

# ***The Legal Aid Regulations***

*Repealed*  
by Chapter L-9.1 Reg 2 (effective April 1, 1983).

*Formerly*  
Chapter L-9.1 Reg 1 as amended by the  
*Statutes of Saskatchewan, 1990-91, c35.*

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER L-9.1 REG 1

### *The Legal Aid Act*

#### **Title**

**1** These regulations may be cited as *The Legal Aid Regulations*.

#### **Interpretation**

**2** In these regulations:

- (a) “**Act**” means *The Legal Aid Act*;
- (b) “**contribution**” means the portion of the costs of legal services that an applicant or client may be required to pay pursuant to section 26 of the Act;
- (c) “**social assistance**” means a program of the Department of Social Services or the Department of Indian Affairs and Northern Development of the Government of Canada that provides income or any other benefit to an individual by reason of that individual being a person in need of those benefits, as determined in accordance with the criteria prescribed for that program.

1 May 87 cL-9.1 Reg 1 s2.

#### **Eligibility for legal services**

**3(1)** Subject to the Act, an applicant is eligible to receive legal services if, in the opinion of the commission:

- (a) the applicant receives:
  - (i) income; or
  - (ii) any other benefit;

from social assistance;

- (b) the applicant does not receive any income or any other benefit from social assistance but would otherwise be entitled to receive income or other benefits from social assistance by reason of his having financial resources at a level where he would be eligible for social assistance; or

- (c) the applicant's obtaining legal services outside the Act would reduce the applicant's financial resources to a level where the applicant would be eligible for income or any other benefit from social assistance.

(2) When determining the amount of contribution, no amount is to be so large as to reduce the financial resources of the applicant to a level where the applicant would be eligible for income or any other benefit from social assistance.

(3) Any non-profit corporation, group, organization or society, the membership of which is predominantly eligible persons, is eligible to receive legal services pursuant to the Act.

- (4) The commission shall not require an applicant to dispose of:
- (a) the place of residence that is the applicant's principal place of residence; or
  - (b) those assets necessary to maintain the applicant's livelihood.

1 May 87 cL-19.1 Reg 1 s3.

**Legal services**

4(1) The Commission shall provide legal services to an applicant who is eligible for legal services in accordance with these regulations only if:

- (a) the services required are within the range of services designated in this section; and
- (b) the criminal or civil matter:
  - (i) that is being undertaken or contemplated; and
  - (ii) with respect to which legal services are requested;

is considered by the commission to have professional merit.

(2) Subject to subsection (4) and for the purposes of clause 2(h) of the Act, the following are designated as legal services if they are provided in connection with the matters described in subsection (3):

- (a) representation in court;
- (b) preparation of documentation and pleadings;
- (c) employment of non-legal expertise;
- (d) interviewing witnesses;
- (e) provision of general advice and information.

(3) For the purposes of subsection (2), legal services are to be provided only in connection with the following:

- (a) with respect to criminal matters:
  - (i) any offence created under an Act of the Parliament of Canada if the proceedings are by way of indictment;
  - (ii) any offence created under an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to such an Act if, in the event of conviction and sentence, there is a likelihood of imprisonment or loss of livelihood;
  - (iii) any proceedings under the *Young Offenders Act* (Canada), as amended from time to time, that are undertaken in accordance with section 11 of that Act;
- (b) with respect to civil law matters:
  - (i) any case relating to family matters, including court proceedings commenced or defended in order to obtain any of the following relief:
    - (A) either contested or uncontested divorce;

- (B) disputed custody proceedings, including enforcement and variation;
  - (C) disputed access proceedings, including enforcement and variation of access;
  - (D) disputed maintenance proceedings, including enforcement and variation;
  - (E) disputed proceedings commenced under *The Family Services Act*;
  - (F) restraint proceedings for matters of protection affecting family members, excluding prosecutions pursuant to section 810 of the *Criminal Code*, as amended from time to time;
  - (G) filiation proceedings pursuant to *The Children of Unmarried Parents Act* where it is reasonable to expect that support may be obtained in the near future;
- (ii) any case other than one described in subclause (i) where, in the opinion of the commission, the applicant's livelihood is in jeopardy or where the applicant may suffer extraordinary hardship;
- (c) with respect to appeals:
    - (i) on an appeal by the Crown in any of the matters described in subclause (a)(i);
    - (ii) on an appeal, against conviction, by the accused in any of the matters referred to in subclause (a)(i) if the appeal, in the opinion of the commission, has merit; or
    - (iii) on an appeal with respect to any matter, other than any of the matters referred to in subclause (a)(i), if the appeal, in the opinion of the commission, has merit.
- (4) Notwithstanding subsections (1) and (2), where it appears necessary to the commission to:
    - (a) provide a legal service, other than one described in subsection (2); or
    - (b) provide a legal service with respect to matters other than those described in subsection (3);

the commission may provide the legal service described in clause (a) or (b) throughout Saskatchewan or, if the commission considers that the legal service is necessary only for an area of Saskatchewan, within that area of Saskatchewan.

- (5) Notwithstanding any other provision of these regulations, the commission may provide summary legal advice and information to any person, whether or not that person is eligible for legal services in accordance with these regulations.

**Payments of and to the commission**

5(1) All payments made pursuant to the Act or *The Community Legal Services (Saskatchewan) Act*, as the case may be, on and after August 1, 1980 for the cost of legal services with respect to civil matters for a person who is or was, at the time those services were rendered, in receipt of benefits pursuant to *The Saskatchewan Assistance Act* and the regulations pursuant to that Act are deemed to be payments of assistance on his behalf for the purposes of that Act and the regulations made pursuant to that Act.

(2) Where a person is eligible for benefits pursuant to *The Saskatchewan Assistance Act* and the regulations made pursuant to that Act for the cost of legal services with respect to civil matters, the amount of the cost of those legal services is to be paid to the commission out of moneys appropriated by the Legislature for that purpose.

1 May 87 cL-9.1 Reg 1 s5.