

G. N.

REPRINT OF THE LEGAL AID RULES

In exercise of the power conferred on me under section 56 of the Interpretation Ordinance, I, **NIGEL DAKIN**, Governor of the Turks and Caicos Islands, hereby authorise the Legal Aid Rules and subsequent amendments made, to be reprinted with all the necessary additions, omissions, substitutions and amendments effected as at 1st April 2021.

DATED this 8th day of April 2021.

NIGEL DAKIN
GOVERNOR

*Reprinted with the authority of the Governor under section 56 of the
Interpretation Ordinance (Cap.1.03)*

REPRINT

LEGAL AID RULES 2021

Reprint
showing the law as at 1st April 2021

This is a reprint of the law, prepared under the authority of the Governor
under section 56 of the Interpretation Ordinance.

This reprint contains a consolidation of the following laws—

LEGAL AID RULES

G.N.51.. in force 8 February 2021

Amended by G. N. 54 of 2021 .. in force 8 February 2021

Amended by GN. 55 of 2021 .. in force 8 February 2021

Amended by G. N. 335 .. in force 1 April 2021

Amended by G. N. 357 .. in force 1 April 2021

*Reprinted with the authority of the Governor under section 56 of the
Interpretation Ordinance (Cap. 1.03)*

REPRINT



TURKS AND CAICOS ISLANDS

SUPREME COURT ORDINANCE

LEGAL AID RULES 2021

ARRANGEMENT OF RULES

RULE

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SUPREME COURT ORDINANCE

LEGAL AID RULES 2021

MADE by the Chief Justice under section 16 of the Supreme Court Ordinance.

Citation and commencement

1. These Rules may be cited as the Legal Aid Rules 2021.

Eligibility for legal aid

2. A person is eligible for legal aid if he is a defendant charged with a criminal offence and the following applies—

- (a) where the offence charged is a serious one which may result in a period of imprisonment exceeding two years; or
- (b) where the person has previously been granted legal aid, but a retrial or trial de novo has been ordered by the court in respect of that person; and (*Amended by Legal Aid (Amendment) (No. 3) (Amendment) Rules 2021*)
- (c) where the person is demonstrated to be incapable of paying for the services of an Attorney, or is a poor person.

(*Substituted by Legal Aid (Amendment) (No. 3) Rules 2021*)

Who may make the application

3. (1) An application for legal aid may be made by—

- (a) a person who is qualified under rule 2(a) and (c), to the Registrar in terms of rule 5;
- (b) any person including an Attorney duly authorised by the defendant to make an application on behalf of a person qualified under rule 2; or
- (c) in case of a minor or person who is eligible under rule 2(a) and (c) who is under disability, a parent, guardian or person responsible for his care or welfare.

(2) Notwithstanding subrule (1), the court may, under rule 9A, on its motion consider whether a person can be granted legal aid. (*Substituted by Legal Aid (Amendment) (No. 3) Rules 2021*)

Legal Aid Panel

4. (1) A three-member Legal Aid Panel is established, to approve the grant of legal aid.

(2) The Legal Aid Panel shall be constituted by the following members appointed by the Chief Justice—

- (a) a Judge of the Supreme Court who shall chair the Panel;
- (b) the Director of the Department responsible for social welfare or his nominee; and
- (c) a representative of the Bar Council.

(3) Any two members of the Legal Aid Panel shall form a quorum to consider and approve applications.

(4) Except for the Bar Council which may rotate its members, the appointment of members under subrule (2) shall be for a period of one year, which may be extended from time to time.

(5) The members of the Legal Aid Panel shall not be paid any remuneration for their duties, except that they may receive refreshments from the Judiciary for their meetings.

(6) The Legal Aid Panel shall meet every other week at any place or by use of any mode of their choosing to consider all applications for legal aid and make their decision in their discretion, having regard to the information provided on the Legal Aid Application Form.

(7) The Legal Aid Panel shall notify the Registrar of the date, place and mode for their meetings, so that applications are made available to them.

Application for legal aid

5. (1) An application for legal aid may be made in Form 1 (Legal Aid Application Form) as set out in Schedule 1.

