

1986

## c 43 Legal Aid Amendment Act, 1986

Ontario

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## CHAPTER 43

### **An Act to amend the Legal Aid Act**

*Assented to November 4th, 1986*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 1 of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:**

- (ba) “assessable administrative expenses” means the total of the expenses of the Law Society attributable to the administration of this Act and the regulations less,
  - (i) all expenses relating to community legal aid clinics, research facilities and salaried duty counsel, and
  - (ii) all sums spent to support student legal aid societies.

**2. Subsection 22 (1) of the said Act is repealed and the following substituted therefor:**

(1) Every barrister and solicitor who provides legal aid shall be paid out of the Fund, Payment for professional services

- (a) for legal aid provided pursuant to a certificate issued before the 1st day of July, 1986, or provided as duty counsel before that date, an amount equal to 75 per cent of the fees for services rendered as determined under the regulations;
- (b) for legal aid provided pursuant to a certificate issued after the 30th day of June, 1986, and before the 1st day of April, 1988, or provided as duty counsel between those dates, an amount equal to 95 per cent of the fees for services determined under the regulations;

- (c) for legal aid provided pursuant to a certificate issued after the 31st day of March, 1988, or provided as duty counsel after that date, an amount equal to the fees for services rendered as determined under the regulations less the reduction, if any, under subsection 25a(2) or (3); and
- (d) subject to the regulations, an amount equal to the proper out-of-pocket disbursements in the matter in which the legal aid was given.

**3. The said Act is amended by adding thereto the following section:**

Contribution  
by Law  
Society

**25a.**—(1) The Law Society shall contribute to the Fund such percentage of the assessable administrative expenses as is set out in the regulations.

Idem

(2) Beginning on the 1st day of April, 1988, the Law Society may reduce the amounts payable under clause 22 (1) (c) by such percentage, not exceeding 5 per cent, as may be set out in the regulations for the purpose of discharging up to 50 per cent of its obligation under subsection (1).

Idem

(3) Notwithstanding subsection (2), where in the preceding fiscal year there was a shortfall, the Law Society may reduce the amounts payable under clause 22 (1) (c) by an amount not exceeding 5 per cent, as may be set out in the regulations, and any amount produced in excess of 50 per cent of the Law Society's obligation under subsection (1) may be applied to reduce its obligation under subsection (1) for the current fiscal year by an amount not exceeding the shortfall for the preceding fiscal year.

Idem

(4) For the purposes of subsection (3), a shortfall occurs where the percentage reduction under subsection (2) for a fiscal year is less than 5 per cent and the amount produced is less than 50 per cent of the Law Society's obligation under subsection (1) for that fiscal year.

**4. Clause 26 (1) (k) of the said Act is repealed and the following substituted therefor:**

- (k) respecting the fees and disbursements to be paid to barristers and solicitors for legal aid, including a reduction of up to 5 per cent as described in subsection 25a(2) or (3);
- (ka) providing for and governing the contribution to the Fund by the Law Society of such percentage of the

assessable administrative expenses as is set out in the regulations;

- (kb) providing for the monitoring and making of recommendations on the fees payable to barristers and solicitors providing legal aid.

**5. This Act shall be deemed to have come into force on the 1st day of July, 1986.** Commence-  
ment

**6. The short title of this Act is the *Legal Aid Amendment Act, 1986*.** Short title

