

Malawi

Legal Aid Act

Chapter 4:01

Legislation as at 31 December 2014

FRBR URI: /akn/mw/act/2011/7/eng@2014-12-31

There may have been updates since this file was created.

PDF created on 9 August 2022 at 13:20.

Collection last checked for updates: 31 December 2014.

Check for updates



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Legal Aid Act

Contents

Part I – Preliminary	1
1. Short title	1
2. Interpretation	1
Part II – Legal Aid Bureau	2
3. Establishment of the Legal Aid Bureau	2
4. Duties and functions of the Bureau	2
5. Powers of the Bureau	3
6. Independence of the Bureau	4
Part III – Staff of the Bureau	4
7. Director and Deputy Director	4
8. Qualifications of Director and Deputy Director	4
9. Appointment of the Director and Deputy Director	4
10. Term of office of Director and Deputy Director	4
11. Removal from office	4
12. Other employees of the Bureau	5
13. Delegation of powers	5
14. Criteria for recruiting Legal Aid Assistants	5
15. Terms and conditions of service	5
Part IV – Provision of legal aid	5
16. Extent of legal aid	5
17. Legal aid in criminal matters	6
18. Eligibility for legal aid in criminal matters	6
19. Legal aid in civil matters	7
20. Eligibility for legal aid in civil matters	7
21. Assessment of means of an applicant	7
22. Contributions towards legal aid	7
23. Legal aid by courts	8
24. Appeals against decision of Director	9
25. Termination and revocation of legal aid	9
26. Variation of grant of legal aid	9
27. Effect of revocation and termination of legal aid	10
28. Cooperation agreements	11
Part V – Instruction of private legal practitioners	11
29. Instruction of private legal practitioners	11

30. Panels of legal practitioners	11
31. Conditions applying to members of a panel	12
32. Breach of service provision contracts	12
33. Audits	12
34. Confidentiality with regard to audit	14
Part VI – Regional and District Legal Aid Centres	14
35. Regional Legal Aid Centres	14
36. District Legal Aid Centres	14
37. Competence of Legal Aid Advocates and Legal Aid Assistants	14
Part VII – Financial provisions	14
38. Funding of the Bureau	14
39. Legal Aid Fund	15
40. Deductions from awards	15
41. Costs awarded to legally aided persons	15
42. Costs not to be awarded against legally aided persons	15
43. Payments into the funds	16
44. Accounting and audit	16
Part VIII – General	16
45. Parties to submit mediation in certain cases	16
46. Bureau to enter into contingency fee agreements	16
47. Legal aid in matters before a tribunal	17
48. Regulations	17
49. Repeals and savings	17
50. Transitional	17
First Schedule (Section 19(2))	18
Second Schedule (Section 19(2))	18

Malawi

Legal Aid Act

Chapter 4:01

Commenced on 1 May 2013

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Forth Revised Edition of the Laws of Malawi (L.R.O. 1/2015), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to make provision for the granting of legal aid in civil and criminal matters to persons whose means are insufficient to enable them to engage private legal practitioners and to other categories of persons where the interests of justice so require; to provide for the establishment of a Legal Aid Bureau; to provide for the establishment of a Legal Aid Fund; to allow for limited eligibility of other persons, besides legal practitioners, to provide legal aid for the purposes of this Act and to provide for matters connected therewith or incidental thereto

Part I – Preliminary

1. Short title

This Act may be cited as the Legal Aid Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**Bureau**” means the Legal Aid Bureau established under Part III of this Act;

“**civic education**” means civic education in legal literacy or the general dissemination of information about the law to the general public and conducted as part of legal aid service under this Act;

“**contribution**” means a contribution to the costs of the proceedings or matter in respect of which legal aid is or is to be given;

“**cooperation agreement**” means a contract or agreement entered into between the Legal Aid Bureau and a civil society organization or a person or body, engaged or interested in the provision of legal aid, for the rendering of legal aid services wholly by such organization, person or body or jointly with the Bureau;

“**contingency fee agreement**” means an agreement between the Bureau and a legally aided person by which the Bureau agrees to represent such person on condition that compensation to the Bureau shall be a percentage of the amount recovered in favour of such person.

“**criminal investigations**” means investigations relating to an offence or to a person accused or convicted of an offence;

“**criminal proceedings**” means proceedings before a court, tribunal, or other body against a person for—

- (a) an offence;
- (b) contempt of, or before, such court, tribunal or other body;

“**Director**” and “**Deputy Director**” means Director and Deputy Director of the Bureau appointed under [section 9](#), respectively;

“**legal advice**” means oral or written advice on the application of written law or common law to any particular circumstances that have arisen in relation to the person seeking advice and as to the