

FIRST PRINT

LEGAL AID COMMISSION (AMENDMENT) BILL 1994

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to restructure the Legal Aid Commission by replacing the members of the Commission with a Board of Management. The functions of the Commission will be exercised by its Managing Director in accordance with the policies determined by the Board.

The Board of Management is to consist of 7 members. The Managing Director of the Commission is to be an ex-officio member. The remaining 6 members are to be the following part-time members appointed by the Minister:

- the Chairperson, being a person who has (in the opinion of the Minister) appropriate business, management and financial expertise
- two persons nominated by the Attorney-General of the Commonwealth
- a solicitor (appointed after consultation with the Law Society)
- a barrister (appointed after consultation with the Bar Association)
- a community representative (appointed after consultation with the Commonwealth Attorney-General).

The main functions of the Board will be to determine the policies and long-term strategies of the Commission and to oversee its management. It will also be able to determine applications for legal aid in cases which, in the Board's opinion, are particularly important (for example, because of the potential cost to the Commission).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day or days.

Clause 3 is a formal provision giving effect to the Schedule of amendments to the Act.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS

Repeal of provisions concerning the membership and meetings of the Legal Aid Commission

Schedule 1 (2) repeals sections 7–9 of the Legal Aid Commission Act 1979. Those sections (and Schedules 2 and 3, as to which see under “Members and procedure of Board”) are concerned with the membership and meetings of the Commission.

Board of Management and Managing Director

Schedule 1 (4) establishes the Board of Management (as described earlier) and replaces the existing provisions relating to the Managing Director of the Commission. Those provisions are not substantially changed, but the Managing Director will now exercise the functions of the Commission. The Managing Director must at all times act in accordance with the policies, strategies and priorities determined, and with regard to the guidelines set, by the Board, and will be subject to any directions of the Board.

Schedule 1 (11) empowers the Board (rather than the Commission) to establish Legal Aid Review Committees, and Schedule 1 (12) and (15) allow the Board (rather than the Commission) to appoint the members of those committees and the consultative committees, respectively.

Schedule 1 (1), (3), (5), (6) (a), (7) and (19) (a) make consequential amendments. Schedule 1 (7) also makes it clear that section 27 (Immunity) applies to the members of committees established under the Act (rather than the committees themselves). A similar clarification in relation to the solicitor-client privileges arising under section 25 (3) is provided by Schedule 1 (5). Schedule 1 (19) (b) repeals the provisions relating to disclosure of pecuniary interests by members of the Legal Aid Review Committees, and Schedule 1 (19) (c) re-enacts those provisions in the current style.

Appeals relating to legal aid

At present, there is no appeal from a determination of an application for legal aid that is made by the Legal Aid Commission itself, but an appeal does lie from a determination made by a person (including the Managing Director) acting under delegation from the Commission or by a committee of commissioners acting under authority from the Managing Director. The same is true of variations of determinations and decisions to decline to pay costs.

Schedule 1 (13) amends section 56 (Appeals) to allow an appeal to lie from such a determination, variation or decision made by the Commission (whose functions will now be exercised by the Managing Director) or by persons acting under delegation from the Commission, but not from those made by the Board. (There will, of course, no longer be committees of commissioners since there will be no commissioners.)

Schedule 1 (8)–(10) make consequential amendments. A consequential amendment to section 69 (Delegation) is also required, and the opportunity is taken to repeal and re-enact the section in the current style (Schedule 1 (16)).

Legal Aid Commission (Amendment) 1994

Members and procedure of Board

Schedule 1 (18) replaces the existing Schedules 2 and 3 to the Act (which contain the technical provisions relating to the membership and meetings of the Commission) with a single Schedule containing similar provisions relating to the members and procedure of the Board. The Schedule deals with such matters as the term of office of members, the remuneration to which they are entitled and the conduct of meetings.

Transitional provisions

Schedule 1 (20) provides that the persons holding office as commissioners of the Legal Aid Commission on the repeal of the provisions providing for their appointment cease to hold that office on that repeal. It also provides that the person holding office as the Managing Director of the Commission on the commencement of the new provisions is taken to have been appointed under those provisions.

The Schedule item also empowers the making of regulations consequent on the proposed Act.

Statute law revision

Schedule 1 (6) (b), (14) and (17) make amendments by way of statute law revision. Schedule 1 (6) (b) inserts a missing comma, Schedule 1 (14) makes it clear that certain functions referred to in the Act include discretions and Schedule 1 (17) repeals a section that is no longer of any effect.

