

LEGAL AID ACT
(Act No. 18 of 2013)

LEGAL AID REGULATIONS
(Published on 13th February, 2015)

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IN EXERCISE of the powers conferred on the Minister of Defence, Justice and Security by section 32 of the Legal Aid Act, the following Regulations are hereby made —

PART I — *Preliminary*

Citation	1. These Regulations may be cited as the Legal Aid Regulations, 2015.
Interpretation	2. In these Regulations, unless the context otherwise requires — “applicant” means an applicant for legal aid under these Regulations; “dependant” means a person who is under the care and support of a legal aid applicant; “guardian” means a person legally entitled to act on behalf of a minor or other person lacking legal capacity, and includes a <i>curator bonis</i> and a <i>curator ad litem</i> ; “judicare” means the legal services rendered by a legal practitioner in private practice pursuant to a legal aid instruction, who has completed his or her <i>pro bono</i> obligations for the calendar year in accordance with the provisions of the Legal Aid Act, and for which the legal practitioner is entitled to account to Legal Aid Botswana in accordance with the format set out in Schedule 7 or Schedule 8 of these Regulations; “legal aid centre” means an office operated by Legal Aid Botswana; “legal aid client” means a person who has been granted legal aid under these Regulations; “Legal Aid Guide” means the policies and procedures which are issued by the Board and used to guide Legal Aid Botswana to achieve its mandate and to supplement these Regulations; “legal aid instruction” means an instruction issued by Legal Aid Botswana in terms of regulation 10; “means test” means a test set out under Schedule 2 that determines an applicant’s eligibility for legal aid; “minor” means a person who — (a) in respect of a civil matter, is under the age of majority at the date of application for legal aid; and (b) in respect of a criminal matter, is under the age of majority at the date of the commission of the alleged offence; “ <i>pro bono</i> ” means the legal services rendered by a legal practitioner pursuant to a legal aid instruction, for which a legal practitioner is not entitled to receive fees; and “ <i>pro Deo</i> ” means the legal services rendered without charge to an accused person in a criminal trial in which the accused faces the possibility of the death penalty.
Act No. 18 of 2013	

PART II – Eligibility for Legal Aid

3. (1) An applicant's eligibility for legal aid shall be determined by a legal aid officer by employing the means test set out under Schedule 2.

Eligibility for legal aid

(2) A legal aid officer may, in respect of an application for legal aid, request any document or record as proof of an applicant's calculated income, from any person.

(3) The means test shall be used to determine the calculated income of an applicant through the following means –

(a) where the applicant is married, by taking into account the calculated income of the applicant and his or her spouse:

Provided that –

- (i) the applicant and his or her spouse are not legally separated, or
- (ii) the spouse of the applicant does not have a contrary interest in the matter in respect of which the application is made;

(b) where the applicant for legal aid is a dependant or a minor –

- (i) by taking into account the calculated income of both parents of the minor or the guardian of the dependant or minor,
- (ii) by taking into account the calculated income of a minor, if such minor is able to support himself or herself, and
- (iii) by taking into account any maintenance payments received on behalf of a dependant or minor; and

(c) where the applicant is unmarried or legally separated from his or her spouse or where the spouse of the applicant has a contrary interest in the matter in respect of which the application is made, by taking into account the calculated income of the applicant.

4. For the purposes of these Regulations, "calculated income" means the income calculated from the net salary, apportioned profit from any business owned by an applicant, interest or income derived from investments, income from any other source, 0.83 % of the applicant's assets, and without limiting the generality of the foregoing includes –

Calculated income

- (a) rentals received by the applicant or his or her spouse;
- (b) any benefits or privileges received by the applicant or his or her spouse, which include property and money kept in trust, inherited property and money not yet transferred out of an estate;
- (c) immovable property owned by the applicant or his or her spouse and rights in respect of immovable property held by the applicant or his or her spouse; and
- (d) any other income or property that the applicant or his or her spouse may own.

5. (1) A legal aid client may be required to pay such amount as contribution to costs as may be determined by the Chief Executive Officer.

Contributions to costs by legal aid client

(2) A legal aid client who is required to contribute to costs shall not be granted legal aid unless such applicant has paid the contribution.

6. (1) Legal Aid Botswana shall keep and maintain, at a bank licensed in terms of the Banking Act, a trust account which shall consist of any financial benefit received by a legal aid client as a result of any settlement, judgment or order.

