

Applicant

AB

Respondent

Secretary for Justice

Date of Decision:

10 October 2011

DECISION

[1] This is an application to review the decision of the Secretary for Justice to cancel the applicant's approval as a provider under the Legal Services Act 2011.

[2] The Secretary notified the applicant by letter of 4 August 2011 that he had cancelled his approval as a provider of legal aid services.

[3] The reason for cancellation of approval was that the applicant, by 30 June 2011, had not applied for renewal of his practising certificate under the Lawyers and Conveyancers Act 2006 and as a result was not entitled to hold a practising certificate.

[4] Section 103(1)(d) of the Legal Services Act 2011 requires the Secretary to cancel a provider's approval if the provider is no longer entitled to hold a practising certificate.

[5] The applicant has not applied for a practising certificate since that date.

[6] The applicant's application for review is made on the ground that he now has access to finance and is able to pay the required amount to obtain a practising certificate. He says that he is determined to carry on with his legal career and seeks Legal Aid categorisation at "Level 1".

[7] The Secretary properly points out that the applicant was not entitled to hold a practising certificate as of 4 August 2011 and as a result the law required him to cancel his approvals.

[8] The applicant, having been advised of the Secretary's response to his application for review, has by letter of 29 September 2011 advised the Review Authority that he accepts the decision to cancel his approvals and termination of his provider contract.

[9] That is the proper thing for him to do.

[10] I accept his letter as a withdrawal of his Application for Review and confirm the decision of the Secretary to cancel his approval as a provider.

B J Kendall
Review Authority