(2) An application may be submitted in the following manner—

- (a) a duly completed and sworn application form shall be submitted to the Registrar; or
- (b) a scanned duly completed or sworn copy may be submitted electronically to the Registrar to the following email address, courtregistry@gov.tc, or such other email address as may be provided by the Registrar, from time to time.

Time for making application

6. (1) An application shall be made promptly, in a criminal case, no later than the applicant's appearance at the Supreme Court for a bail hearing or for a sufficiency hearing, provided that the Legal Aid Panel may in their discretion consider a later application having regard to the reason for the delay, and as the justice of the case may require.

(2) A Judge before whom a defendant eligible for legal aid appears, shall advise the defendant of the availability of legal aid, and inform the defendant that an application may be made to the Registrar for consideration.

(3) A Magistrate before whom a defendant appears, shall if the Magistrate is of the view that the defendant is eligible for legal aid as a person incapable of paying for the services of an Attorney, or is a poor person, advise the defendant to apply for legal aid which the Magistrate shall support with a recommendation.

(4) In making a recommendation under subrule (3), a Magistrate shall describe the complexity of the case and provide any information to demonstrate that the defendant is incapable of paying for the services of an Attorney, or is poor person, and will most probably, require the services of an Attorney.

Information required

7. The Legal Aid Application Form will seek such information as will provide information on the crime for which an applicant for legal aid has been charged, and a fair assessment of the means of the applicant, his or her spouse, or of both, in order to determine the applicant's financial capability to engage an Attorney.

Verification of information provided

8. ¹ The Legal Aid Application Form shall be verified on oath before a Justice of the Peace which service shall be offered at no charge, before submission.

Grant of legal aid

9. (1) The grant of legal aid shall be deemed to be effected once approval is given by the Legal Aid Panel, in Form 2 (Legal Aid Approval Form) set out in Schedule 1.

(2) The Legal Aid Panel may, having regard to the means of the applicant disclosed upon the application, grant legal aid to cover the full cost of defence in a criminal case, or a part thereof.

(3) Where a partial legal aid is granted, legal aid shall be specified as granted for certain proceedings and processes, but not for others.

(4) The Legal Aid Panel shall set a commencement and end date of the legal aid which shall not exceed eighteen months after commencement.

(5) The approval or rejection of an application for legal aid shall be within the discretion of the Legal Aid Panel.

(6) In the exercise of their discretion, the Legal Aid Panel shall be satisfied that—

- (a) the applicant has demonstrated financial need, in that from the applicant's financial circumstances, the accurate details of which have been provided in the Legal Aid Application Form, the applicant will be financially incapable of paying for the services of an Attorney, or is a poor person; and

¹ Corrected by removing (1) as there are no subrules under this rule.

- (b) that the applicant has been charged with an indictable offence, especially a serious offence for which the punishment may be imprisonment for more than two years.

Grant of legal aid by court

9A.(1) The court may grant legal aid on its motion to a defendant who has previously been granted legal aid, but whose case is the subject on an order for retrial or trial de novo. *(Amended by Legal Aid (Amendment) (No. 3) (Amendment) Rules 2021)*

(2) The provisions of these Rules shall apply to a grant made in accordance with this rule, except for rules 4, 5, 6, 7, 8, 9, 11, 15, 18, 19, 24, 25 and 26.

(Inserted by Legal Aid (Amendment) (No. 3) Rules 2021)

Legal Aid Certificate

10.(1) Once legal aid has been approved in terms of rule 9 or granted by the court in terms of rule 9A, the Registrar shall issue a Legal Aid Certificate. *(Amended by Legal Aid (Amendment) (No. 3) Rules 2021)*

(2) The Legal Aid Certificate must set out the issue date, effective date, the end date of the legal aid, the name of the applicant, the case number if known, the crimes charged, the court, the scope of work intended to be covered by legal aid, the part covered by legal aid, and the fee assigned.

(3) The issuance of a Legal Aid Certificate shall be *prima facie* evidence of the grant of legal aid.