(2) Legal Aid Botswana shall keep and maintain, at a bank licensed in terms of the Banking Act, a business account which shall consist of all other funds received by Legal Aid Botswana from any source.

(3) The Chief Executive Officer shall, with the approval of the Board, pay out of the trust account —

- (a) any financial benefit to which a legal aid client is entitled; and
- (b) any financial benefit to which Legal Aid Botswana is entitled.

(4) The Chief Executive Officer shall, with the approval of the Board, pay out of the business account —

- (a) such amount as is necessary for the institution of proceedings on behalf of a legal aid client; and
- (b) such other amount that Legal Aid Botswana deems necessary for the purpose of rendering legal aid and other matters incidental thereto.

PART III — *Application for Legal Aid*

7. (1) A person who wishes to apply for legal aid shall make an application in the form set out under Schedule 1.

(2) A legal aid officer who receives an application under subregulation (1) may request an applicant to attend an oral interview at a legal aid centre for the purposes of —

- (a) clarifying any information contained in the application form; or
- (b) obtaining any further information which the legal officer deems relevant in relation to the application.

8. Where an applicant for legal aid is a minor, the parent or guardian of the minor shall —

- (a) make the application for legal aid on behalf of the minor; and
- (b) pay the contribution to costs under regulation 5.

9. An applicant shall submit such information and documents as may be required by a legal officer to prove the applicant's eligibility for legal aid, together with the application under regulation 7.

10. (1) A legal aid officer shall, where he or she is satisfied that an applicant provisionally meets the requirements to be granted legal aid, issue a legal aid instruction in favour of the applicant in the form set out under Schedule 3.

(2) Where an applicant has not been granted legal aid, the legal aid officer shall notify the applicant, in writing, within three days of the decision, and shall furnish the applicant with reasons for the refusal.

(3) An applicant may appeal, in writing, to the Chief Executive Officer against the decision of a legal aid officer to refuse to grant legal aid to the applicant, within seven days of the decision of the legal aid officer.

(4) The Chief Executive Officer may grant legal aid to any person who does not qualify for legal aid in terms of regulation 3 but who is unable to afford legal representation.

11. (1) The Chief Executive Officer may, at any time, terminate legal aid granted to a legal aid client, by giving such legal aid client notice in the form set out under Schedule 4.

Termination of legal aid

(2) The Chief Executive Officer shall terminate legal aid where —

- (a) the legal aid client requests that legal aid be terminated;
- (b) the legal aid client has failed to comply with any condition imposed in connection with the grant of legal aid;
- (c) the Chief Executive Officer considers that the legal aid client is no longer eligible to be granted legal aid because the legal aid client no longer meets the requirements for eligibility to be granted legal aid; or
- (d) the Chief Executive Officer, on reasonable grounds, believes that legal aid client is behaving unreasonably in connection with the conduct of proceedings of his or her matter, or that it is unreasonable under the circumstances that the person should continue to receive legal aid.

(3) Where a decision has been taken to terminate legal aid, the legal aid client shall, if not satisfied with the decision to terminate legal aid, make representations in writing to the Chief Executive Officer within seven days of the receipt of the notice under subregulation (1), showing cause why legal aid should not be terminated.

(4) Where the Chief Executive Officer terminates legal aid in terms of subregulation (2), the legal aid client may appeal against the decision of the Chief Executive Officer, in writing, to the Board, within seven days of the decision of the Chief Executive Officer.

(5) The Board shall appoint an attorney to consider and deliberate on appeals made to it under subregulation (4).

(6) Where legal aid is terminated under subregulation (1), the legal aid client shall, from the date of receipt of the notice under subregulation (1), cease to be granted any assistance in the matter in respect of which legal aid was granted.

12. (1) An applicant shall be granted legal aid if the matter in respect of which the applicant seeks legal aid is a civil matter, including a non-litigious civil matter or a matter that can be resolved through alternative dispute resolution.

Matters covered by legal aid

(2) Notwithstanding subregulation (1), an applicant may be granted legal aid in a criminal matter where —

- (a) the matter is to be heard in the High Court or Court of Appeal and *pro Deo* assistance is not available to the applicant on such matter; or
- (b) the applicant is a minor and the prescribed penalty for the offence allegedly committed by the minor is imprisonment.

