



**THE PUBLIC SOLICITOR  
(AMENDMENT)  
BILL 2005**





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**A  
BILL  
Entitled**

**AN ACT** TO AMEND THE PUBLIC SOLICITOR ACT, CAP. 30.

**ENACTED** by the National Parliament of Solomon Islands.

Short title

1. This Act may be cited as the Public Solicitor (Amendment) Act 2005.

Amendment of section 2 of Cap 30

2. Section 2 of the Public Solicitor Act (hereinafter referred to as the “principal Act”) is hereby amended by deleting the definition of “legal officer” and substituting therefor the following new definition -

“legal officer” means a legal practitioner either employed in the office of the Public Solicitor or a legal practitioner to whom legal aid is assigned by the Public Solicitor in accordance with regulations made under this Act.”

Repeal and replacement of section 4

3. Section 11 of the principal Act is hereby repealed and the following new section substituted therefor -

“Regulations

11. The Minister may make regulations generally for the better carrying out of the provisions of the Act and, without derogation from the generality of the foregoing, for all or any of the following purposes -

(a) in the case where a person seeks legal aid in a matter of urgency, making provision necessary to meet the special circumstances;

(b) making provision as to the manner in which the rate of a person’s disposable income is to be computed for the purposes of this Act;

(c) prescribing any forms to be used under this Act; and

(d) prescribing the terms and conditions under which legal aid is assigned by the Public Solicitor to a legal practitioner who is not employed in the office of the Public Solicitor.”

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### Objects and Reasons

The Public Solicitor Act was enacted to make provisions in respect of the granting of legal aid by the office of the Public Solicitor. In terms of the Act, it appears that such legal aid can only be provided by a legal practitioner employed in the office of the Public Solicitor.

The increased volume of both civil and criminal litigation has placed a heavy burden on the office of the Public Solicitor. The office with its present staff is unable to meet the needs of the people seeking legal aid.

It is, therefore, considered that the scope of legal aid offered be widened by providing for legal aid work to be assigned by the Public Solicitor to legal practitioners who are not officers employed in the office of the Public Solicitor.

This Bill, therefore, seeks to -

- (a) substitute a new definition for the present definition of “legal officer”; and
- (b) redraft the regulation making section so as to provide for the Minister to prescribe the terms and conditions under which legal aid could be assigned to legal practitioners who are not in the employ of the Public Solicitor.



MINISTER OF JUSTICE AND LEGAL AFFAIRS