Review of a decision by the Panel

11.(1) A decision to refuse legal aid may be the subject of review by the Chief Justice

(2) An application for review of the decision to refuse or limit legal aid may be made to the Chief Justice through the Registrar.

Termination of legal aid

12.(1) Once legal aid has been granted to a defendant, it will be valid until the end date which shall be stated on the Legal Aid Certificate. *(Amended by Legal Aid (Amendment) (No. 3) Rules 2021)*

(2) A Legal Aid Certificate shall have an end date which shall not exceed eighteen months from the date it was issued.

(3) Legal aid shall terminate in any of the following circumstances—

- (a) when the Legal Aid Certificate is cancelled;
- (b) when the Legal Aid Certificate reaches its end date, unless legal aid is extended by the Legal Aid Panel; or

(c) when the services authorized by the certificate are completed.

(4) The Legal Aid Panel may grant additional legal aid to a defendant whose Legal Aid Certificate has reached an end date. (*Amended by Legal Aid (Amendment) (No. 3) Rules 2021*)

(5) A person may make an application for supplemental legal aid in Form 1 (Legal Aid Application Form) set out in Schedule 1, and shall indicate therein, that it is an application for supplemental legal aid.

Matters excluded from legal aid fee payment

13. Legal Aid Refresher fees shall not be paid to an Attorney if a ruling, or a finding of fact is made by a Presiding Judge regarding any of the following matters—

- (a) if the proceedings were unreasonably taken and unlikely to advance the applicant’s interests;
- (b) if the proceedings were incurred through negligence; or
- (c) if the proceedings were either calculated to, or would have the effect of unreasonably delaying proceedings.

Extension of scope of legal aid

14. (1) The Legal Aid Panel may in its discretion, approve the grant of legal aid for the appointment of experts or specialists.

(2) An application for extension of the scope of legal aid may be made by any of the persons specified in rule 3, who shall duly complete Form 1 (Legal Aid Application Form) set out in Schedule 1, specifying that it relates to an extension of the scope of legal aid.

Roster of Attorneys

15. (1) There is established a Legal Aid Roster for Attorneys which shall be compiled by the Registrar, and shall be the document from which assignment of Attorneys may be made for legal aid.

(2) The Roster shall—

- (a) be compiled within one month of the coming into force of these Rules;
- (b) be revised every 180 days, after the last compilation; and
- (c) be compiled from applications of Attorneys desirous of representing defendants eligible for the grant of legal aid, made to the Registrar.

(3) An Attorney with a valid practising certificate may apply to be included on the Legal Aid Roster by duly completing Form 3 (Legal Aid Attorney Roster Application Form) set out in Schedule 1.

(4) An application made by an Attorney for appointment to the Legal Aid Roster shall be submitted with a copy of his Curriculum Vitae.

(5) The Roster shall be maintained by the Registrar.

Assignment of an Attorney

16. (1) The assignment of an Attorney shall be made by the Registrar after the application for legal aid has been approved by the Legal Aid Panel.

(2) An assignment of an Attorney shall be in accordance with the Legal Aid Roster and in sequence.

(3) The Registrar may depart from the sequence on the Legal Aid Roster if in a particular case, a named Attorney has handled the case from the investigative stage, provided that the named Attorney is on the Roster.

(4) In assigning cases, the Registrar shall have regard to the following pertinent factors—

(a) the type and complexity of the case; and

(b) the level of expertise and experience, including work done to conclusion in a number of cases in a relevant area which may be ascertained from the Curricula Vitae in the custody of the Registrar.

(5) Where a number of Attorneys have comparable expertise and experience, the Registrar shall assign cases to such Attorneys as they appear in sequence on the Roster, but may depart from the sequence for good reason including the circumstance under subrule (3).

(6) An Attorney whose application is approved shall be provided with a number which shall be used in making claims for payment.²

(7) Notwithstanding the provisions of this rule, where legal aid has been granted to a defendant in accordance with rule 9A, the Registrar may upon application in writing, to him by the defendant, waive the assignment of an attorney from the Legal Aid Roster, and permit the defendant to retain the attorney who represented the defendant in the previous trial:

Provided that where the previous attorney is granted leave by the court to come off record before the commencement of the retrial or trial de novo, the Registrar may assign another attorney from the Legal Aid Roster, or permit the defendant to choose another attorney. (*Inserted by Legal Aid (Amendment) (No. 3) Rules 2021*)

Attorney's fees

17 (1). An Attorney shall be entitled to the payment of his Brief Fee, after conclusion of the case assigned to him, unless an interim payment for specific and substantial work is approved by the Legal Aid Panel.

