

THE LEGAL AID ACT, 2021

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GOVERNMENT OF ZAMBIA

ACT

No. 1 of 2021

Date of Assent: 23rd March, 2021

An Act to provide for the granting of legal aid in civil and criminal case to persons whose means are insufficient to enable them to pay for legal services; to provide for the regulation of law clinics in the provision of legal aid; continue the existence of the Legal Aid Board and provide its functions; to reconstitute the Board of the Legal Aid Board and redefine its functions; provide for the registration of practitioners, legal assistants, paralegals and legal aid service providers; continue the existence of the Legal Aid Fund and provide for its administration and management; to repeal and replace the Legal Aid Act, 1967; and provide for matters connected with, or incidental to, the foregoing.

[24th March, 2021

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. (1) This Act may be cited as the Legal Aid Act, 2021, and shall come into operation on the date appointed by the Minister by statutory instrument.

Short title and commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“alternative dispute resolution” includes mechanisms such as mediation, conciliation, negotiation and arbitration aimed at preventing, settling or resolving a dispute;

“associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012;

Act No. 3 of 2012

Act No. 13 of 1998	<p>“Authority” means the Technical Education, Vocational and Entrepreneurship Training Authority established under the Technical Education, Vocational and Entrepreneurship Training Act, 1998;</p>
	<p>“Board” means the Board of the Legal Aid Board constituted under section 8;</p>
	<p>“Chairperson” means the person appointed as the Chairperson of the Board under section 8;</p>
	<p>“civil society organisation” means a registered non-state legal entity not established or operated for profit;</p>
Cap.1	<p>“court” has the meaning assigned to the word in the Constitution;</p>
	<p>“Director” means the person appointed as Director of the Legal Aid Board under section 10;</p>
	<p>“eligible person” means a person to whom legal aid may be granted on the basis of the means test and in the interest of justice;</p>
	<p>“Fund” means the Legal Aid Fund continued under section 40;</p>
	<p>“judicare” means the provision of legal aid, free of charge or at a fee, by a practitioner registered by the Legal Aid Board;</p>
	<p>“judicial officer” has the meaning assigned to the words in the Judiciary Administration Act, 2016;</p>
Act No. 23 of 2016	<p>“Lands Tribunal” means the Lands Tribunal established under the Lands Tribunal Act, 2010;</p>
Act No. 39 of 2010	<p>“legal advice” means the provision of advice on a question of the law and includes advice and assistance in the preparation of legal documents for purposes that are not related to any proceedings for which legal aid may be given;</p>
	<p>“legal aid” has the meaning assigned to the word under section 6;</p>
	<p>“legal aid Board” means the Legal Aid Board continued under section 4;</p>
	<p>“legal aid service provider” means a person who provides legal aid and includes a civil society organisation or a higher education institution law clinic registered under this Act;</p>
	<p>“legal assistance” means the assistance provided to a person in executing some legal act to protect the person’s rights or in taking some preparatory steps towards doing so in the context of formal court proceedings, including steps that are preliminary or incidental to formal court proceedings, or steps aimed at arriving at, or giving effect to a compromise to avoid or bring to an end formal proceedings, including court-annexed mediation;</p>