

1989

CHAPTER 42

An Act to amend The Legal Aid Act

(Assented to August 25, 1989)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title1 This Act may be cited as The Legal Aid Amendment Act, 1989.

S.S. 1983, c.L-9.1 amended

2 The Legal Aid Act is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by repealing clause (a) and substituting the following:

"(a) 'appeal committee' means the appeal committee appointed pursuant to section 12";  
and

(b) by adding the following clause after clause (c):

"area director"(c.1) 'area director' means the person appointed by the chairman to be responsible for the delivery of legal services in an area".

Section 3 amended4(1) Subsection 3(3) is amended:

(a) by repealing clause (a) and substituting the following:

"(a) six members appointed by the Lieutenant Governor in Council, of whom at least four are not members of the Law Society of Saskatchewan";

(b) by repealing clause (d);

(c) by striking out "minister" and substituting "Minister of Justice" in clause (e);  
and

(d) by adding the following clause after clause (e):

"(f) one member who is an employee of the Department of Social Services appointed by the minister".

(2) Subsection 3(5) is amended by adding ", other than a member appointed pursuant to clause (3)(e) or (f)," after "commission".

Section 7 amended5 Section 7 is amended:

(a) by adding the following clauses after clause (a):

"(a.1) establish procedures for applying for legal services;

"(a.2) determine the circumstances in which legal services may be provided to persons who do not ordinarily reside in Saskatchewan and establish rules and procedures with respect to the provision of those services;

"(a.3) establish procedures for granting legal services to applicants who reside in remote areas of the province"; and

(b) by repealing clause (i).

New section 12, sections 13 and 14 repealed

6 Sections 12 to 14 are repealed and the following substituted:

"APPEAL COMMITTEE

- Appeal Committee"12(1) An appeal committee is established, consisting of not more than three members appointed by the Lieutenant Governor in Council, of whom at least 50% are members of the Law Society of Saskatchewan.
- "(2) A member of the appeal committee holds office at pleasure for a term of not more than three years and until the member is reappointed or a successor is appointed.
- "(3) The Lieutenant Governor in Council may designate one member of the appeal committee as chairperson of the committee.
- "(4) One member of the appeal committee constitutes a quorum.
- "(5) The appeal committee may determine its own practice and procedures.
- "(6) The Lieutenant Governor in Council may determine any remuneration and any reimbursement for expenses that is payable to members of the appeal committee".

Section 25 amended

7 Subsection 25(4) is repealed and the following substituted:

- "(4) An applicant or client who:
- (a) is denied legal services; or
  - (b) is required to pay a portion of the costs of legal services provided or to be provided pursuant to this Act;
- may register a complaint with the chairman within 20 days after the day of the decision of the area director to deny legal services or to require payment.
- "(5) Subject to subsection (6), a decision of the chairman pursuant to subsection (4) is final.
- "(6) A decision of the chairman with respect to:
- (a) an applicant's or client's financial eligibility to receive civil legal services; or
  - (b) a requirement that an applicant or client pay a portion of the costs of civil legal services provided or to be provided;
- may be appealed to the appeal committee by serving the committee with a written notice of appeal setting out the grounds of appeal within 20 days after the day of the decision of the chairman that is the subject of the appeal.
- "(7) The appeal committee may:
- (a) affirm or vary the decision of the chairman; or
  - (b) substitute its own decision for that of the chairman.
- "(8) A decision of the appeal committee is final.
- "(9) The chairperson of the appeal committee may designate one member to hear an appeal, and the decision of that member is deemed to be the decision of the committee".

New section 268 Section 26 is repealed and the following substituted:

Contribution"26(1) Where an applicant, a client or any other person who is a member of a category of persons designated in the regulations is able to

contribute financially to the cost of legal services provided or to be provided to the applicant or client, the commission may:

(a) require and, subject to the regulations, specify an amount to be paid to the commission by the applicant, client or other person prior to the provision of legal services; and

(b) specify the time and manner of payment.

"(2) Until the amount mentioned in subsection (1) is paid in full, any part of that amount that:

(a) is unpaid; and

(b) relates to services actually provided;

is a debt due to the commission and is recoverable in any court of competent jurisdiction".

Section 28 repealed

9 Section 28 is repealed.

Section 32 amended

10 Section 32 is amended by striking out "13" and substituting "12".

Section 40 amended

11 Section 40 is amended:

(a) by renumbering it as subsection (1);

(b) by repealing clauses (1)(d) to (g) and substituting the following:

"(d) prescribing the rules for determining the portion of the costs of legal services that a person may be required to pay, governing the time and manner of payment and providing for the circumstances in which legal services may be suspended or withdrawn in the event of a failure to pay as required;

"(e) for the purposes of subsection 26(1), designating categories of persons who may be required to contribute to the cost of legal services provided to applicants or clients";

and

(c) by adding the following subsections after subsection (1):

"(2) For the purpose of carrying out this Act according to its intent, the commission may, subject to the approval of the Lieutenant Governor in Council, make regulations:

(a) prescribing the rules for determining the eligibility of an applicant or a class of applicants;

(b) prescribing the rules for determining the portion of the costs of legal services that a person may be required to pay, governing the time and manner of payment and providing for the circumstances in which legal services may be suspended or withdrawn in the event of a failure to pay as required;

(c) for the purposes of subsection 26(1), designating categories of persons who may be required to contribute to the cost of legal services

provided to applicants or clients.

"(3) Regulations made pursuant to subsection (2) are subordinate to any regulations made pursuant to clause (1)(c), (d) or (e)".

Section 42 repealed

12 Section 42 is repealed.

Coming into force13 This Act comes into force on the day of assent.