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LEGAL AID COMMISSION (AMENDMENT) BILL 1994

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
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SCHEDULE 1—AMENDMENTS

LEGAL AID COMMISSION (AMENDMENT) BILL 1994

NEW SOUTH WALES



No. , 1994

A BILL FOR

An Act to amend the Legal Aid Commission Act 1979 to restructure the Legal Aid Commission, and for that purpose to establish a Board of Management; and for other purposes.

Legal Aid Commission (Amendment) 1994

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Legal Aid Commission (Amendment) Act 1994.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Legal Aid Commission Act 1979 No. 78

3. The Legal Aid Commission Act 1979 is amended as set out in
10 Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4 (**Definitions**):

15 (a) In section 4 (1), insert in alphabetical order the following definition:

“Board” means the Board of Management of the Commission established under this Act;

(b) From section 4 (1), omit the definition of “commissioner”.

20 (c) From the definition of “Managing Director” in section 4 (1), omit “section 14 (1)”, insert instead “section 16 (1)”.

(2) Sections 7–9:

Omit the sections.

(3) Section 10 (**Functions of the Commission**):

After section 10 (4), insert:

25 (5) The functions of the Commission are to be exercised by the Managing Director in accordance with section 17.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

(4) Part 2, Division 3:

Omit the Division, insert instead:

**Division 3—The Board of Management of the
Commission**

5

Establishment of Board

14. (1) There is to be a Board of Management of the Commission.

(2) The Board is to consist of 7 members, being:

(a) the Managing Director; and

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(b) 6 part-time members appointed by the Minister.

(3) Of the part-time members:

(a) one (who is to be the Chairperson) is to have, in the opinion of the Minister, appropriate business, management and financial expertise; and

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(b) two are to be nominated by the Attorney-General of the Commonwealth; and

(c) one is to be a solicitor appointed after consultation with the Law Society; and

(d) one is to be a barrister appointed after consultation with the Bar Association; and

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(e) one is to be a representative of the community appointed after consultation with the Attorney-General of the Commonwealth.

(4) Schedule 2 has effect with respect to the members and procedure of the Board.

25

Functions of Board

15. (1) The functions of the Board are as follows:

(a) to determine the policies and long-term strategies of the Commission;

30

(b) in particular, to determine general priorities and to set guidelines relating to eligibility for legal aid;

*Legal Aid Commission (Amendment) 1994***SCHEDULE 1—AMENDMENTS—*continued***

- (c) to oversee the management of the Commission to ensure that it is effective, efficient and economical;
- 5 (d) to make determinations and variations of determinations in relation to applications for legal aid, and decisions concerning the payment of costs awarded against legally assisted persons, in cases which, in the opinion of the Board, are of particular importance (for example, because of the potential cost to the Commission);
- 10 (e) to advise the Minister on any matter relating to legal aid (at the request of the Minister or on its own initiative).

- 15 (2) In making a determination, variation of determination or decision referred to in subsection (1) (d), the Board may (despite the other provisions of this Act) exercise such functions of the Commission as the Board determines.

Division 3A—The Managing Director of the Commission**20 Managing Director**

16. (1) The Minister may appoint a person to be the Managing Director of the Commission. The person appointed may be, but is not required to be, a barrister or a solicitor.

- 25 (2) The employment of the Managing Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

Functions of Managing Director

17. (1) The Managing Director:
- 30 (a) is to manage and control the affairs of the Commission; and
- (b) is to exercise the functions of the Commission; and
- (c) has such other functions as are conferred or imposed on the Managing Director by or under this or any other Act.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

(2) The Managing Director must at all times act in accordance with the policies, strategies and priorities determined, and with regard to the guidelines set, by the Board, and is subject to any directions of the Board. 5

(3) Any act, matter or thing done in the name of, or on behalf of, the Commission by or with the authority of the Managing Director is taken to have been done by the Commission.

Acting Managing Director 10

18. (1) The Minister may, from time to time, appoint a person to act in the office of the Managing Director during the illness or absence of the Managing Director (or during a vacancy in the office of Managing Director) and the person, while so acting, has all the functions of the Managing Director and is taken to be the Managing Director. 15

(2) The Minister may, at any time, remove a person from office as acting Managing Director.