13. An applicant shall not be granted legal aid where —

- (a) the matter in respect of which legal aid is being applied is not justiciable before any court in Botswana;
- (b) the matter is within the jurisdiction of the Small Claims Court;
- (c) in the opinion of the Chief Executive Officer, the applicant has no reasonable prospects of success in the matter in respect of which legal aid is being applied for; or
- (d) the Legal Aid Guide excludes the legal aid for such matters.

Matters not covered by legal aid

PART IV – *Duties of Legal Aid Officers*

Assessment of applications

14. (1) A legal aid officer shall assess all applications for legal aid and determine whether an applicant is eligible for legal aid in terms of regulation 3.

(2) A legal aid officer shall refer the matter for which an applicant provisionally qualified for legal aid to a legal practitioner and the legal practitioner shall prepare a merit report in terms of regulation 22, for submission to the Chief Executive Officer.

(3) The Chief Executive shall, in writing, after consideration of the merit report and whether a matter has reasonable prospects of success, inform the legal practitioner to proceed with the matter.

Application for legal aid by two or more applicants

15. (1) Where more than one person applies for legal aid on the same matter, a legal aid officer shall make an inquiry as to whether there is a conflict of interest between the applicants.

(2) Where there is a conflict of interest between the applicants under subregulation (1), the legal aid officer shall request each of the applicants to make an application for legal aid in terms of regulation 7, and assign a different legal practitioner to each of the applicants, to handle the matter.

(3) Where there is no conflict between applicants applying for legal aid for the same matter under subregulation (1), the legal aid officer shall assign the matter to a single legal practitioner.

Application for legal aid by opposing parties

16. A legal aid officer shall not grant legal aid to an applicant who is an opposing party to a person who has been granted legal aid, except with the consent, in writing, of the Chief Executive Officer.

Application for legal aid in appeal matters

17. The Chief Executive Officer shall, after consideration of a merit report submitted to him or her in terms of regulation 14, grant legal aid to an applicant in an appeal matter where –

(a) there are reasonable prospects of the appeal succeeding at the Court of Appeal; and

(b) the costs of appealing the matter do not exceed the potential financial benefit to the applicant.

PART V – *Legal Practitioners*

Engagement of legal practitioners

18. (1) A legal practitioner who wishes to undertake legal aid instructions shall make an application in the form set out under Schedule 5.

(2) The Chief Executive Officer shall keep a register of legal practitioners who are engaged to undertake legal aid instructions in the form set out under Schedule 6.

(3) Notwithstanding the provisions of subregulation (1), the Chief Executive Officer may, in writing, request a legal practitioner to undertake legal aid instructions.

(4) A legal practitioner shall, in writing, inform the Chief Executive Officer of his or her acceptance or refusal to undertake legal aid instructions.

19. (1) A legal aid officer shall, in writing, inform a legal practitioner that his or her application to undertake legal aid instructions has been granted.

Undertaking
of legal aid
instructions

(2) A legal practitioner who undertakes legal aid instructions shall evaluate the instructions and prepare a merit report in terms of regulation 22 and submit such report to the Chief Executive Officer.

(3) A legal practitioner shall not exceed the scope of legal aid instructions issued to him or her, without the prior written consent of the Chief Executive Officer.

(4) A legal practitioner who contravenes the provisions of subregulation (3) shall bear any costs that may arise due to the legal practitioner exceeding the scope of legal aid instructions issued to him or her.

20. (1) A legal practitioner may refuse to accept legal aid instructions where the legal practitioner has reason to believe that —

Refusal of
acceptance
of legal aid
instructions

- (a) the applicant's matter is trivial or vexatious;
- (b) the circumstances are such that no real or substantial benefit shall be attained by rendering legal aid; or
- (c) the costs involving in pursuing of the matter are not proportional to the relief sought.

(2) Where a legal practitioner refuses to accept legal aid instructions, the legal practitioner shall, in writing, inform the Chief Executive Officer of such refusal, giving reasons for the refusal.

21. (1) A legal practitioner who undertakes legal aid instructions shall be paid such fees as may be determined by the Board and published in the legal aid guide.

Remuneration
of legal
practitioners

(2) A legal practitioner shall not receive any money directly from a legal aid client.

(3) A legal practitioner who contravenes the provisions of subregulation (2), commits an offence and is liable to a fine not exceeding P5 000, and shall have his or her name removed from the register of legal practitioners kept under regulation 18 (2).

