

Criminal Grant and Assignment:

OVERVIEW OF PROCESS FOR HIGH AND DISTRICT COURT PROCEEDINGS

Application Process

1. Application Form 1 completed by defendant with assistance from:

- Preferred lawyer
- PDLA lawyer
- Duty Solicitor
- Courts staff (when no duty solicitor available)

See instructions in section 3.3 on completion of form

2. Form handed or forwarded to Agency:

Type 1 Court: Agency staff present at Court

Type 2 Court: Duty Solicitor to fax Side 1 of form to appropriate Agency office. At some courts there may be an agreement to fax urgent applications only. Court to post original form to Agency overnight. Preferred/PDLA lawyer to fax (or preferably post if time permits) form to Agency office.

Type 3 Court: Court Registrar to fax Side 1 of form to appropriate Agency office. Court to post original form to Agency overnight. Preferred/PDLA lawyer to fax (or preferably post if time permits) form to Agency office

3. If aid refused, Duty Solicitor/Preferred/PDLA lawyer to assist defendant to seek reconsideration (Form 11) or review as required.

Courts

TYPE 1 COURTS

Whangarei	Auckland
Waitakere	North Shore
Manukau	Hamilton
Rotorua	New Plymouth
Napier	Wellington
Christchurch	Dunedin
Invercargill	

TYPE 2 COURTS

Kaikohe	Kaitaia
Papakura	Tauranga
Whakatane	Gisborne
Hastings	Whanganui
Lower Hutt	Porirua
Upper Hutt	Masterton
Palmerston North	Levin
Nelson	Blenheim

TYPE 3 COURTS

Dargaville	Warkworth
Pukekohe	Huntly
Morrinsville	Te Awamutu
Thames	Te Kuiti
Taumarunui	Taupo
Tokoroa	Opotiki
Waihi	Wairoa
Hawera	Marton
Taihape	Dannevirke
Waipukurau	Feilding
Greymouth	Rangiora
Westport	Timaru
Ashburton	Oamaru
Alexandra	Balclutha
Gore	Queenstown

Commentary and Staff Actions

On receipt of Form 1 Agency staff to:

- assess application in terms of statutory criteria (section 8).
- if aid is granted, assign counsel in accordance with assignment protocol (see flowchart over and also Section 3.2 of this manual) and inform defendant, assigned counsel and court of the decision
- if aid is refused, inform defendant, duty solicitor/preferred lawyer and court of the decision. Defendant to be advised of reasons for declining, and of the right to seek reconsideration or review.

Procedures for informing the court, defendant and listed provider of the Agency's decision will be negotiated at individual courts and reflect current procedures at the court.

Generally speaking a single legal aid grant will cover the whole process for any case involving a defendant. Issues such as bail, or an appeal against denial of bail, or further charges, will be dealt with by way of an amendment to the grant (but see Section 3.1 of this manual "Second Criminal Matter - Amendment to Grant")

A new application will be required for appeals to the High Court against decisions of the District Court (apart from bail)

At any stage in a proceeding Agency staff may seek further financial information. Staff may require the applicant or legally aided person to complete the long criminal legal aid application form (Form 1a) and the partner's income form (Form 1b)

PROTOCOL FOR ASSIGNMENT