(3) An acting Managing Director is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine. 20

(5) Section 25 (**Solicitor-client relationship**):

In section 25 (3), after “the Commission,” where firstly occurring, insert “a member of the Board, a member of”.

(6) Section 26 (**Disclosure of certain information prohibited**): 25

(a) From section 26, omit “A commissioner”, insert instead “A member of the Board”.

(b) In section 26, insert a comma after “section 25 (4)”.

(7) Section 27 (**Immunity**):

(a) In section 27, after “the Commission,” where firstly occurring, insert “a member of the Board, a member of”. 30

(b) In section 27, after “the Commission,” where thirdly occurring, insert “the member of the Board, the member of”.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

(8) Section 34 (**Determination of application**):

Omit section 34 (4) and (5), insert instead:

5 (4) If the determination of an application (other than an application referred to in subsection (3) (b)) is a refusal or a grant subject to conditions:

- 10 (a) the person or body making the determination is to record in writing the reasons for the refusal or the imposition of conditions; and
- (b) the notice given under subsection (2) is to inform the applicant that he or she has a right of appeal to a Legal Aid Review Committee against the determination.

15 (5) Subsection (4) does not apply to a determination made by the Board in the exercise of its functions under section 15 (1) (d).

(9) Section 38 (**Variation of grant of legal aid**):

Omit section 38 (4) and (5), insert instead:

20 (4) If a determination is varied under subsection (1) in a way that adversely affects the person in respect of whom the variation is made, the notice given under subsection (2) must inform that person that he or she has a right of appeal to a Legal Aid Review Committee against the variation.

(5) The reasons for a variation of a determination are to be recorded by the person or body making the variation.

25 (6) Subsections (4) and (5) do not apply to a variation made by the Board in the exercise of its functions under section 15 (1) (d).

(10) Section 47 (**Payment of costs awarded against legally assisted persons**):

30 Omit section 47 (6) and (7), insert instead:

(6) The notice given under subsection (5) must inform that person that he or she has a right of appeal to a Legal Aid Review Committee against the decision.

35 (7) The reasons for the decision are to be recorded by the person or body making the decision.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

(7A) Subsections (6) and (7) do not apply to a decision made by the Board in the exercise of its functions under section 15 (1) (d).

- (11) Section 53 (**Establishment of Legal Aid Review Committees**): 5
 From section 53, omit "Commission", insert instead "Board".
- (12) Section 54 (**Members**):
 From section 54 (1), omit "Commission", insert instead "Board". 10
- (13) Section 56 (**Appeals**):
 (a) Omit section 56 (1), insert instead:
 (1) An applicant or a legally assisted person dissatisfied with:
 (a) a determination of an application under section 34 (1); 15
 or
 (b) the variation of a determination under section 38 (1);
 or
 (c) a decision to decline payment of the whole or any part
 of costs under section 47 (4) or (4A), 20
 may appeal to a Legal Aid Review Committee.
- (b) After section 56 (1A), insert:
 (1B) An appeal may not be made in respect of a
 determination, variation of a determination or decision to
 decline payment of costs made by the Board in the exercise 25
 of its functions under section 15 (1) (d).
- (14) Section 58 (**Functions of a Legal Aid Review Committee on an appeal**):
 From section 58, omit "and discretions", insert instead
 "(including discretions)". 30

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

(15) Section 68 (**Consultative committees**):

From section 68, omit “Commission” wherever occurring, insert instead “Board”.

5 (16) Section 69:

Omit the section, insert instead:

Delegation

69. (1) The Commission may delegate any of its functions (other than this power of delegation) to:

- 10 (a) a member of the staff of the Commission; or
- (b) a person for the time being holding or acting in a specified position in the staff establishment of the Commission; or
- 15 (c) any person (including a private legal practitioner) of whose services the Commission makes use pursuant to this or any other Act.
- (2) A delegation:
- (a) may be general or limited; and
- 20 (b) is required to be in, or be evidenced by, writing signed by a person authorised by the Commission for that purpose; and
- (c) may be revoked, wholly or partly, by the Commission.
- (3) A delegated function may be exercised only in accordance with any conditions to which the delegation is subject (including any directions given by the Commission to the delegate from time to time).
- 25 (4) A delegate may, in the exercise of a delegated function, exercise any other function that is incidental to the delegated function.
- 30 (5) A delegated function that purports to have been exercised by a delegate is, until the contrary is proved, taken to have been duly exercised by the delegate.
- (6) A delegated function that is duly exercised by a delegate is taken to have been exercised by the Commission.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