22. (1) A legal practitioner shall, within three months of a receiving a legal aid instruction, prepare a merit report detailing —

Merit and
progress
reports

- (a) whether the applicant is plaintiff or applicant or defendant or respondent in the matter;
- (b) the court or other forum where the matter is to be heard;
- (c) the nature and amount of the claim;
- (d) the factual background to the matter;
- (e) details of the merits of the matter and a detailed explanation of the success, which may be expected;
- (f) the availability of evidence and witnesses;
- (g) the need for expert witnesses and the expected costs relating to their evidence and testimony and that of other witnesses;
- (h) the nature and effect of any prior orders in the matter; and
- (i) the total expected financial involvement of Legal Aid Botswana.

(2) A legal practitioner shall prepare a progress report on a legal aid matter that the legal practitioner is handling every three months, and shall submit such report to the Chief Executive Officer.

(3) A progress report referred to in subregulation (2) shall contain information —

- (a) relevant to the progress of the matter;
- (b) on the complexity of the matter;
- (c) on the expected date for hearing and the anticipated duration;
- (d) on the possibility of settlement of all or part of the dispute; and
- (e) on the stages to which the matter has progressed as at the date of application and the financial implications of such proceedings.

(4) The merit report and progress report referred to in subregulations (1) and (2) shall, with respect to civil matters be in the form set out under Schedule 7 and in respect of criminal matter, be in the form set out under Schedule 8.

Notice that legal aid is being rendered

23. (1) A legal practitioner shall notify an opposing party in a matter in which he or she is representing a legal aid client, within three days of accepting legal aid instructions.

(2) Where a legal practitioner learns that the opposing party in the matter in which he or she is representing a legal aid client is a legal aid client, the legal practitioner shall take no further action on the matter and shall immediately inform the Chief Executive Officer of this circumstance.

Termination of mandate of legal practitioner

24. (1) The Chief Executive Officer may terminate the mandate of a legal practitioner engaged in terms of regulation 18 where the legal practitioner has contravened the provisions of these Regulations, and such legal practitioner shall have his or name removed from the register of legal practitioners kept under regulation 18 (2).

(2) A legal practitioner shall not withdraw from a matter after accepting legal aid instructions, unless the prior written consent of the Chief Executive Officer is granted to the legal practitioner.

PART VI — *Miscellaneous Provisions*

Recovery of financial benefit

25. (1) Where a legal aid client obtains a financial benefit in terms of a settlement, judgment or court order during any stage after legal aid was granted to him or her, Legal Aid Botswana shall be entitled to deduct an amount not exceeding 15 per cent of the total financial benefit obtained by a legal aid client as a contribution to the costs incurred by Legal Aid Botswana in providing legal aid.

(2) Notwithstanding the provisions of subregulation (1), Legal Aid Botswana shall not deduct any amount from a financial benefit obtained by a legal aid client where the matter for which the legal aid client is represented is a family law matter or a criminal matter.

(3) Where legal aid is granted in a civil matter, prior to a legal aid instruction being issued to a legal practitioner, an applicant shall, in writing, authorise Legal Aid Botswana to deduct the benefit referred to in subregulation (1).

(4) A legal practitioner representing a legal aid client shall notify the opposing party to a matter in which the legal aid client is granted legal aid and the court in which the matter is held, that any financial benefit that may be awarded to the legal aid client shall be paid to Legal Aid Botswana.

SCHEDULE 1
Application for Legal Aid
(regulation 7 (1))

LEGAL AID APPLICANT

Name:

Surname:

Omang Number:.....Male/Female:.....

Date of Birth:

Home address:

.....

Mobile:.....Home:.....Work:.....

Marital status: Single/Married/Widowed/Divorced:

Is this application on behalf of a minor? Yes/No:.....

If yes, supply full name of minor and your relationship to the minor:

Name:

Relationship:

Are you employed? Yes/No:

Do you have an income? Yes/No:

Do you have any Assets? Yes/No:

Do you or any member of your family control any company or trust or legal personality?

Yes/No:.....

If yes, provide details:

Do you or any member of your family expect to receive any benefit from a deceased estate and/or are any of you beneficiaries of any trust?

Yes/No:

If yes, provide details:.....