² Renumbered to correct error of the numbering of the two subrules (5) in Legal Aid Rules 2021 and renumbered subsequent insertion of Legal Aid (Amendment) (No. 3) 2021.

(2) A Tier 3 Attorney shall not appear for a case of sufficient complexity which attracts a penalty of life imprisonment on his own, unless he is appearing to assist a Tier 1 Attorney, as ruled by a Judge and approved by the Legal Aid Panel.

(3) A Tier 2 Attorney may appear on his own for a case of an offence which attracts a penalty of life imprisonment, or he may also appear as an Attorney assisting a Tier 1 Attorney where the court has ruled that the case is one of sufficient complexity in accordance with subrule (4).

(4) A Tier 1 Attorney to whom a legal aid case of an offence attracting a penalty of life has been assigned, may make an application at a plea and direction hearing for a case to be determined as a case of sufficient complexity and for assistance by a Tier 2 Attorney or Tier 3 Attorney from his office or chambers, and the Judge may make a ruling on the application.

(5) A ruling that a case is of sufficient complexity that a Tier 1 Attorney needs a Tier 2 Attorney or Tier 3 Attorney for assistance shall be presented to the Legal Aid Panel, which shall approve an additional Attorney to assist as ruled by the Judge.

(6) A Tier 2 Attorney or Tier 3 Attorney assisting a Tier 1 Attorney in a case for an offence attracting a penalty of life imprisonment, shall be entitled to his own Brief Fee and a Refresher fee as set out in Schedule 2.

(7) An Attorney shall be entitled to payment for all work done in the pursuit of justice, and in the interest of advancing the case of the applicant.

(8) An Attorney shall be paid for work done under the Legal Aid Certificate only, and not for work done for the same client prior to the issuance of the Legal Aid Certificate.

(9) Legal aid shall be paid for inter-island and intra-island transportation costs incurred by Attorneys.

(10) Subject to subrule (11), legal aid shall be paid for overnight hotel accommodation after inter island travel, and for each day that an Attorney who has travelled from his island of ordinary residence remains on another island for the conduct of the case.

(11) No fees shall be payable for overnight hotel accommodation, except for fees for the night before court attendance, and the night following court attendance where it is demonstrated that the proceedings ended so late, or in such circumstances that return travel was not available or practicable.

(12) Payment for hotel accommodation includes breakfast, but no fees shall be paid for lunch or dinner, even where there is overnight stay.

(Substituted by Legal Aid (Amendment) Rules 2021)

(13) In granting legal aid under rule 9A, the court may further order the Registrar to apply a fee rate other than that set out in Schedule 2. *(Inserted by Legal Aid (Amendment) (No. 3) Rules 2021)*

(14) The Registrar may, having regard to a court order made in terms of subrule (13), apply a higher or lower rate than that set out in Schedule 2, or adopt the fee rate paid to counsel as legal aid in the previous trial, provided that the higher fee rate shall not exceed what was paid in the previous trial. (*Inserted by Legal Aid (Amendment) (No. 3) Rules 2021*)

Payment of fees

18. (1) Payment of Attorney's fees shall be made upon the submission of Form 4 (Legal Aid Attorney Claim Form) as set out in Schedule 1, accompanied by a Legal Aid Certificate issued under rule 10.

(2) A Legal Aid Attorney Claim Form shall be submitted no more than fourteen days after the completion of the case.

(3) In every case, an Attorney shall receive payment for concluded work, no more than twenty-one days after the submission of a duly completed Legal Aid Attorney Claim Form, except where there is justifiable delay.

(4) A delay in the payment of Attorney's fees at the conclusion of the case shall be in the circumstance of unavailable funds.