- (7) If:
- (a) the exercise of a function by the Commission is dependent on the opinion, belief or state of mind of the Commission in relation to any matter; and 5
- (b) the Commission has delegated the function, the function may be exercised by the delegate on the opinion, belief or state of mind of the delegate in relation to any such matter.
- (8) A function that has been delegated may, despite the delegation, be exercised by the Commission. 10
- (9) Any exercise of a function may be revoked by the Commission and any resolution of the Commission prevails over any inconsistent decisions or resolutions of the delegate. However, no such revocation by, or resolution of, the Commission invalidates any prior act of the delegate which would have been valid if the revocation or resolution had not been made or passed. 15
- (17) Section 70:
Omit the section. 20
- (18) Schedules 2 and 3:
Omit the Schedules, insert instead:

SCHEDULE 2—PROVISIONS RELATING TO THE MEMBERS AND PROCEDURE OF THE BOARD

(Sec. 14 (4)) 25

Definitions

1. In this Schedule:

“**appointed member**” means a member of the Board other than the Managing Director;

“**Chairperson**” means the person referred to in section 14 (3) (a); 30

“**member**” means any member of the Board.

*Legal Aid Commission (Amendment) 1994*SCHEDULE 1—AMENDMENTS—*continued***Appointment**

5 2. The Minister may appoint a member under section 14 (3) (b), (c), (d) or (e) without the nomination or consultation required by the relevant paragraph of that subsection if the Minister is satisfied that there has been a reasonable opportunity for the nomination to be made or the consultation to take place.

Deputies

10 3. (1) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.

15 (2) A person so appointed is to have the same qualifications (if any), and is to be appointed in the same way, as the person for whom he or she is deputy.

(3) In the absence of an appointed member, the member's deputy:

20 (a) may, if available, act in the place of the member; and
(b) while so acting, has the functions of the member and is taken to be the member.

(4) The deputy of the appointed member who is the Chairperson does not have the member's functions as Chairperson.

25 (5) A person while acting in the place of an appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

Terms of office of appointed members

30 4. Subject to this Schedule, an appointed member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Remuneration

35 5. An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

*Legal Aid Commission (Amendment) 1994*SCHEDULE 1—AMENDMENTS—*continued***Vacancy in office of appointed member**

6. (1) The office of an appointed member becomes vacant if the member:

- (a) dies; or 5
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Minister under this Schedule or by the Governor under Part 8 of the Public Sector Management Act 1988; or 10
- (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or 15
- (f) becomes a mentally incapacitated person; or
- (g) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable; or 20
- (h) is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member, except on leave granted by the Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for having been absent from the meetings. 25

(2) The Minister may remove an appointed member from office at any time. 30

Disclosure of pecuniary interests

7. (1) If:

- (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Board; and 35

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
- 5 the member must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.
- (2) A disclosure by a member at a meeting of the Board that the member:
- 10 (a) is a member or officer, or is in the employment, of a specified company or other body; or
- (b) is a partner, or is in the employment, of a specified person; or
- 15 (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).
- 20 (3) Particulars of any disclosure made under this clause are to be recorded in a book kept by the Board for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Board.
- 25 (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or Board otherwise determines:
- (a) be present during any deliberation of the Board with respect to the matter; or
- 30 (b) take part in any decision of the Board with respect to the matter.
- (5) For the purpose of the making of a determination by the Board under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- 35 (a) be present during any deliberation of the Board for the purpose of making the determination; or

*Legal Aid Commission (Amendment) 1994***SCHEDULE 1—AMENDMENTS—*continued***

(b) take part in the making by the Board of the determination.

(6) A contravention of this clause does not invalidate any decision of the Board. 5

Filling of vacancy in office of appointed member

8. If the office of any appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Effect of certain other Acts 10

9. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of an appointed member.

(2) If by or under any Act provision is made:

(a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or 15

(b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining any remuneration payable to the person under this Act as such a member. 20

(3) The office of an appointed member is not, for the purposes of any Act, an office or place of profit under the Crown. 25

General procedure

10. The procedure for calling meetings of the Board and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Board. 30

Quorum

11. The quorum for a meeting of the Board is 4 members, one of whom must be the Chairperson or the Managing Director.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

Presiding member

5 12. (1) The Chairperson or, in the absence of the
Chairperson, the Managing Director, is to preside at a
meeting of the Board.

