

SUBSIDIARY LEGISLATION 595.17**LEGAL AID AGENCY (PROCEDURES) ORDER**

26th February, 2016

LEGAL NOTICE 64 of 2016.

1. (1) The title of this Order is the Legal Aid Agency (Procedures) Order. Citation and purpose.

(2) The purpose of this Order is to establish the procedures to be adopted by the Legal Aid Agency in the carrying out of its functions and operations.

2. In this Order, unless the context otherwise requires:

Interpretation.

"Agency" means the Legal Aid Agency established under the Legal Aid Agency (Establishment) Order;

S.L. 595.11

"applicant" means a person applying for legal aid;

"cross-border dispute" means a dispute where the party applying for legal aid in the context of the Directive is domiciled or is habitually resident, as determined by Article 62 of Regulation (EU) No. 1215/2012, in a Member State other than Malta or where the decision is to be enforced;

"the Directive" means the provisions of Council Directive 2002/8/EC of the 27th January, 2003 to improve access to justice in cross-border disputes by establishing minimum rules relating to legal aid for such disputes;

"Member State" means any State referred to in the definition "the Treaty" contained in article 2(1) of the European Union Act, excluding Denmark;

Cap. 460.

"officers of the Agency" means the administrative staff of the Agency.

3. (1) The Agency shall provide such assistance as is necessary for the proper administration of the benefit of legal aid.

Functions and operations of the Agency.

(2) Any request for legal aid shall be addressed to the Advocate for Legal Aid through the Agency. For this purpose, legal aid requests shall be made on the application form in the Schedule.

(3) The Agency shall verify the information provided on the application form and supporting documents thereof, and for this purpose the Agency may access information contained in Government filing systems, including databases, in respect of the applicant.

(4) The officers of the Agency shall assist the Advocate for Legal Aid in the following functions:

(a) to assist applicants, who so require, in filling the application form;

(b) to act as a receiving or transmitting authority for legal aid applications in the case of cross-border disputes;

- (c) to ensure that the application is accompanied by all the supporting documentation known by such applicant to be required to enable the application to be determined;
- (d) as a transmitting authority, to assist the applicant in providing the translation of the application and of the necessary supporting documents when the application is submitted to the authorities in another Member State;
- (e) to keep the applicant informed with the processing of the application, and where the application is totally or partially rejected, to give reasons for the rejection;
- (f) to provide general customer care service and information;
- (g) to keep databases and record of relevant documentation;
- (h) to carry out any other function as requested by the Advocate for Legal Aid.

Place of operation
of the Agency.

4. The Agency shall operate from such place as may be designated for this purpose by the Minister responsible for justice by notice in the Gazette.

SCHEDULE

Application Form for Legal Aid

Section 1 - Personal Details

Name Surname
Address
ID Card Number or Passport Number
Tel: No. Mobile No.
email address
No. of persons in household

Next of kin: Name Surname
Address
Tel: No. Mobile No.
email address

Section 2 - Reason for requesting legal aid

Reason for need of being assigned a legal aid lawyer:

.....
.....
.....

Section 3 - Financial Statement

Employer Monthly/Yearly Income €
Social Security Allowance Monthly/Yearly Income €
Maintenance Monthly/Yearly Income €
Other income Monthly/Yearly Income €

Bank Accounts

Name of Bank Balance €
Name of Bank Balance €
Name of Bank Balance €

Investments

Type of Investment Balance/Value €

Property

Address
Address
Address

Section 4 - Documents to attach to application (tick where applicable and attach document)

Photocopy of applicant's Identity Card

Last salary slip (if employed)

If in receipt of a Social Assistance, official documentary evidence

Section 5 - Declaration by applicant

I confirm that the information supplied is truthful and gives a full picture of my state of affairs. I am aware that the Legal Aid Agency may verify the information provided in this form, as well as the supporting documents, by accessing information contained in Government filing systems, including databases, in my respect.

.....
Name and surname in block letters

.....
Signature

Tick as appropriate the manner in which you wish to be communicated with or notified with any reply:

by post

☐

or

by e-mail

☐

Data Protection Statement:

The personal data contained in this form is collected by the Legal Aid Agency for the purpose of processing the request for legal aid and will not be disclosed to other third parties without the applicant's specific consent unless this will be strictly required by law. The applicant has the right to request access to his/her personal data as well as the right to rectify and where applicable, erase any inaccurate, incomplete or irrelevant personal data processed by the Legal Aid Agency in this regard.