(5) In the circumstances provided in subrule (4), the deferment of payment shall be communicated to the Attorney in writing.

(6) Where communication has been made in accordance with subrule (5), the Attorney's fees shall be paid as soon as funds are made available, or so soon thereafter.

(7) Payment of Attorney's fees shall be calculated in accordance with the Fee Schedule set out in Schedule 2.

(8) The Fee Schedule shall be graduated to reflect the level of expertise as well as the complexity of cases.

(9) Payment of fees shall include the payment of a Brief Fee as a one-time retainer fee for each defendant, as well as a Refresher Fee.

(10) A Brief Fee shall be paid in full only for the matters that progress to trial at the plea and directions hearing.

(11) Where a Brief Fee is applied for in a case that does not conclude but in which work is done, the Brief Fee shall be prorated for the different stages of representation, each stage, attracting 25% of the Brief Fee.

(12) The stages of representation for which a Brief Fee or part thereof shall be earned are—

- (a) bail application;
- (b) sufficiency hearing;
- (c) plea and directions hearing;
- (d) trial.

(13) Subject to subrule (14), a Refresher Fee shall be payable for appearance in court in work done to progress the case including interlocutory matters, up to, and including the trial.

(14) Where an Attorney appears for more than one defendant in the same case, the first defendant shall attract a full Refresher Fee, and any subsequent defendant in the same proceedings in which the Attorney appears, shall attract half of the Refresher Fee.

(15) An appearance by an Attorney made for the purpose of that Attorney securing an adjournment shall not attract any fee payment.

Interim payments

19. (1) An Attorney who has been assigned a case, and who has done substantial work, may be entitled to interim payment.

(2) An interim payment, may, in the discretion of the Registrar, be paid for any of the stages set out in rule 18(12).

(3) For an Attorney to be eligible for an interim payment, a duly completed Form 4 (Legal Aid Attorney Claim Form) indicating that it is an interim claim shall be submitted to the Registrar.

(4) The Legal Aid Attorney Claim Form shall be signed by the Attorney and the Presiding Judge whose certificate shall indicate that substantial work has been done by the Attorney.

(5) Substantial work referred to under subrule (4) shall not include applications made by an Attorney for adjournment of proceedings.

Complaints against Attorney

20. (1) An Attorney who has been assigned a legal aid case shall perform his duties diligently.

(2) A complaint may be brought to the Registrar against an Attorney who has been assigned a case by—

- (a) the defendant;
- (b) the guardian or caretaker of a defendant who is a minor or a person under disability; or
- (c) the Presiding Judge.

Grounds for making a complaint

21. A complaint brought against an Attorney by any of the persons specified in rule 20 may be made on any of the following grounds—

- (a) lack of proper representation, including negligent conduct of case;
- (b) improper conduct towards the defendant;
- (c) lack of diligence in the performance of his duties, including frequent absences from the court or inordinate excuses which stall the conduct of a case; or

- (d) any other complaint that in the opinion of the Chief Justice, merits an investigation by the Court.

Investigating a complaint

22. (1) A complaint lodged by any of the persons specified in rule 20 in respect of any matters in rule 21 shall be investigated either by the Registrar alone, or where necessary, by the Registrar and any other person the Chief Justice may appoint to work with the Registrar in the investigative task.

(2) An investigation conducted in terms of subrule (1) may include a hearing.

(3) The Registrar, whether by himself or as part of an investigative team duly constituted by the Chief Justice, shall determine the procedure for conducting the investigation but shall present a report within the time prescribed by the Chief Justice, to the Chief Justice.

(4) The Registrar's report may include a recommendation that the case be reassigned to another Attorney, or a recommendation of some other sanction or action as will ensure that the said conduct is not repeated either by the Attorney, or other Attorneys.

(5) An adverse finding by the Registrar shall be for the purpose of receiving sanctions under these Rules only, and may not by itself be a basis for a finding of a breach of the Legal Profession Ordinance.

Reassignment of cases

23. (1) The defendant shall not remove an Attorney assigned, and the Attorney assigned shall not remove himself from an assigned case, without the leave of the Court.