(2) The person presiding at a meeting of the Board has a
deliberative vote and, in the event of an equality of votes, has
a second or casting vote.

Voting

10 13. A decision supported by a majority of the votes cast at
a meeting of the Board at which a quorum is present is a
decision of the Board.

**Transaction of business outside meeting or by telephone
or other means**

15 14. (1) The Board may, if it thinks fit, transact any of its
business by the circulation of papers among all the members
for the time being, and a resolution in writing approved in
writing by a majority of those members is taken to be a
decision of the Board.

20 (2) The Board may, if it thinks fit, transact any of its
business at a meeting at which members (or some members)
participate by telephone, closed-circuit television or other
means, but only if any member who speaks on a matter
before the meeting can be heard by the other members.

25 (3) For the purposes of:

- (a) the approval of a resolution under subclause (1); or
- (b) a meeting held in accordance with subclause (2),

the Chairperson and each other member have the same voting
rights as they have at an ordinary meeting of the Board.

30 (4) A resolution approved under subclause (1) is, subject
to the regulations, to be recorded in the minutes of the
meeting of the Board.

35 (5) Papers may be circulated among the members for the
purposes of subclause (1) by facsimile or other transmission
of the information in the papers concerned.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

Minutes

15. (1) The Board is to ensure that full and accurate minutes of all its proceedings are kept.

(2) The Board is to submit a copy of the minutes of a meeting of the Board to the Minister within 14 days after the meeting is held. 5

Public information

16. The Board is to publish such of its decisions as are, in its opinion, of sufficient importance to warrant publication. Copies of those decisions are to be made available to the public in a manner determined by the Board. 10

First meeting

17. The Minister may call the first meeting of the Board in such manner as the Minister thinks fit. 15

(19) Schedule 7 (**Provisions relating to the Membership and Meetings of Legal Aid Review Committees**):

(a) From Schedule 7, omit "Commission" wherever occurring, insert instead "Board".

(b) Omit clause 6 (g). 20

(c) After clause 9, insert:

Disclosure of pecuniary interests

10. (1) If:

(a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of a Committee; and 25

(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee. 30

(2) A disclosure by a member at a meeting of a Committee that the member:

(a) is a member or officer, or is in the employment, of a specified company or other body; or 35

*Legal Aid Commission (Amendment) 1994*SCHEDULE 1—AMENDMENTS—*continued*

(b) is a partner, or is in the employment, of a specified person; or

5 (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

10 (3) Particulars of any disclosure made under this clause are to be recorded in a book kept by the Committee for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Committee.

15 (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or Board otherwise determines:

(a) be present during any deliberation of the Committee with respect to the matter; or

20 (b) take part in any decision of the Committee with respect to the matter.

25 (5) For the purpose of the making of a determination by the Committee under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:

(a) be present during any deliberation of the Committee for the purpose of making the determination; or

(b) take part in the making by the Committee of the determination.

30 (6) A contravention of this clause does not invalidate any decision of the Committee.

(20) Schedule 8 (**Savings, Transitional and Other Provisions**):

(a) At the end of clause 1A (1), insert:

Legal Aid Commission (Amendment) Act 1994.

Legal Aid Commission (Amendment) 1994

SCHEDULE 1—AMENDMENTS—*continued*

(b) After Part 8, insert:

**PART 9—PERSONS HOLDING OFFICE AS
COMMISSIONERS ON THE ENACTMENT OF
THE LEGAL AID COMMISSION (AMENDMENT)
ACT 1994**

5

Commissioners cease to hold office

37. (1) A person who, immediately before the commencement of Schedule 1 (2) to the Legal Aid Commission (Amendment) Act 1994, held office as a commissioner of the Commission ceases to hold office as such a commissioner on that commencement.

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(2) The person is not entitled to any remuneration or compensation because of the loss of that office.

(3) Nothing in this Act prevents such a person from being appointed (if qualified) as a member of the Board.

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Managing Director

38. The person who, immediately before the commencement of Schedule 1 (4) to the Legal Aid Commission (Amendment) Act 1994, held office as the Managing Director of the Commission is taken to have been appointed as Managing Director under section 16 (1) as inserted by that Schedule item.

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