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c 55 The Legal Aid Amendment Act, 1970

Ontario

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CHAPTER 55

An Act to amend The Legal Aid Act, 1966

Assented to June 26th, 1970

Session Prorogued November 13th, 1970

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

1. *The Legal Aid Act, 1966* is amended by adding thereto the following section: 1966, c. 80, amended

- 17a.—(1) Where a person who owns or has any interest in any land in Ontario has agreed to contribute towards the cost of legal aid given to him as set out in his certificate, the area director who issued the certificate may deliver or transmit a certificate of lien in duplicate in the form prescribed by the regulations to the sheriff of the county or district in which the land mentioned therein is situate and, if the area director does so, he shall also deliver or transmit a copy thereof to the Director. Delivery of certificate of lien to sheriff
- (2) Upon receipt of a certificate of lien under subsection 1, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate. Endorsement and entry in index book
- (3) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land registry system, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time. Lien on land, land registry system
- (4) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land titles system, the sheriff Delivery of copy to master of titles

shall

shall deliver or transmit to the proper master of titles a copy of the certificate, and the master of titles, upon receipt of the copy of the certificate, shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate.

Lien on
land,
land titles
system

- (5) As soon as the endorsement and entry have been made under subsection 4, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time.

Execution
certificates

- (6) Where a certificate respecting execution against land is required from a sheriff or master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown in the index book mentioned in subsection 2 or 4, as the case may be, that is the same as the name shown on the certificate.

Discharge
of lien

- (7) As soon as a contributor has discharged his obligation to contribute towards the cost of the legal aid given to him, the lien mentioned in this section is discharged, and the Director shall deliver or transmit a certificate of discharge in duplicate in the form prescribed by the regulations to the sheriff to whom the certificate of lien was delivered or transmitted.

Duty of
sheriff

- (8) Upon receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 2.

Duty of
master of
titles

- (9) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff, upon receipt of a certificate of discharge, shall deliver or transmit to the proper master of titles a copy of the certificate of discharge and, upon receipt of the copy of the certificate of discharge, the master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 4.

2. Section 18 of *The Legal Aid Act, 1966*, as re-enacted by ^{1966, c. 80, s. 18,} section 7 of *The Legal Aid Amendment Act, 1968-69*, is repealed ^{(1968-69, c. 60, s. 7),} and the following substituted therefor: ^{re-enacted}

18. The costs awarded in any order heretofore or hereafter made in favour of a person to whom legal aid has been given are recoverable in the same manner and to the same extent as though awarded to a person to whom legal aid has not been given notwithstanding that no amount has been paid or is or will be payable for costs by such legally-aided person in whose favour the order is made or that costs so ordered are in excess of the total amount paid or payable for costs by such legally-aided person, and all costs paid or payable to such legally-aided person pursuant to any such order are the property of the Law Society and shall be paid into the Fund. ^{Costs}

3. Section 21 of *The Legal Aid Act, 1966*, as re-enacted by ^{1966, c. 80, s. 21} section 8 of *The Legal Aid Amendment Act, 1968-69*, is ^{(1968-69, c. 60, s. 8),} amended by adding thereto the following subsections: ^{amended}

(2) An appeal lies in accordance with the regulations to the Taxing Officer at Toronto from the certificate of a person designated for the purposes of clause *k* of subsection 1 of section 24. ^{Appeals}

(3) A further appeal lies in accordance with the regulations to a judge of the High Court from the decision of the Taxing Officer and the order of the judge disposing of the appeal is final. ^{Further appeal}

4.—(1) Clause *k* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out “and for an appeal therefrom” in the third line. ^{1966, c. 80, s. 24, subs. 1, cl. k, amended}

(2) Subsection 1 of the said section 24, as amended by subsections 1, 2, 3 and 4 of section 11 of *The Legal Aid Amendment Act, 1968-69*, is further amended by adding thereto the following clause: ^{1966, c. 80, s. 24, subs. 1, amended}

(*ka*) respecting appeals under sections 14, 16 and 21.

5. This Act comes into force on the day it receives Royal Assent.* ^{Commencement}

6. This Act may be cited as *The Legal Aid Amendment Act, 1970*. ^{Short title}