(2) Reassignment of a case to an Attorney other than the Attorney assigned a case, may be made—

(a) where the Registrar in the performance of his investigative duties under rule 22(1), so recommends;
or

(b) where the Attorney is granted leave by the Court to come off the record, such leave may be granted upon a formal application by the Attorney to a Judge whether in open court or in chambers.

(3) For the avoidance of doubt, an Attorney who has been granted legal aid shall come off the record only upon a court order granting such permission.

(4) An application made under subrule (2) and the proceedings consequent upon them shall not attract any fee payment.

Review mechanism

24. (1) Where an applicant has been refused legal aid, and he wishes to have the decision refusing such aid reviewed, he shall repeat the

application by duly completing a new Form 1 (Legal Aid Application Form), set out in Schedule 1.

(2) An application made under subrule (1) shall indicate that an application has been refused but that there exists new matters that are intended to be brought to the attention of the Legal Aid Panel, and stating clearly what such new matters are.

(3) An application shall not be repeated under any circumstances, if there are no new matters canvassed for the consideration of the Legal Aid Panel.

Magistrate's Court Cases

25. A defendant charged with an offence and arraigned before the Magistrate's Court shall not be eligible for the grant of legal aid, except—

- (a) where there is sufficient complexity in a case, that an unrepresented defendant cannot reasonably be expected to properly defend himself;
- (b) where the defendant is demonstrated as incapable of paying for the services of an Attorney, or is demonstrably poor; and
- (c) the Presiding Magistrate recommends the grant of legal aid.

Revocation

26. The Legal Aid Rules 1999 and Practice Direction No. 1 of 2008 are hereby revoked and replaced with these Rules.

SCHEDULE

FORM 1

(Rules 5(1), 12(5), 14,(2), 24(1))

LEGAL AID APPLICATION FORM

(Includes statement of means)

Type of Legal Aid Applied for (Place X as applicable)

CRIMINAL

EXTENSION OF SCOPE (AID TO PROCURE EXPERTS AND SPECIALISTS)

Describe the extension you need and why.....

Case No. (If Known).....

SUPPLEMENTAL (ADDITIONAL AID FOLLOWING END DATE OF CERTIFICATE)

Case No. (If Known).....

.....

SECTION A

PERSONAL DETAILS

1. Name Mr [] Mrs [] Ms [] Miss []
Family Name:.....
First Name:
Date of Birth:.....

2. Do you have, or have you ever used any other names? (e.g. maiden name or previous married name) Yes [] No []

3. What is your Marital Status?
Married: [] Divorced: [] Single: [] Other: []

4. Are you in Prison Yes [] No []
Home Address.....

5. Do you need an Interpreter? Yes [] No []

6. Do you have any special circumstances?
(e.g. long-standing ill health, can't read or write, can't access assets or money, unable to work)

Yes [] No []
Details if Yes:
.....

SECTION B
FINANCIAL DETAILS

1. Are you self-employed? Yes [] No []

2. If Yes, Give Details Please attach:.....
- Personal and business bank statements for the last three months
 - The most recent income (or profit and loss) statement
 - The most recent balance sheet

Provide your employment history for the past 12 months

Current Employer(s):
(1)

Past Employer(s):
(1)
(2)
(3)

Salary Weekly [] \$
Monthly [] \$
Annually [] \$

3. Provide your Bank Statements for the past 3 months

4. Is your spouse/partner self-employed?
 Yes [] No [] Not Applicable[]

5. If Yes, attach the details requested at 2 above in respect of your spouse/partner

6. Is your spouse/partner employed?
 Yes [] No []

7. Provide the Employment history of your Spouse/Partner for the past 12 months.

Current Employer(s):

(1)

Past Employers:

(1)

(2)

(3)

8. Spouse's Partner's Salary Weekly [] \$
Monthly [] \$
Annually [] \$

9. Provide your Spouse's/Partner's Bank Statements for the past 3 months.

10. Do you own a house/apartment? Yes [] No []

11. Do you own any land? Yes [] No []

12. Do you own a vehicle? Yes [] No []

13. Do you own a boat? Yes [] No []

14. Do you own any other valuable assets? Yes [] No []
Give details

15. Do you pay rent? Yes [] No []
Amount:

16. Do you make mortgage payments? Yes [] No []
Amount:

17. DO YOU MAKE PAYMENTS TOWARDS ANY LOANS?
Yes [] No []
Amount:

18. MONTHLY EXPENSES: Water: \$.....
Electricity: \$.....
Internet/Cable:\$.....
Gas:
Groceries:

19. NUMBER OF DEPENDENT CHILDREN UNDER 18
(including children you pay child support or maintenance
for):.....
.....
.....

