imprisonment - SCR20,000.00

(ii) where an attorney acts for more than one person on one indictment in (i) above he shall be entitled to an additional sum for such additional accused person or persons - SCR7,500.00

(iii) for a person charged with any other offence(s) before the Supreme Court - SCR7,500.00

(iv) for additional persons charged on

the same indictment represented by the same attorney

(v) for a person charged with a criminal offence(s) before a magistrates court - SCR5,000.00

(vi) for additional persons charged on the same charge sheet as in (v) above before a magistrates court - SCR2,500.00

(2) The fees payable out of the funds to any Legal Practitioner assigned shall be at the full and final determination of a civil or criminal proceedings.

(3) In exceptional cases with the consent of the Chief Justice the trial judge or magistrate may adjust the fees to take into account such exceptional or extraordinary circumstances compelling the adjustment of the fees. Delay, repetitive appearances, or other such similar circumstances in the conduct and disposal of the matter at hand shall not amount to exceptional circumstances.

(4) The displacement fee in respect of legally assisted cases held at Praslin shall be SCR2,000.00.

MADE this 19th day of April, 2012.

FMS EGONDE-NTENDE
CHIEF JUSTICE