

Revoked
46/54

Government Circular No. 1415.

G.O. Reference 20014/34.



THE POOR PRISONERS' DEFENCE ACT, 1933.

Under the powers conferred by the above Act, Rules (of which a copy is appended) have been made by His Excellency the Lieutenant-Governor.

Claims for fees and expenses in accordance with the scale prescribed by His Excellency must be furnished to the Treasurer of the Isle of Man, in duplicate, after having been certified by the Presiding Judge.

By Order

B. E. SARGEAUNT,

Government Secretary.

Government Office,
Isle of Man,
9th June, 1933.

RULES MADE BY HIS EXCELLENCY THE LIEUTENANT-GOVERNOR UNDER THE POOR PRISONERS' DEFENCE ACT, 1933.

I, Sir Claude Hamilton Archer Hill, K.C.S.I., C.I.E., Lieutenant-Governor of the Isle of Man, in exercise of the powers conferred upon me by the Poor Prisoners' Defence Act, 1933, do hereby make the following rules and regulations.

1. (1) Any defence certificate granted by Committing Justices in pursuance of section 3 of the Poor Prisoners' Defence Act, 1933, shall be in Form A (i) or A (ii) in the schedule hereto; and the certificate shall as soon as it has been granted be sent by the Clerk to the Justices to the Government Secretary.

(2) Any defence certificate granted by a Judge shall be in Form B (i) or B (ii) in the schedule hereto.

2. Any legal aid certificate granted by a Court of Summary Jurisdiction or Examining Justices in pursuance of section 4 of the said Act shall be in Form C in the Schedule hereto. If the prisoner is committed for trial the certificate shall be forwarded with the depositions to the Government Secretary.

3. (1) The Government Secretary shall, after taking into consideration any representations which the prisoner may make, assign to him an advocate to whose services the prisoner shall be entitled.

(2) Whenever a defence certificate is granted, a copy of the depositions shall be furnished to the advocate so assigned.

4. There shall be paid to an advocate assigned to defend a Poor Prisoner at the Public Expense a fee of £2 2s. 0d., but the presiding Judge, after the conclusion of the trial, and upon the application of such advocate, may, if he think fit, certify that the case was one of exceptional length or difficulty, and thereupon the fee may be increased to such sum as he may direct, but not in any case exceeding £4 4s. 0d. Provided that in a charge of murder or other grave offence the presiding Judge may recommend to the Governor the payment of a higher fee than above specified, and the Governor on consideration of such recommendation may fix the fee to be paid to the advocate assigned to defend a poor prisoner in such case.

5. There shall be allowed to the Clerk to the Justices or other person by whom a certified copy of the depositions is supplied to the prisoner's advocate payment for the same at the usual rate.

6. There may be allowed to witnesses giving professional evidence and to expert witnesses the same expense as might be allowed to witnesses for a prosecution, provided that the sum allowed shall not in any case exceed one guinea a day, except in pursuance of a special order made by the presiding Judge.

7. There may be allowed to other witnesses (other than witnesses to character only unless ordered by the Court), the same expenses as may be allowed to witnesses for a prosecution.

8. The travelling expenses of witnesses may be allowed as in the case of a prosecution.

9. (1) These Rules may be cited as "The Poor Prisoners' Defence Rules, 1933."

(2) These Rules shall come into operation forthwith.

(3) Rules made on the 5th July, 1915, under the Poor Prisoners' Defence Act, 1915, are hereby revoked.

Given under my hand this 9th day of June, 1933.

CLAUDE H. HILL,

Lieutenant-Governor.

SCHEDULE.

Form A (i).

Defence Certificate of Committing Justices in Cases of Murder.

We (or I) the committing Justice(s) in the case of _____ having committed him for trial on a charge of murder and being satisfied that his means are insufficient to enable him to obtain legal aid in the preparation and conduct of his defence at the trial, do hereby grant in respect of him this defence certificate.

Dated this _____ day of _____, 19 _____.

A. B.

C. D.

High-Bailiff of

or Justice(s) of the Peace.

Form A (ii).

Defence Certificate of Committing Justices in Cases other than Murder.

We (or I) the committing Justice(s) in the case of _____ having regard to all the circumstances of the case (including the nature of the defence, if any, set up by him), are (or am) satisfied that it is desirable in the interests of justice that he should have legal aid in the preparation and conduct of his defence at the trial, and that his means are insufficient to enable him to obtain such aid, and we (or I) do hereby grant in respect of him this defence certificate.

Dated this _____ day of _____, 19 ____.

A. B.

C. D.

High-Bailiff of
or Justice(s) of the Peace.

Form B (i).

Defence Certificate of Judge in Cases of Murder.

I, A. B. _____, having regard to the fact that _____ is committed for trial on a charge of murder and being satisfied that his means are insufficient to enable him to obtain legal aid in the preparation and conduct of his defence at the trial, do hereby grant in respect of him this defence certificate.

Dated this _____ day of _____, 19 ____.

A. B.

Form B (ii).

Defence Certificate of Judge in Cases other than Murder.

I, A. B. _____, having regard to all the circumstances of the case (including the nature of the defence, if any, set up by _____), am satisfied that it is desirable in the interests of justice that he should have legal aid in the preparation and conduct of his defence at the trial, and that his means are insufficient to enable him to obtain such aid, and I do hereby grant in respect of him this defence certificate.

Dated this _____ day of _____, 19 ____.

A. B.

Form C.

Legal Aid Certificate by Justices.

We (or I) being (a) Justice(s) of the Peace before whom
is charged with
are (or am) satisfied that his means are insufficient to enable him to obtain
legal aid and that by reason of the gravity of the charge (or of exceptional
circumstances) it is desirable in the interests of justice that he should have
legal aid in the preparation and conduct of his defence before us (or me),
do hereby grant in respect of him this legal aid certificate.

Dated this _____ day of _____, 19 ____.

A. B.

C. D.

High-Bailiff of
or Justice(s) of the Peace.