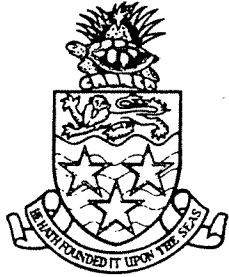


CAYMAN ISLANDS



Supplement No. 4 published with Gazette No. 26 of 1975.

THE POOR PERSONS (LEGAL AID) LAW
(Law 17 of 1975)

Date of operation:
Notice of non-disallowance published in Gazette No. of 197 .

MEMORANDUM OF OBJECTS AND REASONS

The Law of the Islands makes provision for legal representation of poor persons in civil suits by the Poor Persons (Legal Proceedings) Law (Cap. 127) but there is no provision save by very restricted Rules of Court for providing legal aid for poor persons accused of grave crimes or wishing to appeal against conviction for such crimes. Such provision is made in the legal systems of most countries and it is considered that it is desirable that it should be introduced in the Islands.

CAYMAN ISLANDS

LAW 17 of 1975.

I assent

T. RUSSELL

Governor

29th October, 1975.

L.S.

A LAW TO MAKE PROVISION FOR LEGAL AID TO POOR PERSONS

ENACTED by the Legislature of the Cayman Islands.

Short title and
commencement.

1. This Law may be cited as the Poor Persons (Legal Aid) Law and shall come into operation on a day to be appointed by the Governor by Notice published in the Gazette.

Interpretation.

2. In this Law, where the context so admits:—

“certificate” means a legal aid certificate granted under this Law;

“court” means a court of competent jurisdiction and includes a person presiding over such court;

“Governor” means the Governor in Council;

Schedule.

“scheduled offence” means an offence specified in the schedule.

Grant of a cer-
tificate.

3. Where it appears to any court before whom there appears any person —

(a) charged with a scheduled offence; or

(b) who desires to take or defend legal proceedings in the Grand Court,

that such person has not the means to instruct a legal practitioner to advise or represent him in any relevant proceedings, it shall grant to such person a certificate entitling him to free legal aid or, as the case may be, subsidised legal

4 The Poor Persons [Legal Aid] Law — 17 of 1975

aid, for the preparation of his case and generally throughout such proceedings and in any appeal.

Inquiry as to means of an applicant.

4. Where any person makes application to any court for a certificate and the court is in doubt as to the financial means of such person such court shall appoint a probation officer to make inquiry as to the means of the applicant and report thereon on oath to the court in chambers and the applicant shall have the right to cross-examine the officer making such report.

The effect of the issue of a certificate.

5. The effect of the grant of a certificate shall be that the person to whom a certificate is granted shall have assigned to him the services of one or, subject to the approval of the Court, more legal practitioners who shall be entitled to such fees as may be prescribed and such travelling and other expenses incurred in the investigation and conduct of the proceedings as shall be certified by the Clerk of the Court to have been reasonably so incurred.

Rules.

6. The Judge of the Grand Court may, subject to the approval of the Governor, make rules prescribing the fees to be paid to legal practitioners and for better carrying out of this Law.

Offence and penalty.

7. Whoever by any misrepresentation as to his lack of means obtains a certificate under this Law is guilty of an offence and punishable with a fine not exceeding \$200 or with imprisonment for a term not exceeding three months or both and shall be personally liable for the repayment of any sums paid or payable on behalf by virtue of such certificate.

Discharge of certificates.

8. When the services authorised by any certificate have been discharged the certificate may, together with any account of expenses certified under section 5, be presented to the Treasury which shall thereupon pay to the legal practitioner or practitioners concerned the total amount to which he or they are entitled thereupon.

Repeal.
Cap. 127.

9. The Poor Persons (Legal Proceedings) Law is hereby repealed.

SCHEDULE
(Section 2)

arson;
assault causing grievous bodily harm;
bestiality;
black mail;
buggery;
burglary;
carnal knowledge of a girl under the age of twelve;
carnal knowledge of a girl under the age of fourteen;
causing death by driving;
coining offences;
criminal libel;
forgery;
infanticide;
indecent assault;
manslaughter;

murder;
rape;
robbery;
treason; and
any other offence punishable with imprisonment for a term of fourteen years or more.

Passed the Legislative Assembly this 3rd day of September, 1975.

T. RUSSELL
President.

SYBIL McLAUGHLIN
Clerk of the Legislature Assembly.