20. Name and Age of each dependant, and cost of maintaining
each:

(1). Name and age:.....

Monthly Cost:

(2). Name and age:

Monthly Cost:\$

3. Name and age:.....

Monthly Cost:

4. Name and age:.....

Monthly Cost:

5. Name and age:.....

Monthly Cost: \$.....

SECTION C
COURT DETAILS

1. Court: Magistrate's Court [] Supreme Court
[] Court of Appeal []

 2. What Offence(s) are you charged with? (For Applicants in Criminal Cases)
 - (1).
 - (2).
 - (3).
- When is your next court date?.....

SECTION D
ADDITIONAL INFORMATION

The following additional matters are relevant to give a full picture of my financial circumstances

SECTION E
DECLARATION

I.....
..... make oath and swear that the statements made above are true, and accurate. I understand that if I have made any deliberately false statement, I may be liable to prosecution and/or be liable to repay any legal aid wrongly paid to me.

Sworn to before me this.....day of20

.....
JUSTICE OF THE PEACE

.....
APPLICANT'S SIGNATURE

FORM 2

(Rule 9(1))

LEGAL AID APPROVAL FORM

- Deferred
- Approved
- Not Approved

1. Name of Applicant.....

2. Date of Application.....

Date Matter Placed before Legal Aid Panel

3. Please tick one of the following

Legal Aid is Applied for:

- Magistrate’s Court
- Supreme Court
- Court of Appeal

4. Please tick one of the following

Criminal

Sufficiency	PDH	PTR	Trial
-------------	-----	-----	-------

Other (specify)
.....

Comments of the Panel:

Chairman of the Legal Aid Panel

Date.....

FORM 3

(Rule 15(3))

LEGAL AID ATTORNEY ROSTER APPLICATION

ATTORNEY INFORMATION

1. Full name:.....
2. Address:.....
3. Phone:.....
4. Email:.....
5. Current Law Office (If different from address in
.....
.....
6. Other Law Offices you work from or are associated with:
.....
.....
7. When were you admitted/called to practice law?
.....
.....
8. How long have you practised Law in the Turks and Caicos Islands ?
.....
9. How long have you practised as a criminal defence Attorney in the Turks
and Caicos Islands?
.....
10. Have you ever been assigned a legal aid case?
.....
11. If you have, how long have you worked on legal aid cases?
.....
12. How many acquittals have you secured (include trials and appeals) in the
period you have worked on legal cases?
.....
.....
13. Provide details on the cases in which you secured acquittals (Write on
extra paper and submit along with this form):
.....
.....
.....

14. Are there any complaints against you with the TCI Bar Council?

.....
.....

If yes, explain

.....
.....

15. Have there been any findings of professional misconduct made against you by the Bar Council or the Chief Justice?

.....
.....

16. Have there been any findings of professional misconduct made against you by any other professional body?

.....
.....

17. Have you ever been sanctioned or disciplined by the Bar Council or the Chief Justice?

.....
.....

18. Are you currently involved in any civil proceedings as a defendant relating to your practice?

.....
.....

19. Are there any outstanding civil judgments related to your practice against you, or any past or present proposals to creditors?

.....
.....

20. Are you currently or have you ever been a defendant in a criminal trial?

.....
.....

21. Have you ever been convicted of an offence involving dishonesty for which you have not been pardoned?

.....
.....

22. Has judgment ever been entered against you in any civil action involving fraud or misappropriation?

.....
.....

23. What proportion of your legal practice would you like to dedicate to legal aid work?

.....
.....