TYPE OF CASE (Tick one)

Family Law	
Land	
Industrial/Labour	
Contractual disputes	
Delictual damages	
Wills and Estates	
Criminal	
Other	

CASE DETAILS

Court:

Next Court date:

DECLARATION

I declare that the above-mentioned information is true, correct and complete. I understand a false declaration could lead to the termination of legal aid, and in appropriate circumstances, to criminal prosecution.

I irrevocably authorise Legal Aid Botswana to act as my attorney and to inspect, copy and carry out quality control test in respect of the file of any Legal Practitioner appointed by Legal Aid Botswana to act on my behalf.

Date:

Signature of Legal Aid Applicant:

Date:..... Legal Aid Officer:.....

SCHEDULE 2
Means Test
(regulation 3 (1))

Office:	Legal Aid Applicant:	Ref No.	
A. Gross monthly income	Applicant	Spouse	
Salary/Wages	P	P	
Allowances	+ P	P	
Subsidy	+ P	P	
Overtime/Bonuses	+ P	P	
Interest	+ P	P	
Rentals	+ P	P	
Grants/Maintenance received	+ P	P	
Other	+ P	P	
Total	= P	+ P = P	
B. Assets	Applicant	Spouse	
Immoveable property: Reasonable market value	P	P	
Less deduction in respect of primary residence	- P	P Nil	
Less Bonds	- P	P	
Sub-total	= P	P	
Investments & Savings	+ P	P	
Monies due to Legal Aid Applicant (not the subject of litigation)	+ P	P	
Cattle (P3000 each)	+ P	P	
Other moveable property	+ P	P	
TOTAL NET VALUE	P	P	
DIVIDE BY 120	= P	+ P = P	

C. Total Gross Monthly Income (Totals A + B)	= P		
D. Deductions	Applicant	Spouse	
Income Tax	P	P	
Medical fund Contribution	+ P	P	
Pension fund Contribution	+ P	P	
Rent or mortgage instalment (Max P2 500)	+ P	P	
Maintenance in terms of court order	+ P	P	
School Fees (Not in respect of private schools)	+ P	P	
Total Deduction	= P	+ P = P	
E. Calculated Monthly Income (Totals C-D)	=		P
Less rebates: P1550 for Legal Aid Applicant		- P1550	
P1550 for spouse (if applicable)		- P	
P775 per Dependent Child (P775 x)		- P	
TOTAL (No Legal Aid in case of a PLUS balance) =			P
Dependants actually supported by the Legal Aid Applicant			
Name:	Age:	Name:	Age:
Name:	Age:	Name:	Age:
Name:	Age:	Name:	Age:

Complete details of my salary, property and all other income and assets are correctly set out above. All details of my expenses are correctly set out. I actually and regularly pay all the deductions listed above on a monthly basis. I realise that if any of the information set out above is false or incomplete, legal aid shall be terminated immediately and I shall be prosecuted for fraud.

Date:.....Signature of Applicant:.....

Date:.....Legal Aid Officer:

SCHEDULE 3
Legal Aid Instruction
(regulation 10 (1))

Legal Aid Office:	Legal Aid Ref No.		
Type of Legal Aid Instruction: Tick one			
Legal Aid Centre	<i>Pro Bono</i>	Cooperation Partner	Judicare
Particulars Of Legal Practitioner			
Name of Legal Practitioner's Firm:			
Name of Legal Practitioner:			
Physical address:.....			
Postal Address:			
Telephone No:.....		Fax No:.....	
Supplier No:		Mobile No:	
Email:.....			
Particulars of Legal Aid Applicant			
Surname:			
First Names:			
Sex:		Marital status:	
Ref. No for co-Legal Aid Applicants:			
Residential adress:.....			
.....			
Mobile:		Work:.....Home:	
Guardian's name (if a Minor):			

PARTICULARS OF INSTRUCTION

Type of Case (Tick one)

Family Law		Delictual damages	
Land		Wills & estates	
Industrial/Labour		Criminal	
Contractual disputes		Other	

Court:

Next Court date:

Mandate: Submission of a report on the merits of the matter to the CEO and thereafter if approved.....

Contribution: P.....to be paid by the applicant in advance

The Legal Aid Applicant whose particulars appear above is referred to you on behalf of Legal Aid Botswana for the rendering of Legal Aid in accordance with the provisions of the Legal Aid Act, Legal Aid Regulations and Legal Aid Guide.

