



REPUBLIC OF FIJI ISLANDS GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY OF THE FIJI GOVERNMENT

Vol. 10

MONDAY, 22nd JUNE 2009

No. 40

[341]

GOVERNMENT OF FIJI

LEGAL AID (AMENDMENT) DECREE 2009
 (DECREE NO. 19)

IN exercise of the powers vested in me as the President and Commander in Chief of the Republic of the Fiji Military Forces, I hereby make the following Decree—

Short title & commencement

1. This Decree may be cited as the Legal Aid (Amendment) Decree 2009, and shall come into force on 1st June 2009.

Section 3 amended

2. Section 3 of the Legal Aid Act 1996 (“the Act”) is amended—

(a) by deleting the definition of “Law Society”;

(b) by deleting the definition of “legal practitioner” and substituting it with the following—

““legal practitioner” means a person admitted to practice as a legal practitioner under the Legal Practitioners Decree 2009;”

(c) by inserting the following definition—

““Registrar” means the Chief Registrar of the Court.”

Section 5 repealed and replaced

3. Section 5 of the Act is repealed and replaced by the following—

“Constitution of Commission

5. —(1) The Commission is constituted by the following Commissioners—

(a) the Solicitor-General, who shall be the Chairperson of the Commission;

(b) the Registrar;

(c) three legal practitioners, with not less than 10 years’ post-admission practice, appointed by the Minister; and

(d) two persons, not being legal practitioners or public servants, appointed by the Minister, who in the opinion of the Minister are appropriate persons to represent the interests of legally assisted persons.

(2) The appointments under paragraphs (c) and (d) of subsection (1) shall be on a part-time basis.”

Section 17 amended

4. Section 17 of the Act is amended by inserting “appointed under section 5(1)(c) or (d)” after the word “Commissioner” wherever it appears.

Section 18 amended

5. Section 18 of the Act is repealed and replaced by the following—

“Remuneration

18.—(1) A Commissioner appointed under section 5(1)(c) or (d) shall be paid such remuneration and allowances as may be approved by the Minister.

(2) Any Commissioner appointed under section 5(1)(c) or (d) who is also appointed as acting Chairperson of the Commission shall receive such additional remuneration and allowances as the Minister may from time to time approve.”

Section 19 amended

6. Section 19 of the Act is amended—

- (a) by renumbering it as subsection (1); and
 (b) by inserting the following new subsection—

“(2) Notwithstanding anything contained in subsection (1), the Minister may, in his discretion and without having to provide any cause or reason, remove a Commissioner appointed under section 5(1)(c) or (d) by giving the Commissioner a notice of removal in writing.”

Section 31 amended

7. Section 31 of the Act is amended by deleting paragraph (c).

New section 37 added

8. The Act is amended by adding the following new section—

“Transitional

37. The appointment of any person, on or before 1st June 2009, as a Commissioner shall terminate on 1st June 2009.”

Given under my hand this 19th day of June 2009.

JOSEFA ILOILOVATU ULUIVUDA
 President and Commander in Chief
 of the Republic of the Fiji Military Forces