

**Statutory Instrument 303 of 2002**

**Legal Aid Regulations, 2002**

**IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs has, in terms of the Legal Aid Act, [Chapter 7:16], made the following regulations:—**

**1. Title** These regulations may be cited as the Legal Aid Regulations, 2002.

**2. Interpretation**

In these regulations—

“form” means the appropriate form set out in the Schedule;

“Secretary of the Law Society” means the Secretary of the Law Society referred to in section 51 of the Legal Practitioners Act [Chapter 27:07].

**3. Application for legal aid**

(1) An application for legal aid in terms of subsection (1) of section 7 of the Act shall be in form L.A. 1 and shall be accompanied by such documentary proof as the Director may require.

(2) In considering the eligibility of an applicant for legal aid, the Director shall make due allowances for the necessary educational needs of any dependent child of the applicant.

**4. Deductions from awards**

The Director shall, in terms of section 16 of the Act, deduct from any damages awarded or amount payable to an aided person for the benefit of the Legal Aid Fund an amount equal to thirty per centum of the damages awarded or amount payable to the aided person.

**5. Legal aid at instance of court or Attorney-General**

A recommendation by a judge, magistrate or the Attorney-General in terms of section 10 of the Act shall be—

(a) in the case of criminal proceedings, in form L.A. 2; (b) in the case of civil proceedings, in form L.A. 3.

**6. Assignment of legal practitioner**

(1) In assigning a legal practitioner in private practice in terms of section 12 of the Act, the Director shall—

(a) ascertain from the Secretary of the Law Society the relevant experience, expertise and special skills of the legal practitioner concerned; and

(b) on representations made to him, take into account any special circumstances as to the availability or otherwise of the legal practitioner for the assignment.

(2) Any representations in terms of paragraph (b) of section (1) shall be made within seventy-two hours of being notified of the assignment.

(3) The decision of the Director on the presentations in terms of paragraph (b) of subsection (1) shall— (a) be made in consultation with the Secretary of the Law Society; and (b) be final.

**7. Payment of legal practitioners**

A legal practitioner shall be paid three-quarters of the Law Society standard tariff for his services in terms of the Act within fourteen days of the submission of his claim.

**8. Director to keep register of legal practitioners in private practice**

The Director shall, in consultation with the Secretary of the Law Society, maintain a register of legal practitioners in private practice indicating—

(a) the full names and business address; and

(b) the telephone and fax number; and

(c) the date of registration as a legal practitioner; and

(d) such further information as the Director and the Secretary of the Law Society may from time to time consider necessary;

of each legal practitioner.

**SCHEDULE (Section 2)**

FORMS

SCHEDULE (Section 2)

FORMS

Form L.A. 1

APPLICATION FOR LEGAL AID

1. Surname of applicant: .....
2. First names: .....  
Date of birth: ..... I.D. No.: .....
3. Address of applicant: .....
4. Marital status: .....
5. Particulars of dependent children:

<i>Full names</i>	<i>Age</i>	<i>Relationship</i>
.....	.....	.....
.....	.....	.....
.....	.....	.....
6. Name and address of employer: .....
7. Occupation: ..... Salary: .....
8. If in receipt of—
  - (a) pension, amount of pension per month: \$ .....
  - (b) maintenance, amount of maintenance per month: \$ .....
9. Any other income: (*Specify nature of income*) .....  
(*amount*) .....
10. Average monthly expenses for—
  - (a) rent: \$ .....
  - (b) food: \$ .....
  - (c) clothing: \$ .....
  - (d) transport: \$ .....
  - (e) electricity and water: \$ .....
  - (f) school fees: \$ .....
  - (g) toiletries: \$ .....
  - (h) other (*Specify*): ..... (*Amount*): \$ .....

11. Savings (*Specify nature of savings i.e. bank or building society savings or fixed deposit account, shares, unit trust investments, etc.*): .....  
 (*amount or estimated value*): .....

12. Do you own any immovable property? (House, etc.) YES/No. If yes, give details: .....  
 .....

13. Is the applicant subject to any court order to pay any amount in respect of any other person? YES/No. If yes, give the following details in respect of whom the order is effective:

<i>Full names</i>	<i>Age</i>	<i>Relationship</i>	<i>Address</i>	<i>Amount payable</i>
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

14. Particulars of movable property of the applicant (excluding any household furniture and any tools or implements used by the applicant for the purposes of his or her trade):

<i>Description</i>	<i>Estimated value</i>
.....	.....
.....	.....
.....	.....

15. Give a brief statement of your legal problem and the nature of legal aid required: .....  
 .....

16. Has the applicant been refused legal aid for this matter before? YES/No.

17. Give details of any legal aid previously granted in any other matter: .....

18. DECLARATION:

I, ..... (*name of applicant*)—

- (a) understand that if legal aid is granted, I may be required to make a contribution towards the cost of legal aid;
- (b) undertake to supply such further and additional information as may be required by the Director in connection with my case, to attend to any legal aid office if and when required, and to supply such evidence of my means as may be required.
- (c) undertake to inform the Director immediately should the circumstances regarding my means change for the better at any time during the course of the proceedings for which I am granted legal aid; and
- (d) declare that all the particulars contained in this application are, to the best of my knowledge, true and correct.

Thus sworn and signed at: ..... this .....  
day of ..... 20 .....

.....  
*Signature of applicant*

Before me,

.....  
*Commissioner of Oaths*

**Note: Documentary proof is required in support of information given in this application form.**

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**(FOR OFFICIAL USE ONLY)**

Legal aid refused/granted subject to contribution of \$ .....

.....  
*Director, Legal Aid Directorate*

LEGAL AID AT INSTANCE OF JUDGE/MAGISTRATE/ ATTORNEY-GENERAL

Criminal Case No: .....

In the High Court of Zimbabwe

In the Magistrate's Court in the Province of: .....

.....

THE STATE

*versus*

.....

TO: The Director,

Legal Aid Directorate

..... (name of accused) who is due to be tried for the offence of ..... by the ..... court, is not legally represented.

In terms of section 10 of the Legal Aid Act, I recommend that legal aid be provided.

The accused has been released on bail/is in custody at the ..... prison\*

.....

*Judge/Magistrate/Attorney-General\**

Date: .....

*\*Delete whichever is not applicable*

LEGAL AID AT INSTANCE OF JUDGE OR MAGISTRATE

Criminal Case No: .....

In the High Court of Zimbabwe

In the Magistrate's Court in the Province of: .....

.....

*versus*

.....

TO: The Director,

Legal Aid Directorate

..... (name of accused) is a party to a  
matter/appeal to be heard by this Court, is not legally represented.

In terms of section 10 of the Legal Aid Act, I recommend that legal aid be  
provided.

The accused has been released on bail/is in custody at the .....  
..... prison\*

.....  
*Judge/Magistrate*

Date: .....

*\*Delete whichever is not applicable*