If you are unable to render the required assistance in accordance with the said provisions, please inform the Legal Aid Applicant accordingly and return the instruction form to me. Your attention is also drawn to the Acceptance of Instruction and Undertaking on the reverse hereof.

Date Stamp:

Legal Aid Officer:.....

Acceptance of Instruction and Undertaking

1. I, the Legal Practitioner, accept this instruction on behalf of my firm, subject to the provisions of the Legal Aid Act, Legal Aid Regulations and Legal Aid Guide.
2. I acknowledge that I am in possession of a Legal Aid Act, Legal Aid Regulations and Legal Aid Guide and I am familiar with the content thereof.

3. I undertake —
 - a. to deal with this instruction in accordance with the provisions of the Legal Aid Act, Legal Aid Regulations and Legal Aid Guide;
 - b. if this is a Judicare instruction, to comply with the directives regarding the submission of accounts as set out in the Legal Aid Guide;
 - c. subject to the provision of the Legal Aid Guide, not to take any steps in a civil matter, except steps to prevent default judgment or prescription, until I have obtained the decision of the CEO of Legal Aid Botswana in response to my report on the merits of the matter.

4. I declare that —
 - a. no services in connection with this matter were rendered by me/my firm to the legal aid Applicant prior to the date of this instruction and that no Fees or Disbursements are therefore owing by him/her; and
 - b. Services to the value of P.....where rendered by me/my firm to the Legal Aid Applicant prior to the date of this instruction and that an amount of P..... is still outstanding.

5. I accept that —
 - a. notwithstanding my acceptance of this instruction by my signature hereunder, no contract shall come in to existence with Legal Aid Botswana unless and until the signed original hereof is received by the Legal Aid Botswana and scanned into its database;
 - b. the contract resulting from this instruction between me/my firm and Legal Aid Botswana shall come in to existence in Gaborone, which is the location of the control of scanned images held by Legal Aid Botswana and the seat of its principle place of business;
 - c. this instruction is to be performed by me personally or by my pupil; and
 - d. neither this instruction, nor any rights arising out of the execution thereof, may be ceded to any third party without the prior written consent of the CEO of Legal Aid Botswana.

.....
 SIGNATURE NAME IN PRINT DATE

.....
 NAME OF FIRM

SCHEDULE 4
Notice of Termination of Legal Aid
(regulation 11 (1))

1.

.....

(Name and address of Applicant)

Take notice that the legal aid assistance that was granted to you is being terminated in terms of regulation 11, with effect from:

2. Date of termination:.....

3. Reasons for termination:

.....

.....

.....

Chief Executive Officer

.....

Official stamp

SCHEDULE 5
Application to Undertake Legal Aid Instructions
(regulation 18 (1))

1. I (Name of Legal Practitioner):

.....

do hereby in terms of the provisions of these Regulations make an application to undertake legal aid instructions on behalf of Legal Aid Botswana.

2. Please provide the name of the law firm that the Legal Practitioner works for:

.....

3. Contact details of the Legal Practitioner:

Physical address of Legal Practitioner's place of business:

.....

.....

Postal address of Legal Practitioner's place of business:

.....

.....

Telephone No: Email: Fax No:

4. Please tick the type of matters you are willing to undertake:

Family Law	<input type="checkbox"/>	Delictual damages	<input type="checkbox"/>
Land	<input type="checkbox"/>	Wills & estates	<input type="checkbox"/>
Industrial/Labour	<input type="checkbox"/>	Criminal	<input type="checkbox"/>
Contractual disputes	<input type="checkbox"/>	Other	<input type="checkbox"/>

.....
SIGNATURE

.....
NAME IN PRINT

.....
DATE

.....
NAME OF FIRM

SCHEDULE 7
Legal Practitioner's Report - Civil Matters
Civil Pro Bono/Judicare Account
(regulation 22 (4))

1. Details:

Legal Aid Client's Surname:.....

Legal Aid Client's First Name:

Legal Aid Botswana Reference:

Firm:

Firm's Reference:

Legal Practitioner's Names:

Bank:.....

Branch:

Account No:.....

