

ACT

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THE LEGAL AID ACT, 2012

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SIGNED this *19th day of July*, 2012.

DR. ERNEST BAI KOROMA,
President.

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No. 6



2012

Sierra Leone

The Legal Aid Act, 2012

Short title.

Being an Act to provide for the establishment of the Legal Aid Board, to provide accessible, affordable, credible and sustainable legal aid services to indigent persons and for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1—PRELIMINARY

Interpretation.

1. In this Act unless the context otherwise requires—

"accredited civil society organization" means a civil society organization that has been accredited by the Board to provide legal aid;

"accredited non-governmental organization" means a non-governmental organization accredited by the Board to provide legal aid;

"accredited paralegal" means a person employed by the Board, a government department, an accredited civil society organization or a non-governmental organization and who has completed a training course in the relevant field of study at the Judicial and Legal Training Institute or an educational institution approved by the Board;

"accredited university law clinic" means a university law clinic accredited by the Board to provide legal aid;

"Appeals Panel" means the Appeals Panel established by section 28;

"Bar Association" means the Sierra Leone Bar Association;

"Board" means the Legal Aid Board established by section 2;

"cooperation agreement" means a written agreement entered into between a legal aid provider and the Board;

"Chairman" means the Chairman of the Board;

"Director " means the Director appointed under section 13;

"General Legal Council" means the General Legal Council established by the Legal Practitioners Act 2000. Act No. 15 of 2000.

"indigent" means a person who cannot afford to pay for legal services;

"legal advice and assistance" means providing information in both criminal and civil cases about the relevant law and legal processes, assisting with alternative dispute resolution, advising on legal issues, assisting with the drafting of documents other than instruments prohibited under section 24 of the Legal Practitioners Act, 2000, referring matters to legal practitioners and doing other things that do not constitute legal representation; Act No.15 of 2000.

"legal aid" means the provision of legal advice, assistance or representation to indigent persons;

"legal aid practitioner" means a legal practitioner employed by the Board, a legal practitioner in private practice accredited by the Board, a legal practitioner employed by an accredited civil society, non-governmental organization or university law clinic, to provide legal aid ;

"legal aid provider" means a legal practitioner, civil society organization, non-governmental organization, university law clinic or paralegal accredited to provide legal aid;

Act No.15 of
2000.

"legal practitioner" means a person who has been admitted and enrolled to practice law as a barrister and solicitor under the Legal Practitioners Act, 2000;

"legal representation" means a representation in court by a legal practitioner or pupil barrister ;

"legally-aided person" means a person who has been granted legal aid under this Act;

"Minister" means the Attorney-General and Minister of Justice;

Act No.15 of
2000.

"pupil barrister " means a person serving a period of pupillage under section 20 of the Legal Practitioners Act 2000;

"University law clinic " mean a law clinic attached to a University in Sierra Leone , the Sierra Leone Law School or other institution approved by the Board in which law students provide free legal advice and assistance to indigent persons under the supervision of a legal practitioner.

PART II—ESTABLISHMENT OF LEGAL AID BOARD

Establishment
of Board.

2. (1) There is hereby established a body to be known as the Legal Aid Board .

(2) The Board shall be a body corporate having perpetual succession and capable of acquiring , holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name, and subject to this Act, of performing all acts that bodies corporate may by law perform.

3. (1) The Board shall have a common seal the use of which shall be authenticated by the signatures of the Chairman or other member of the Board generally or specifically authorized by the Board for that purpose.

Common
seal.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Board and to be sealed with the common seal of the Board and authenticated in the manner stated in subsection (1) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

4. The Board shall consist of the following members: -

Composition
of Board.

- (a) a chairman who is a judge of the Superior Court of Judicature recommended by the Chief Justice and appointed by the President subject to the approval of Parliament;
- (b) a representative of the Law Officers Department not below the rank of Principal State Counsel;
- (c) a representative of the Ministry responsible for social welfare not below the rank of Deputy Director ;
- (d) a representative of the Bar Association of not less than five years standing at the Bar ;
- (e) a representative of the Department of Law , Fourah Bay College;
- (f) a representative of the Council of Paramount Chiefs ;

- (g) one representative each from civil society and non-governmental organizations having experience, knowledge and expertise on issues relating to legal aid;
- (h) a representative of the Inter-Religious Council; and
- (i) the chairman of the Local Government Association.

Tenure of office of members of Board.

5. (1) Members of the Board shall hold office for a term of three years and shall be eligible for reappointment for another term only.

(2) A person shall cease to be a member of the Board on any of the following grounds:—

- (a) if his term of office expires;
- (b) if he resigns his office by written notice to the President;
- (c) if he is convicted of an offence involving fraud or dishonesty;
- (d) if he is declared bankrupt;
- (e) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (f) for proven misconduct.

(3) Where a vacancy occurs in the membership of the Board, the President or the appropriate body shall appoint a replacement who shall hold office for the remainder of the term of the person replaced and shall, subject to this Act, be eligible for re-appointment.

6. (1) The Board shall meet for the dispatch of its business at least once every three months at such times and places as the Chairman may determine. Meetings of Board.

(2) A special meeting of the Board shall be summoned by the Chairman at the written request of not less than one-third of the members of the Board.

(3) The Chairman shall preside at meetings of the Board and in his absence, a member elected by the members from among their number shall preside.

(4) Each member shall have one vote but where there is equality of votes the Chairman or other member presiding shall have a casting vote.

(5) The quorum for a meeting of the Board shall be five.

(6) The Board may co-opt any person to attend and participate in its deliberations on any matter but the person shall not vote on any matter for decision by the Board.

(7) Subject to this Act, the Board shall regulate the procedure for its meetings.

7. Members of the Board and its employees shall have immunity from civil claims where they have acted in good faith during the performance of their functions under this Act. Immunity.

8. Where a member of the Board has an interest in a matter to be decided by the Board, that member shall disclose the interest to the Board, and the Board shall determine whether the member shall take part in the deliberation concerning that matter. Disclosure of interest.