In support of my application, I make the following assertions:

PLACE X	
	I am a lawyer and member in good standing with the Turks and Caicos Islands Bar Association. I will immediately notify the Registrar of the Supreme Court of the Supreme Court if my status changes.
	I agree to provide services to the best of my ability and according to strict professional standards
	I will submit my claims either in person to the Registry of the Supreme Court, or electronically as advised by the Registrar of the Supreme Court.
	I agree to make accurate statements regarding the appearances at court for which I submit bills to the Registrar of the Supreme Court,
	I understand that any false or misleading statement or representation with respect to my work including supporting documentation will result in the removal of my name from this Roster.
	I understand that where complaints of misconduct in my handling of an assigned case me are found after investigation to be true, a case assigned to me may be reassigned to another Attorney; further, that three such proven complaints of misconduct will result in the removal of my name from the Roster.
	I understand that it is my responsibility to update all changes to my contact information that I have provided in this application by informing the Registrar of the Supreme Court of the Supreme Court.

Signature:.....

Date:.....

FORM 4

(Rules 18(1), 19(3))

LEGAL AID ATTORNEY CLAIM FORM

Attorney's Name.....
 Attorney's Address.....
 Client's Name.....
 Date of Legal Aid Certificate.....
 Case/File No.....
 Legal Aid Roster Number.....

PLEASE TICK WHAT IS APPLICABLE TO THIS CLAIM

FINAL CLAIM		INTERIM CLAIM	
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PLEASE TICK WHAT IS APPLICABLE TO THIS CLAIM

SUPREME COURT	PROVIDENCIALES	CIVIL	ATTORNEY
MAGISTRATE'S COURT	GRAND TURK	CRIMINAL	DUTY ATTORNEY

PLEASE PROVIDE THE FOLLOWING INFORMATION. WRITE ON ADDITIONAL PAPER IF NECESSARY

Type of Fee	Case No.	Type of Proceeding	Date of Hearing	Duration of Hearing	Payment Due
Brief					
Refresher					
GRAND TOTAL					

ATTORNEY CERTIFICATION

I confirm that I have provided the services specified above, and that the services were authorised by the grant of legal aid to my client.

I seek payment of the appropriate fee in accordance with the Legal Aid Rules 2021 and the schedules thereof.

1. The travelling expenses charged have been actually and necessarily disbursed solely in relation to the legally aided cases outlined on this form.

2. The particulars furnished herein are in all respects true.

Signed:.....

Date.....

FOR INTERIM CLAIMS ONLY

Endorsement of work done by Judge

Date.....

SCHEDULE 2

(Rule 17(6), 18(7))

FEE SCHEDULE

	Tier 1 Attorney Brief Fee (USD)	Tier 1 Attorney Refresher fee (USD)	Tier 2 Attorney Brief Fee (USD)	Tier 2 Attorney Refresher fee (USD)	Tier 3 Attorney Brief Fee (USD)	Tier 3 Attorney Refresher fee (USD)
Offences attracting penalty of life imprisonment	1,500	800	1,200	650	N/A	N/A
Offences attracting penalty of no less than 15 years	1,300	700	1,000	550	800	350
Offences attracting penalty of 5 to 15 years	1,200	600	800	450	700	350
Offences attracting penalty of maximum 5 years	1,000	400	600	400	500	350
Offences attracting penalty of life imprisonment (only those ruled by Judge as a case of sufficient complexity and where an Attorney is appearing to assist Tier 1 Attorney)	N/A	N/A	450	400	400	350

Notes

1. Tier 1 Attorney incorporates Attorney falling within Bands 1 and 2, pursuant to Practice Direction 1 of 2020.
2. Tier 2 Attorney incorporates Attorney falling within Bands 3 and 4, pursuant to Practice Direction 1 of 2020.
3. Tier 3 Attorney incorporates Attorney falling within Band 5, pursuant to Practice Direction 1 of 2020.
4. Tier 3 Attorney will not be eligible for legal aid assignment to cases of offences attracting penalty of life imprisonment, except to assist Tier 1 Attorney as second chair.

(Substituted by Legal Aid (Amendment) Rules 2021)