Registered for VAT Yes: No:

2. Classification of Matter:

Forum(e.g. High Court)

Tariff Level(e.g. 3)

Per Hour:..... Per Trial Day:..... Maximum:

A. FEES

3. Consultation, Conference and Inspection Fees (per hour):

Date	Time taken on consultation (in hours)	Person Consulted	Purpose (e.g. taking instructions)	Pro Bono Hours Claimed	Judicare Amount Claimed	Amount Taxed	LSB/ Legal Practitioner (LP)

12. Expert Fees (as authorised by LAB in writing) (attach vouchers)

Date	Expert	Service Rendered (e.g. expert's report)	Amount Claimed	Amount Taxed

Subtotal Expert Fees:.....

13. Deputy Sheriff's Fees (+ substituted service/edictal citation) (attach vouchers)

Date	Deputy Sheriff	Service Rendered	Amount Claimed	Amount Taxed

Subtotal Deputy Sheriff's Fees:.....

14. Necessary Road Travel

Date	Distance	Purpose (e.g. attendance at court)	Amount Claimed	Amount Taxed

Subtotal Road Travel:.....

15. Necessary Air Travel (attach vouchers)

Date	Destination	Purpose (e.g. inspection in loco)	Amount Claimed	Amount Taxed

Subtotal Air Travel:.....

16. Necessary Accommodation for a Legal Practitioner Attending Court

Date	Place	Purpose (e.g. attendance at trial)	Amount Claimed	Amount Taxed

Subtotal Accommodation:

17. Necessary Subsistence Allowance for a Legal Practitioner Attending Court

Date	Place	Purpose (e.g. attendance at trial)	Amount Claimed	Amount Taxed

Subtotal Subsistence:.....

18. Other Disbursements (as authorised in writing by LAB) (attach vouchers)

Date	Service Provider	Expenditure (e.g. transcript)	Amount Claimed	Amount Taxed

Subtotal Other Disbursements: _____

	PB Hours	Judicare	LSB	LP
TOTAL FEES				
TOTAL DISBURSEMENTS				
GRAND TOTAL				

* (Shaded portions are for Legal Aid Botswana use only).

C. MERIT/PROGRESS REPORT (See regulation 22)

.....

.....

.....

.....

.....

.....

.....

.....

.....

Date:..... Legal Practitioner:.....

Date:..... Chief Executive Officer:

SCHEDULE 8
Legal Practitioner's Report – Criminal Matters
Civil Pro Bono/Judicare Account
(regulation 22(4))

1. Details:

Legal Aid Client's Surname:

Client's First Name:

Legal Aid Botswana Reference:

Firm:

Firm's Reference:

Legal Practitioner's Names:

Bank:

Branch:

Account No:

Registered for VAT Yes: No:

2. Classification:

Forum(e.g. High Court)

Per Hour:..... Per Trial Day:..... Maximum:

A. FEES

3. Preparation Fees (per hour):

Date	Time spent (in hours)	Preparation Purpose	Pro Bono Hours Claimed	Judicare Amount Claimed	Amount Taxed	LSB/ Legal Practitioner (LP)

Subtotal Perusal Fees:.....

	PB Hours	Judicare	LSB	LP
SUBTOTAL ALL FEES				
VAT (where applicable)				
SUBTOTAL (inc. VAT)				

B. DISBURSEMENTS

8. Court Fees

Date	Document	Amount Claimed	Amount Taxed

Subtotal Court Fees:.....

9. Expert Fees (as authorised by LAB in writing) (attach vouchers)

Date	Expert	Service Rendered (e.g. expert report)	Amount Claimed	Amount Taxed

Subtotal Expert Fees:.....

10. Necessary Road Travel

Date	Distance	Purpose (e.g. attendance at court)	Amount Claimed	Amount Taxed

Subtotal Road Travel:.....

11. Necessary Air Travel (attach vouchers)

Date	Destination	Purpose (e.g. inspection in loco)	Amount Claimed	Amount Taxed

Subtotal Air Travel:.....

12. Necessary Accommodation for a Legal Practitioner Attending Court

Date	Place	Purpose (e.g. attendance at trial)	Amount Claimed	Amount Taxed

Subtotal Accommodation:.....

13. Necessary Subsistence Allowance for a Legal Practitioner Attending Court

Date	Place	Purpose (e.g. attendance at trial)	Amount Claimed	Amount Taxed

Subtotal Subsistence:.....

Date:.....Legal Practitioner:.....

Date:..... Chief Executive Officer:

MADE this 3rd day of February, 2015.

SHAW KGATHI,
*Minister of Defence, Justice and
Security.*